

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Scott Busby to Eric Schwartz re: FW: Background for Helton Meeting (4 pages)	10/20/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records

NSC Emails

Exchange-Non-Record (Sept 97-Jan 01) ([Scwhartz and Cuba...])

OA/Box Number: 630000

FOLDER TITLE:

[06/19/1998-08/02/1999]

2011-1039-F

rs1864

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 6/19/98 9:52:40 AM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: PKG 3282 Refugee Admissions [UNCLASSIFIED]
TO Busby, Scott W.
Dejban, Donna D.
Busby, Scott W.
Kale, Dora A.
Malley, Robert
Naplan, Steven J.
Ragan, Richard F.
Schwartz, Eric P.
Williams, Mary C.

CARBON_COPY Bartlett, L. June
Cosgriff, Kevin J.
Davies, Glyn T.
Dejban, Donna D.
Elkon, Nicole L.
Hilliard, Brenda I.
Hurwitz, Marc I.
Joshi, M. Kay
Kerrick, Donald L.
Millison, Cathy L.
Poole, Jennifer C.
Rice, Edward A.

TEXT_BODY Donna -- In looking at the documents you attached in your e-mail,
I note that they pre-date the changes we made. Here are the up-to-date
documents. (They should be the ones with the Executive Clerk,
otherwise
there would be no discrepancies. Be to be safe, you should double-
check.).
Thx.

-----Original Message-----
From: Busby, Scott W.

Sent: Friday, June 19, 1998 9:41 AM

To: Dejban, Donna D.; @DEMOCRACY
- Dem/Human Affairs
Cc: @EXECSEC - Executive Secretary
Subject: RE:
PKG 3282 Refugee Admissions [UNCLASSIFIED]

Donna -- The numbers differ because we recommended to State that it make some changes (per direction of Jim Steinberg). See cover memo to Berger for brief explanation. State agreed to such changes (as did OMB). In the package I sent up, I noted those changes by hand on the State draft. I suggest you share memo to Berger with Staff Sec for its background.

Let me know if you or they need more than this. I know that there were similar discrepancies in last year's proposal that were handled in the same way (i.e., we did not require that State submit a new package). Scott

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

From: Dejban, Donna D.
Sent: Friday, June 19, 1998 9:27 AM
To: @DEMOCRACY - Dem/Human Affairs
Cc: @EXECSEC - Executive Secretary
Subject: PKG 3282 Refugee Admissions [UNCLASSIFIED]

<< File: 3282 Berger memo.doc >>

<< File: 3282 POTUS memo.doc >> << File: 3282 SecState memo.doc

>>

The Executive Clerk's Office has called saying that the incoming State draft gives two figures and the NSC memo gives different figures.

They have requested clarification of this. Please advise. Thank you.

TRANSLATED_ATTACHMENT 3282 Berger memo.doc

June 12, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Proposed Refugee Admissions for FY 1999

Attached is memorandum to the President covering a memorandum for the Secretary of State on the above subject. The memorandum for the Secretary of State authorizes her to consult with the Congress on the FY 1999 Refugee Admissions program.

The most significant changes in this year's proposal as compared to last year's are an increase in the numbers for Africa and decreases in the numbers for East Asia and the former Soviet Union. These reflect the Administration's efforts to gradually shift the focus of the program to those who are most in need of resettlement. The number of proposed funded admissions (75,000) is the same as the current fiscal year.

In response to Jim's request to increase the numbers for the program relating to the former Soviet Union and for the overall program, State has agreed to add 3,000 unfunded numbers to the Soviet program, which, in turn, would increase the overall ceiling to 78,000. Should the unfunded numbers be needed, State will look for savings realized elsewhere in the program to fund these additional numbers. This approach is similar to that taken in the current fiscal year, in which we designated 21,000 funded and 5,000 unfunded slots for the Soviet program. OMB has cleared this change.

The Department of State has conducted extensive consultations with the nongovernmental community in developing this year's proposal. Thus, we do not expect significant opposition.

Concurrence by: All NSC Regional Offices, Mary DeRosa, Gina Abercrombie-Winstanley

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachments

Tab I Memorandum to the President

Tab A Memorandum for the Secretary of State

Tab B Incoming Materials Provided by the Department of State

2

3282

TRANSLATED_ATTACHMENT 3282 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Proposed Refugee Admissions for FY 1999

Purpose

To obtain your approval to consult with Congress on proposed refugee admissions for FY 1999.

Background

INA Requirement: The Immigration and Nationality Act requires you to determine, before the beginning of each fiscal year, the number and allocation of

refugees
who will be authorized to be admitted and resettled in the United States. If you
so authorize, a process of formal congressional consultation will begin shortly
and will lead to a Presidential Determination regarding the program for FY 1999.

Refugee Program: The Refugee Program is designed to identify and provide
protection to refugees located overseas by bringing such persons to the United
States and granting them permanent status here. It is distinct from the asylum
process, which permits persons who are already within the United States to seek
the permanent protection of our country.

Criteria: We have traditionally based our annual allocations on criteria that
include historical and familial associations between the affected population and
the United States, foreign policy/national security concerns, congressional
sentiment and the threats faced by the affected population. In recent years, we
have increased our collaboration with the Office of the United Nations High
Commissioner for Refugees (UNHCR) in identifying those persons in greatest need
of resettlement.

Proposal: In consultation with NSC staff, the Departments of State, Justice, and
Health and Human Services propose a refugee admissions ceiling of 78,000 for FY
1999. Although this represents a reduction from the 1998 ceiling of 83,000, it
is slightly more than the 76,000 we expect actually to admit in FY 1998.

Regional Breakdown of FY '99 Numbers: The FY 1999 numbers would be allocated by
region as follows: 12,000 for Africa; 9,000 for East Asia; 48,000 for Europe;
3,000 for Latin America and the Caribbean; 4,000 for the Near East and South Asia
and 2,000 for an unallocated reserve.

There are three notable differences between these proposed regional

ceilings and the projected admissions for the current fiscal year. First, there is a substantial increase from 7,000 to 12,000 of the number of slots available to Africans, a change aimed at providing greater resettlement opportunities to the region with the highest number of refugees in the world. Second, there is a decrease from 14,000 to 9,000 for East Asia. This is the result of the winding down of our in-country refugee admissions program in Vietnam. Third, our ceiling for Soviet Jews and Evangelical Christians will be reduced from 26,000 to 23,000. This decrease is the consequence of a declining applicant pool (in fact, we expect this year to resettle no more than 23,000 of the 26,000 included in the FY 1998 ceiling), as well as the post-Cold War political evolution in the former Soviet Union. State has consulted with a broad array of non-governmental organizations, and we do not anticipate significant opposition to this proposal.

RECOMMENDATION

That you sign the attached memorandum to the Secretary of State authorizing congressional consultations on the FY 1999 Refugee Admissions Program.

Attachments

Tab A Memorandum to the Secretary of State

Tab B Materials Provided by the Department of State

2

2

3282

cc: Vice President
Chief of Staff

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: FY 1999 Refugee Admissions Consultations

In accordance with Section 207 of the Immigration and Nationality Act (INA), you are authorized to consult with the appropriate committees of the Congress concerning refugee admissions as follows:

1. The authorization of 78,000 refugee admissions during FY 1999, which would be allocated by specific region as follows: 12,000 for Africa; 9,000 for East Asia (including Amerasians); 3,000 for Latin America and the Caribbean; 4,000 for the Near East and South Asia; 48,000 for Europe; and 2,000 for the Unallocated Reserve. The recommended level of funded admissions (75,000) is equal to the level assumed in the FY 1999 budget request.
2. The authorization of an additional 10,000 refugee admission numbers to be made available for the adjustment to permanent resident status of persons who have been granted asylum in the United States.
3. The designation, pursuant to section 101(a) (42) (B) of the INA, of persons in Cuba, Vietnam, and the former Soviet Union, who if they otherwise qualify for admission as refugees, may be considered refugees under the INA even though they are still within their country of nationality or habitual residence.

cc: The Attorney General

The Secretary of Health and Human Services

Exchange Mail

DATE-TIME 7/1/98 12:59:10 PM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT Cuban migrants [UNCLASSIFIED]
TO Schwartz, Eric P.

CARBON_COPY**TEXT_BODY**

FYI

a1815
^BC-CUBA-USA-MIGRANTS
^Cuban rafters picked up off
Florida Keys
MIAMI (Reuters) - A group of 16 Cuban migrants
piled on
three rafts have been picked up by the U.S. Coast Guard
in the
Florida Straits, bringing to 160 the total of Cubans rescued
at
sea in June, the agency said Wednesday.
The rafts had been
lashed together and were found drifting
about 30 miles south of
Key West Tuesday, Petty Officer Jeff
Hall told Reuters.
``The
Cubans are on board a cutter now. They were in OK
shape. The didn't
need immediate medical attention," he said.
The Cost Guard
also intercepted a group of 19 Cubans in a
Florida-registered pleasure
boat off Islamorada in the Upper
Keys Saturday in what appeared
to be a smuggling effort, Hall
said. Seventeen were to be repatriated,
he said.
Favorable weather and calm seas have prompted a surge
of
Cubans putting to sea to flee their communist-run homeland in
recent
weeks, with smuggling rings organizing many efforts, U.S.

authorities

say.

In June 160 Cubans were rescued at sea by the Coast Guard,
bringing

the total this year to 442 compared to 406 for all of
1997, according

to Coast Guard figures.

^REUTERS

RB-- 07/01/98 12:06:00

Exchange Mail

DATE-TIME 9/28/98 8:36:59 AM
FROM Abercrombie-Winstanley, Gina K.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Refugee Admissions Determination for FY 1999
[UNCLASSIFIED]
TO Busby, Scott W.
Abercrombie-Winstanley, Gina K.
Burrell, Christina L.
Farrar, Jay C.
Rudman, Mara E.

CARBON_COPY

TEXT_BODY

cleared.
-----Original Message-----
From: Rudman, Mara E.
Sent: Saturday,
September 26, 1998 3:37 PM
To: Abercrombie-Winstanley, Gina K.
Cc: @LEGISLAT
- Legislative Affairs
Subject: FW: Refugee Admissions Determination
for FY 1999 [UNCLASSIFIED]
Importance: High

Gina -- it's yours.

-----Original Message-----
From: Busby, Scott W.
Sent: Saturday,
September 26, 1998 2:56 PM
To: Rudman, Mara E.
Cc: @LEGISLAT -
Legislative Affairs; @MULTILAT - Multilateral and Humanitarian
Affairs
Subject: Refugee
Admissions Determination for FY 1999 [UNCLASSIFIED]

Mara or Gina
-- Your clearance please. Need it by Monday morning as this is one
of the many packages that POTUS must sign Sept. 30 COB. Thx.

TRANSLATED_ATTACHMENT 6569BERGER.DOC

September 28, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Refugee Admissions for FY 1999

Attached at Tab I is a memorandum to the President recommending that the President sign the Presidential Determination on Refugee Admissions for FY 1999.

The memorandum describes the notable elements of this year's Determination. Both Congress and the nongovernmental community support this proposal.

Concurrence by: Gina Abercrombie-Winstanley

RECOMMENDATION

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

Attachments

Tab I Memorandum to the President

Tab A Presidential Determination

Tab B Memorandum from the Acting Secretary

6569

TRANSLATED_ATTACHMENT 6569PRES.DOC

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL R. BERGER
LARRY STEIN

SUBJECT: Refugee Admissions for FY 1999

Purpose

To sign the Presidential Determination for FY 1999 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 78,000, which includes 12,000 from Africa, 9,000 from East Asia, 48,000 from Europe, 4,000 from the Near East and South Asia, 3,000 from Latin America and the Caribbean, and 2,000 for a reserve that can be allocated to any region.

Notable elements of this year's Determination are a significant increase in the Africa ceiling from 7,000 to 12,000. This is consistent with our efforts to direct our efforts increasingly towards those regions with the highest

numbers of
refugees in need of resettlement. We are also maintaining a high
ceiling for
Europe, primarily to ensure the resettlement of Bosnians who may not
be able to
return home. Finally, the ceiling for East Asia has been reduced from
14,000 to
9,000 as our efforts to resettle the many Vietnamese who fled in the
late 1970s
and 1980s are now coming to a close.

Congress: On June 25, 1997, you authorized the Secretary of State to
consult
with Congress on a proposed refugee admissions ceiling of 78,000.
The Secretary
did so in separate sessions with relevant Members of the House
(Henry Hyde, John
Conyers, Lamar Smith and Mel Watt) and Senate (Spencer Abraham
and Ted Kennedy).

The Members generally support our proposal. They are especially
enthusiastic
about the significant increase in numbers for Africa; the
Congressional Black
Caucus has been pushing hard the past several years for such an
increase given
the significant number of refugees in that region. They also continue
to firmly
back our resettlement of Bosnians, which they recognize is an
important component
of our efforts to bring peace and stability to Bosnia.

Nevertheless, several House Members believe that we should further
reduce the
overall number of refugees we admit given that the Cold War is over.
Some also
question the ongoing need for our program in the former Soviet
Union. However,
Senators Abraham and Kennedy have an opposite view on both
issues.

NGOs: State has conducted extensive consultations with the
nongovernmental
community and it, too, fundamentally endorses this proposal. While
many advocacy
groups would like to return to the high admissions numbers of the
early 1990s,
most recognize that this would be difficult to accomplish given the
natural
decline of the two major programs of that period (Vietnam and the

former Soviet
Union) and current budgetary constraints. We intend to continue to
work closely
with these groups to guide the program toward those refugees most in
need of
resettlement.

Attached at Tab A is a memorandum to you from Secretary Albright
that summarizes
in detail the views of Members of Congress and recommends that you
sign the
Presidential Determination for FY 1999.

RECOMMENDATION

That you sign the Presidential Determination attached at Tab A.

Attachments
Tab A Presidential Determination
Tab B Memorandum from the Acting Secretary

2

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cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 6569PD.DOC

Presidential Determination
No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Presidential Determination on FY 1999 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 1999 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 1999 with Federal refugee
resettlement
assistance under the Amerasian immigrant admissions program, as
provided below.

The 78,000 admissions numbers 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 1999
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.....	12,000
East Asia.....	9,000
Europe (includes 3,000 unfunded).....	48,000
Latin America/Caribbean.....	3,000

Near East/South Asia.....4,000
Unallocated.....2,000

Within the Europe ceiling are 3,000 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 2,000 unallocated numbers shall be allocated as needed to regional ceilings where shortfalls develop. Unused admissions numbers allocated to a particular region 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

1999, 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

Exchange Mail

DATE-TIME 9/28/98 9:09:09 AM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Refugee Admissions Determination for FY 1999
[UNCLASSIFIED]
TO Kale, Dora A.

CARBON_COPY

TEXT_BODY Here's refugee admissions package.

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

From: Busby,
Scott W.

Sent: Saturday, September 26, 1998 2:56 PM

To: Rudman,
Mara E.

Cc: @LEGISLAT - Legislative Affairs; @MULTILAT - Multilateral
and Humanitarian Affairs

Subject: Refugee Admissions Determination
for FY 1999 [UNCLASSIFIED]

Mara or Gina -- Your clearance please.

Need it by Monday morning as this is one of the many packages that
POTUS must sign Sept. 30 COB. Thx.

TRANSLATED_ATTACHMENT

6569BERGER.DOC

September 28, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Refugee Admissions for FY 1999

Attached at Tab I is a memorandum to the President recommending that the President sign the Presidential Determination on Refugee Admissions for FY 1999.

The memorandum describes the notable elements of this year's Determination. Both Congress and the nongovernmental community support this proposal.

Concurrence by: Mara Rudman

RECOMMENDATION

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

Attachments

Tab I Memorandum to the President

Tab A Presidential Determination

Tab B Memorandum from the Acting Secretary

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TRANSLATED_ATTACHMENT 6569PRES.DOC

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL R. BERGER
LARRY STEIN

SUBJECT: Refugee Admissions for FY 1999

Purpose

To sign the Presidential Determination for FY 1999 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 78,000, which includes 12,000 from Africa, 9,000 from East Asia, 48,000 from Europe, 4,000 from the Near East and South Asia, 3,000 from Latin America and the Caribbean, and 2,000 for a reserve that can be allocated to any region.

Notable elements of this year's Determination are a significant increase in the Africa ceiling from 7,000 to 12,000. This is consistent with our efforts to direct our efforts increasingly towards those regions with the highest numbers of refugees in need of resettlement. We are also maintaining a high ceiling for Europe, primarily to ensure the resettlement of Bosnians who may not be able to return home. Finally, the ceiling for East Asia has been reduced from 14,000 to 9,000 as our efforts to resettle the many Vietnamese who fled in the late 1970s and 1980s are now coming to a close.

Congress: On June 25, 1997, you authorized the Secretary of State to consult with Congress on a proposed refugee admissions ceiling of 78,000. The Secretary did so in separate sessions with relevant Members of the House (Henry Hyde, John Conyers, Lamar Smith and Mel Watt) and Senate (Spencer Abraham

and Ted Kennedy).

The Members generally support of our proposal. They are especially enthusiastic about the significant increase in numbers for Africa; the Congressional Black Caucus has been pushing hard the past several years for such an increase given the significant number of refugees in that region. They also continue to firmly back our resettlement of Bosnians, which they recognize is an important component of our efforts to bring peace and stability to Bosnia.

Nevertheless, several House Members believe that we should further reduce the overall number of refugees we admit given that the Cold War is over. Some also question the ongoing need for our program in the former Soviet Union. However, Senators Abraham and Kennedy have an opposite view on both issues.

NGOs: State has conducted extensive consultations with the nongovernmental community and it, too, fundamentally endorses this proposal. While many advocacy groups would like to return to the high admissions numbers of the early 1990s, most recognize that this would be difficult to accomplish given the natural decline of the two major programs of that period (Vietnam and the former Soviet Union) and current budgetary constraints. We intend to continue to work closely with these groups to guide the program toward those refugees most in need of resettlement.

Attached at Tab A is a memorandum to you from Secretary Albright that summarizes in detail the views of Members of Congress and recommends that you sign the Presidential Determination for FY 1999.

RECOMMENDATION

That you sign the Presidential Determination attached at Tab A.

Attachments
Tab A Presidential Determination
Tab B Memorandum from the Acting Secretary

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cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 6569PD.DOC

Presidential Determination
No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Presidential Determination on FY 1999 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 1999 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 1999 with Federal refugee
resettlement
assistance under the Amerasian immigrant admissions program, as
provided below.

The 78,000 admissions numbers 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 1999

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.....	12,000
East Asia.....	9,000
Europe (includes 3,000 unfunded).....	48,000
Latin America/Caribbean.....	3,000
Near East/South Asia.....	4,000
Unallocated.....	2,000

Within the Europe ceiling are 3,000 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
2,000

unallocated numbers shall be allocated as needed to regional ceilings
where

shortfalls develop. Unused admissions numbers allocated to a
particular region

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 1999, 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

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Scott Busby to Eric Schwartz re: FW: Background for Helton Meeting (4 pages)	10/20/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record (Sept 97-Jan 01) ([Scwhartz and Cuba...])
OA/Box Number: 630000

FOLDER TITLE:

[06/19/1998-08/02/1999]

Rob Seibert
2011-1039-F
rs1864

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 3/12/99 1:57:26 PM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT What's been happening w/Busby [UNCLASSIFIED]
TO Schwartz, Eric P.

CARBON_COPY**TEXT_BODY**

This will serve as an update to Eric and a backgrounder to David, who will be backing me up for the next couple of weeks while I'm on vacation.

Refugees: Chris Smith held an oversight hearing on Tuesday at which he and a number of NGO reps (Lionel, Diana Aviv and Don Hammond) hammered PRM staff for being too restrictive (although they complimented Julia's leadership). The Dewey e-mail was discussed. Alan K. said it was very unhelpful and has created real morale problems at PRM. Joseph and the NGOs continue to engage on a myriad of ODP issues. Contact at PRM:
Alan Kreczko, PDAS, 647-5767, Terry Rusch, 663-1047 or Pam Lewis, 663-1026.

Haitians: In the wake of the killing of a popular leader of the OPL (Toussant), there's been an upsurge of attacks and threats against other political leaders and human rights activists. Some have asked for protection (i.e. visas) from our embassy. We hope to get out today forward-leaning guidance to post that will ensure we do the right thing (i.e. grant visas or parole to those who need it). Contact: Dennis Linskey at State Haiti Working Group 647-5088

Cable on Leahy amendment: Defense and I have disagreements about a couple of issues. Need to discuss with you.

GTMO hunger strike: The hunger strike by 20 some odd protect cases at GTMO continues. We are close to closing the deal on resettlement slots for a good number of these individuals and hope that this will bring it to an end. No one appears to be in physical danger at present. (They are drinking various beverages and probably sneaking a little food here and there.) Tom Gerth at Cuba desk, 647-8272

GTMO burden-sharing agreement: DoD continues to press for a resolution on this. We are waiting for an opinion from OLC. I've told Dod to call Chuck Allen if they have questions about status.

NACARA regulations: Justice continues to work on these; there's a meeting today at which they hope to make more progress. Still no end date certain but shouldn't be too far off. Lamar Smith continues to voice his objections about such an outcome. (I had to talk to one of his staffers today about it).

Meeting with Feminist Majority about Afghanistan
This is still scheduled for Friday, March 19, time uncertain. Val will have lead. Met this a.m. with Ann Lewis and Theresa Loar this a.m. to discuss deliverables for meeting. Will send separate e-mail to everyone about this.

Berenson
Need
to discuss next steps with you. Contact at State, Jim Theis, 736-4983.

Exchange Mail

DATE-TIME 7/12/99 5:00:09 PM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: NBC Dateline -- Cuba Migration [UNCLASSIFIED]
TO Armstrong, Fulton T. (INTERAM)
Crowley, Philip J. (PRESS)

CARBON_COPY Schwartz, Eric P. (MULTI)

TEXT_BODY We think AG or Doris should be the spokesperson for our policy.

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

From: Armstrong, Fulton T. (INTERAM)

Sent: Monday, July 12, 1999 1:57 PM

To: Busby, Scott W. (MULTI);

Crowley, Philip J. (PRESS)

Subject: NBC Dateline -- Cuba Migration
[UNCLASSIFIED]

Scott, PJ:

Lula Rodriguez has asked if Arturo
could do an on-camera interview with Dateline NBC on Cuba migration
-- what policy is, how it's working, what we think of current problems.
She apparently can't find anyone qualified (?) at State to do it.
Arturo's willing to help out, BUT we need you guys' input. Should
NSC do this? Is the AG or Meissner the right person? If NSC's OK,
is Arturo the right guy (or is Eric)?

NBC producer is Mr. Izhar
Harpaz @212/664-7359.

--Fulton

Exchange Mail

DATE-TIME 7/14/99 10:37:21 AM
FROM Rosa, Frederick M. (TNT)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Guidance -- Cuba Migration [UNCLASSIFIED]
TO Armstrong, Fulton T. (INTERAM)

CARBON_COPY

TEXT_BODY
Fulton: Brian and I suggest following changes... I've conveyed an appropriate message to Commandant... Page me if necessary...
Tx, Fred

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

From: Armstrong, Fulton T. (INTERAM)
Sent: Wednesday, July 14, 1999 10:12 AM
To: Rosa, Frederick M. (TNT); Peterman, David (Brian) (DEFENSE)
Subject: Guidance
-- Cuba Migration [UNCLASSIFIED]

Fred, Brian: Welcome comments.
Already cleared with Schwartz. --Fulton

TRANSLATED_ATTACHMENT

CUBA6.doc
CUBA: COAST GUARD AND IMMIGRATION
July 14, 1999

Preliminary: Fulton, do we know for a fact that the President used the word "outrageous" (in other words, could there have been a misquote)? And if I recall accurately over the phone what you told me over the phone, should the "Context" below - and corresponding press guidance -- include a reference to the President's alleged statement that the use of pepper spray was pursuant to an "unauthorized policy"?

CONTEXT: Speaking in Miami last night, the President said that aspects of the Coast Guard's handling of an incident involving illegal migrants on June 29 was "outrageous" and is being thoroughly investigated. He emphasized that we must continue efforts to prevent illegal, disorderly migration and to "enforce our laws [and] protect our borders." He said that we were looking at "whether or not the policy ... is manageable." He also suggested that we are "reviewing" the possibility of expanding the number of guaranteed immigrant visas - currently 20,000 a year - granted to Cubans each year.

What was behind the President's tough criticism of the Coast Guard?
* President expressed concern about aspects of one particular incident on June 29, and he appreciates Coast Guard's speedy action to investigate the incident and adjust practices accordingly.

* * President strongly supports Coast Guard. The Service has very difficult mission and performs it with professionalism - their courageous efforts at sea result in thousands of lives being saved every year, including the lives of illegal migrants at sea in unsafe conditions.

* President echoed concerns voiced by Coast Guard leadership regarding use of "pepper spray" against migrants in the water. Policy on pepper spray has already changed.

* Immediate problem - posing new challenge to Coast Guard - is increased incidence of alien-smuggling and aggressiveness by migrants. Unlike in past, most migrants are now smuggled in by criminal rings, and some of them threaten harm to themselves, other migrants with them, and Coast Guard if interdiction is attempted.

* [if raised] Attorney General Reno and INS Commission Meissner have ordered investigations into allegations that Border Guard officials verbally abused the migrants involved in the June 29 incident. Refer to DOJ.
Are you reviewing migration policy in general and specifically

regarding Cuba?

* No. Our broader migration policy, including implementation of accords reached

with Cuba in 1994 and 1995, remains unchanged.

* As President said, we must enforce our laws; we must protect our borders.

* Objective as always is to channel migration into safe, orderly and legal

channels and to discourage irregular departures by boat.

* We have programs that provide visas to at least 20,000 Cubans a year.

* We will continue to vigorously enforce U.S. immigration laws.

Doesn't the Administration care about the plight of the migrants?

* Hearts go out to Cuban people - who lack human rights and suffer from

government's failed economic policies.

* Have taken concrete steps over past 18 months to reach out to the Cuban people

on the island - to help relieve their plight and to help prepare for democratic future.

* Dangerous, illegal migration is NOT the answer. It is harmful to all. Deaths

at sea - two in just past two weeks - underscore danger.

* Alien-smuggling is unscrupulous exploitation of human misery for profit. It is

in no one's interest that this activity go unchecked.

* [if raised] Policy is to repatriate migrants interdicted at sea back to Cuba,

where our diplomats monitor treatment after return. However, if INS determines

that migrants have credible fear of persecution if returned to Cuba, they are

resettled in third countries.

Exchange Mail

DATE-TIME 7/14/99 5:24:04 PM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Information Memorandum for NSC [UNCLASSIFIED]
TO Schwartz, Eric P. (MULTI)

CARBON_COPY
TEXT_BODY
TRANSLATED_ATTACHMENT migration POTUS2_.doc

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

SUBJECT: Cuba Illegal Migration Incidents

Background: U.S. and Cuban commitment to the migration accords of 1994 and 1995, aimed at making migration safe, legal and orderly, has been central to staving off mass migration in the Florida Straits. Migration pressure is not likely to dissipate, however, because we are unable to address the underlying fundamental causes. The "push factors" inside Cuba, including continued economic distress, remain unchanged, and the legal protections available to Cubans once they reach the United States (including the 1966 Cuban Adjustment Act) remains an important "pull factor." Despite tragic deaths on the high seas, many leaders of Cuban-American community continue to tolerate and often encourage illegal migration.

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By MI NARA, Date 3/28/16

201-1039-F

Current Interdiction Program: Our current interdiction policy continues to offer the best hope of managing the migration problem. When Coast Guard intercepts migrants at sea, the Immigration and Naturalization Service conducts interviews to determine whether any of the migrants have a credible fear of persecution in Cuba. Those who do (roughly 15% of the interdicted caseload) are sent to Guantanamo for further interviews and, if found to have a well-founded fear of persecution (approximately 8-10% of caseload), are resettled in countries other than the United States. The others, are repatriated to Cuba, where our diplomats monitor their treatment to determine that the government is meeting its commitment not to take any action against them. The Coast Guard has performed admirably in carrying out this difficult job, treating migrants humanely while obtaining compliance in almost all cases.

Rise in Migrant Violence: A steady increase in alien-smuggling and aggressive behavior by Cuban migrants is posing new challenges to this policy -- and Coast Guard's ability to implement it. Migrants know that under current procedures they will not be returned to Cuba if they touch dry land and are thus increasingly non-compliant and often aggressive when interdicted. On several occasions, migrants have brandished machetes as Coast Guard officers sought to board their vessels. During the June 29 incident at Miami Beach, the migrants swung oars and attempted to puncture a pontoon on Coast Guard boat. The Coast Guard used water hoses to impede the advance of the migrant's boat and pepper spray in response to acts of aggression and to compel compliance. Five days later, a woman died when a migrant vessel evading interdiction crashed into a Coast Guard cutter and capsized.

Investigation of June 29 Incident: In response to the June 29 incident, Coast Guard launched an immediate investigation and temporarily reassigned the officers involved to non-law enforcement duties. Pursuant to its preliminary

report,
Coast Guard announced that it was changing its policy on the use of pepper spray
-- specifically disallowing its use against persons in the water except where the officer's safety is threatened -- and was considering revising guidance on the use of fire hoses as well. The final reports will be available next week.
(In a separate matter, the Attorney General and INS Commissioner Meissner have ordered investigations into allegations that INS officials verbally abused the June 29 individuals and forced them to have their pictures taken with a photo of Fidel Castro.)
Public Affairs Strategy: A strong public line is key to maintaining the credibility of our policy. To avoid giving Cubans the impression that the welcome mat is out, our public statements have emphasized our continued commitment to channeling migration into safe and legal channels, and to thwart aggressive interdiction efforts. The State Department's Public Affairs Office is about to launch an aggressive public affairs program, involving civic and religious leaders in southern Florida, to discourage alien-smuggling. We are also strengthening coordination of public affairs strategies among agencies in Washington and with Miami.
Next Steps: NSC is chairing an interagency effort to look at ways of improving the implementation of our current policy. Among other things, we will be exploring ways of enhancing our efforts against alien smugglers and the possibility of more effectively enforcing our immigration laws as to Cubans who reach U.S. soil through illegal means. We have also put in place a new procedure to engage high-level Washington players earlier during sensitive interdiction cases to facilitate more timely policy decisions and effective public management of them.

2

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL XXXX

CONFIDENTIAL cc: Vice President

Reason: 1.5 b,d Chief of Staff

Declassify On: 07/14/09

Exchange Mail

DATE-TIME 7/14/99 5:58:40 PM
FROM Armstrong, Fulton T. (INTERAM)
CLASSIFICATION ~~CONFIDENTIAL~~
CLASSIFICATIONREASON 1.5(a)(d)
DATECLASSIFIEDON 07/14/1999
DECLASSIFYON 07/14/2009
SUBJECT Our Paper -- Cuba Migration [~~CONFIDENTIAL~~]
TO Gray, Wendy E. (SPCHW/CNSLR)
Rudman, Mara E. (CNSLR)

CARBON_COPY Busby, Scott W. (MULTI)

TEXT_BODY Mara: Here's what we're planning to send forward on what, for sure,
has become one of your favorite issues. --Fulton

PS Will
you ever talk to us again?

TRANSLATED_ATTACHMENT 5382 srb.doc

July 14, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ/ARTURO VALENZUELA

FROM: SCOTT BUSBY/FULTON ARMSTRONG

SUBJECT: Cuba Illegal Migration Incidents

DECLASSIFIED
E.O. 13526

White House Guidelines, September 11, 2006
By MJ NARA, Date 3/25/11
201-1039-15

At Tab A is the Memorandum for the President that you requested
regarding the
recent Cuba illegal migration incidents and USG followup actions.

Concurrence by: Brian Peterman; Fred Rosa

RECOMMENDATION

That you forward the Memorandum for the President.

Attachment

Tab A Memorandum for the President

1

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~ 5382

~~CONFIDENTIAL~~

Reason: 1.5 b,d

Declassify On: 07/14/09

TRANSLATED_ATTACHMENT 5382 potus.doc

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

SUBJECT: Cuba Illegal Migration Incidents

Background: U.S. and Cuban commitment to the migration accords of 1994 and 1995, aimed at making migration safe, legal and orderly, has been central to staving off mass migration in the Florida Straits. Migration pressure is not likely to dissipate, however, because we are unable to address the underlying fundamental causes. The "push factors" inside Cuba, including continued economic distress, remain unchanged, and the legal protections available to Cubans once they reach the United States (including the 1966 Cuban Adjustment Act) remains

an important

"pull factor." Despite tragic deaths on the high seas, many leaders of Cuban-American community continue to tolerate and often encourage illegal migration.

Current Interdiction Program: Our current interdiction policy continues to offer

the best hope of managing the migration problem. When Coast Guard intercepts

migrants at sea, the Immigration and Naturalization Service conducts interviews

to determine whether any of the migrants have a credible fear of persecution in

Cuba. Those who do (roughly 15 percent of the interdicted caseload) are sent to

Guantanamo for further interviews and, if found to have a well-founded fear of

persecution (approximately 8-10 percent), are resettled in countries other than

the United States. The others are repatriated to Cuba, where our diplomats

monitor their treatment to determine that the government is meeting its

commitment not to take any action against them. The Coast Guard has performed

admirably in carrying out this difficult job, treating migrants humanely while

obtaining compliance in almost all cases.

Rise in Migrant Violence: A steady increase in alien-smuggling and aggressive

behavior by Cuban migrants is posing new challenges to this policy -- and Coast

Guard's ability to implement it. Migrants know that under current procedures

they will not be returned to Cuba if they touch dry land and are thus increasingly non-compliant and often aggressive when interdicted. On several

occasions, migrants have brandished machetes as Coast Guard officers sought to

board their vessels. During the June 29 incident at Miami Beach, the migrants

swung oars and attempted to puncture a sponson on Coast Guard boat. The Coast

Guard used water hoses to impede the advance of the migrant's boat and pepper

spray in response to acts of aggression and to compel compliance.

Five days

later, a woman died when a migrant vessel evading interdiction crashed into a

Coast Guard cutter and capsized.

Investigation of June 29 Incident: In response to the June 29 incident, Coast Guard launched an immediate investigation and temporarily reassigned the officers involved to non-law enforcement duties. Pursuant to its preliminary report, Coast Guard announced that it was changing its policy on the use of pepper spray -- specifically disallowing its use against persons in the water except where the officer's safety is threatened -- and was considering revising guidance on the use of fire hoses as well. The final reports will be available next week. (In a separate matter, the Attorney General and INS Commissioner Meissner have ordered investigations into allegations that INS officials verbally abused the June 29 individuals and forced them to have their pictures taken with a photo of Fidel Castro.)

Public Affairs Strategy: A strong public line is key to maintaining the credibility of our policy. To avoid giving Cubans the impression that the welcome mat is out, our public statements have emphasized our continued commitment to channeling migration into safe and legal channels, and to continue aggressive interdiction efforts. The State Department's Public Affairs Office is about to launch an comprehensive public affairs program, involving civic and religious leaders in southern Florida, to discourage alien-smuggling. We are also strengthening coordination of public affairs strategies among agencies in Washington and with Miami.

Next Steps: NSC is chairing an interagency effort to look at ways of improving the implementation of our current policy. Among other things, we will be exploring ways of enhancing our efforts against alien smugglers and the possibility of more effectively enforcing our immigration laws as to Cubans who reach U.S. soil through illegal means. We have also put in place a new procedure to engage high-level Washington players earlier during sensitive interdiction cases to facilitate more timely policy decisions and effective public

management
of them.

2

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL XXXX

CONFIDENTIAL cc: Vice President
Reason: 1.5 b,d Chief of Staff
Declassify On: 07/14/09

Exchange Mail

DATE-TIME 7/14/99 7:12:33 PM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Action Memorandum for NSC [UNCLASSIFIED]
TO Kale, Dora A. (MULTI)

CARBON_COPY

TEXT_BODY

TRANSLATED_ATTACHMENT

5382 srb2_.doc

July 14, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ/ARTURO VALENZUELA

FROM: SCOTT BUSBY/FULTON ARMSTRONG

SUBJECT: Cuban Illegal Migration Incidents

At Tab A is the Memorandum for the President that you requested regarding the recent Cuba illegal migration incidents and USG followup actions.

Concurrence by: Brian Peterman; Fred Rosa

RECOMMENDATION

That you forward the Memorandum for the President.

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By MI NARA, Date 7/28/16

2011-1039-F

Attachment

Tab A Memorandum for the President

1

~~CONFIDENTIAL~~

CONFIDENTIAL

CONFIDENTIAL 5382

CONFIDENTIAL

Reason: 1.5 b,d

Declassify On: 07/14/09

TRANSLATED_ATTACHMENT 5382 POTUS memo.doc

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

SUBJECT: Cuban Illegal Migration Incidents

Background: The U.S. and Cuban commitments to the migration accords of 1994 and 1995, aimed at making migration safe, legal and orderly, have been central to staving off mass migration in the Florida Straits. Migration pressure is not likely to dissipate, however, because we are unable to address its underlying fundamental causes. The "push factors" inside Cuba, including continued economic distress, remain unchanged, and the legal protections available to Cubans once they reach the United States, including the 1966 Cuban Adjustment Act, remain an important "pull factor." Despite tragic deaths on the high seas, many leaders of Cuban-American community continue to tolerate and often encourage illegal migration.

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interviews to determine whether any of the migrants have a credible fear of persecution in Cuba. Those who do (roughly 15 percent of the interdicted caseload) are sent to Guantanamo for further interviews and, if found to have a well-founded fear of persecution (8-10 percent of the entire caseload), are resettled in countries other than the United States. The others are repatriated to Cuba, where our diplomats monitor their treatment to determine that the government is meeting its commitment not to take any action against them. The Coast Guard has performed admirably in carrying out this very difficult job.

Rise in Migrant Violence: A steady increase in alien-smuggling and aggressive behavior by Cuban migrants is posing new challenges to this policy -- and Coast Guard's ability to implement it. Migrants know that under current procedures they will not be returned to Cuba if they touch dry land and are thus increasingly non-compliant and often aggressive. On several occasions, migrants have brandished machetes as Coast Guard officers sought to board their vessels. During the June 29 incident at Miami Beach, the migrants swung oars and attempted to puncture a sponson on the Coast Guard boat. The Coast Guard used water hoses to impede the advance of the migrant's boat and pepper spray in response to acts of aggression and to compel compliance. In a separate incident five days later, a woman died when a migrant vessel evading interdiction crashed into a Coast Guard cutter and capsized.

Investigation of June 29 Incident: In response to the June 29 incident, Coast Guard launched an immediate investigation and temporarily reassigned the officers involved to non-law enforcement duties. Pursuant to its preliminary report, Coast Guard announced a change in policy on the use of pepper spray -- specifically disallowing its use against persons in the water, except where the officer's safety is threatened -- and was considering revising guidance on the

use of fire hoses as well. The final reports will be available next week.
(In a
separate matter, the Attorney General and INS Commissioner
Meissner have ordered
investigations into allegations that INS officials verbally abused the
June 29
individuals and forced them to have their pictures taken with a photo
of Fidel
Castro.)
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commitment to channeling migration into safe and legal channels, and
to continue
aggressive interdiction efforts. The State Department's Public Affairs
Office is
about to launch a comprehensive public affairs program, involving
civic and
religious leaders in southern Florida, to discourage alien-smuggling.
We are
also strengthening coordination of public affairs strategies among
agencies in
Washington and with Miami.
Next Steps: NSC is chairing an interagency effort to look at ways of
improving
the implementation of our current policy. We will be exploring ways
of enhancing
our efforts against alien smugglers, whether we should increase the
20,000 legal
visas we issue annually to Cubans and whether we could establish an
arrangement
that would permit us to deport Cubans who illegally reach U.S. soil
and are not
determined to be refugees. We have also put in place a new procedure
to engage
senior Administration officials earlier during sensitive interdiction
cases to
facilitate more timely policy decisions and effective public
management of them.

2
CONFIDENTIAL
CONFIDENTIAL

~~CONFIDENTIAL~~ 5382

~~CONFIDENTIAL~~ cc: Vice President

Reason: 1.5 b,d Chief of Staff

Declassify On: 07/14/09

Exchange Mail

DATE-TIME 7/14/99 7:42:52 PM
FROM Rudman, Mara E. (CNSLR)
CLASSIFICATION ~~CONFIDENTIAL~~
CLASSIFICATIONREASON 1.5(a)(d)
DATECLASSIFIEDON 07/14/1999
DECLASSIFYON 07/14/2009
SUBJECT FW: Our Paper -- Cuba Migration [CONFIDENTIAL]
TO Armstrong, Fulton T. (INTERAM)
Busby, Scott W. (MULTI)

CARBON_COPY Gray, Wendy E. (SPCHW/CNSLR)
Rudman, Mara E. (CNSLR)

TEXT_BODY

See recommended changes; with those, I'd say it looks good to go.
You might want to consider putting my name either on concurrence
or through lines -- otherwise I think you risk it being sent back
to me for review before it gets to Sandy...

Also, I'd be prepared
(though probably not in this memo) to identify the steps being put
in place on the high profile interdiction cases....

And of course
I'll keep talking to you; probably in more panicky calls from the
road.

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

From: Armstrong, Fulton T.
(INTERAM)
Sent: Wednesday, July 14, 1999 5:59 PM
To: @RUDMAN
Cc: Busby,
Scott W. (MULTI)
Subject: Our Paper -- Cuba Migration [CONFIDENTIAL]

Mara:
Here's what we're planning to send forward on what, for sure, has
become one of your favorite issues. --Fulton

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By MM NARA, Date 3/28/16

2011-1034-1

PS Will you
ever talk to us again?

TRANSLATED_ATTACHMENT 5382 srb.doc

July 14, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ/ARTURO VALENZUELA

FROM: SCOTT BUSBY/FULTON ARMSTRONG

SUBJECT: Cuba Illegal Migration Incidents

At Tab A is the Memorandum for the President that you requested
regarding the
recent Cuba illegal migration incidents and USG followup actions.

Concurrence by: Brian Peterman; Fred Rosa

RECOMMENDATION

That you forward the Memorandum for the President.

Attachment
Tab A Memorandum for the President

1

CONFIDENTIAL

CONFIDENTIAL

CONFIDENTIAL 5382

CONFIDENTIAL

Reason: 1.5 b,d

Declassify On: 07/14/09

TRANSLATED_ATTACHMENT 5382 potus.doc

INFORMATION

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(In a separate matter, the Attorney General and INS Commissioner Meissner have ordered investigations into allegations that INS officials verbally abused the June 29 individuals and forced them to have their pictures taken with a photo of Fidel Castro.)

Public Affairs Strategy: A strong public line is key to maintaining the credibility of our policy. To avoid giving Cubans the impression that the

welcome mat is out, our public statements have emphasized our continued commitment to channeling migration into safe and legal channels, and to aggressive interdiction efforts. The State Department's Public Affairs Office is about to launch an comprehensive public affairs program, involving civic and religious leaders in southern Florida, to discourage alien-smuggling. We are also strengthening coordination of public affairs strategies among agencies, including the Coast Guard and the INS, in Washington and with Miami. Next Steps: NSC is chairing an interagency effort to look at ways of improving the implementation of our current policy. First, we are putting in place a new procedure to engage high-level Washington players earlier during sensitive interdiction cases to facilitate more timely policy decisions and effective public management of them. In addition, to discourage the "pull" factors for migrants, we will be exploring possibilities for enhancing efforts against alien smugglers and more effectively enforcing our immigration laws with respect to Cubans who reach U.S. soil through illegal means.

[NOTE: I switched order here because this is what's most important to POTUS and what he will be reading for - so lead with it in this section.]

2
CONFIDENTIAL
CONFIDENTIAL
CONFIDENTIAL XXXX

CONFIDENTIAL cc: Vice President
Reason: 1.5 b,d Chief of Staff
Declassify On: 07/14/09

Exchange Mail

DATE-TIME 7/15/99 8:50:00 AM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION CONFIDENTIAL
CLASSIFICATIONREASON 1.5(d)
DATECLASSIFIEDON 07/15/1999
DECLASSIFYON 07/15/2009
SUBJECT 5382 RE-DO [CONFIDENTIAL]
TO Kale, Dora A. (MULTI)

CARBON_COPY

TEXT_BODY

D -- Can you squeeze the POTUS into two pages? thx.

TRANSLATED_ATTACHMENT 5382 POTUS memo.doc

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

SUBJECT: Cuban Illegal Migration Incidents

Background: The U.S. and Cuban commitments to the migration accords of 1994 and 1995, aimed at making migration safe, legal and orderly, have been central to staving off mass migration in the Florida Straits. Migration pressure is not likely to dissipate, however, because we are unable to address its underlying fundamental causes. The "push factors" inside Cuba, including continued economic distress, remain unchanged, and the legal protections available to

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By M1 NARA, Date 3/24/16

211-10227

Cubans once they reach the United States, including the 1966 Cuban Adjustment Act, remain an important "pull factor." Despite tragic deaths on the high seas, many leaders of the Cuban-American community continue to tolerate and often encourage illegal migration.

Current Interdiction Program: Our current interdiction policy continues to offer the best hope of managing the migration problem. When the Coast Guard intercepts migrants at sea, the Immigration and Naturalization Service (INS) conducts interviews to determine whether any of the migrants have a credible fear of persecution in Cuba. Those who do (roughly 15 percent of the interdicted caseload) are sent to Guantanamo for further interviews and, if found to have a well-founded fear of persecution (8-10 percent of the entire caseload), are resettled in countries other than the United States. The others are repatriated to Cuba, where our diplomats monitor their treatment to determine that the government is meeting its commitment not to take any action against them. The Coast Guard has performed admirably in carrying out this very difficult job.

Rise in Migrant Violence: A steady increase in alien-smuggling and aggressive behavior by Cuban migrants is posing new challenges to this policy -- and Coast Guard's ability to implement it. Migrants know that under current procedures they will not be returned to Cuba if they touch dry land and are thus increasingly non-compliant and often aggressive. On several occasions, migrants have brandished machetes as Coast Guard officers sought to board their vessels.

During the June 29 incident at Miami Beach, the migrants swung oars and attempted to puncture a sponson on the Coast Guard boat. The Coast Guard used water hoses to impede the advance of the migrants' boat and pepper spray in response to acts of aggression and to compel compliance. In a separate incident five days later, a woman died when a migrant vessel evading interdiction crashed into

a Coast Guard cutter and capsized.

Investigation of June 29 Incident: In response to the June 29 incident, Coast Guard launched an immediate investigation and temporarily reassigned the officers involved to non-law enforcement duties. Pursuant to its preliminary report, Coast Guard announced a change in policy on the use of pepper spray -- specifically disallowing its use against persons in the water, except where the officer's safety is threatened -- and was considering revising guidance on the use of fire hoses as well. The final reports will be available next week. (In a separate matter, the Attorney General and INS Commissioner Meissner have ordered investigations into allegations that INS officials verbally abused the June 29 individuals and forced them to have their pictures taken with a photo of Fidel Castro.)

Public Affairs Strategy: A strong public line is key to maintaining the credibility of our policy. To avoid giving Cubans the impression that the welcome mat is out, our public statements have emphasized our continued commitment to channeling migration into safe and legal channels, and to continue aggressive interdiction efforts. The State Department's Public Affairs Office is about to launch a comprehensive public affairs program, involving civic and religious leaders in southern Florida, to discourage alien-smuggling. We are also strengthening coordination of public affairs strategies among agencies, including the Coast Guard and INS, in Washington and Miami.

Next Steps: NSC is chairing an interagency effort to look at ways of improving the implementation of our current policy. First, we are putting in place a new procedure to engage senior Administration officials earlier during sensitive interdiction cases to facilitate more timely policy decisions and effective public management of them. In addition, to diminish the "pull" factors, we are exploring ways of enhancing efforts against alien smugglers, whether

we should
increase the 20,000 legal visas we issue annually to Cubans and
whether we could
establish an arrangement that would permit us to deport Cubans who
illegally
reach U.S. soil and are not determined to be refugees.

2

~~CONFIDENTIAL~~~~CONFIDENTIAL~~

CONFIDENTIAL 5382

CONFIDENTIAL cc: Vice President

Reason: 1.5 b,d Chief of Staff

Declassify On: 07/14/09

TRANSLATED_ATTACHMENT 5382 srb2_.doc

July 15, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ/ARTURO VALENZUELA/MARA
RUDMAN

FROM: SCOTT BUSBY/FULTON ARMSTRONG

SUBJECT: Cuban Illegal Migration Incidents

At Tab A is the Memorandum for the President that you requested
regarding the
recent Cuba illegal migration incidents and USG follow-up actions.

Concurrences by: Brian Peterman; Fred Rosa

RECOMMENDATION

That you forward the Memorandum for the President.

Attachment
Tab A Memorandum for the President
1

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL 5382~~

~~CONFIDENTIAL~~

Reason: 1.5 b,d

Declassify On: 07/14/09

Exchange Mail

DATE-TIME 7/29/99 8:12:38 AM
FROM Armstrong, Fulton T. (INTERAM)
CLASSIFICATION UNCLASSIFIED
SUBJECT CUBANS FIRE NGO SENSITIVE BUT UNCLASSIFIED [UNCLASSIFIED]
TO Busby, Scott W. (MULTI)
CARBON_COPY Schwartz, Eric P. (MULTI)

TEXT_BODY
Scott: This is looking worse and worse -- with (obviously) dire consequences for our efforts elsewhere. Any possibility that another NGO could be brought in to help AFTER the migrants get a stern talking to. I can't judge the legitimacy of their protection concerns, but it sure is easy to see why they didn't fit in back in Cuba. I hope INS is tracking this closely. --Fulton

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

From:
WHSR
Sent: Wednesday, July 28, 1999 7:37 PM
To: Armstrong, Fulton
T. (INTERAM); Avery, Dale R. (INTERAM); Babbitt,
James F. (VP);
Busby, Scott W. (MULTI); Guarnieri, Valerie N.
(MULTILAT); Naplan,
Steven J. (MULTI); Orfini, Michael H. (VP); Rice,
Lillian E. (INTERAM/INTERN);
Schwartz, Eric P. (MULTI); Shannon, Thomas
A. (INTERAM); Stromseth,
Jane E. (MULTI); Vaccaro, Jonathan M. (Matt)
(MULTI); VALENZUA@NSCOEOB.National
Security Council.com
Subject: CUBANS FIRE NGO SENSITIVE BUT UNCLASSIFIED

UNCLAS E F T O MONTEVIDEO 001512

STATE FOR WHA/BSC, WHA/CCA,
PRM/A/O

E.O. 12958: N/A

TAGS: CUBA, PREF, UY
SUBJECT: CUBANS
FIRE NGO

SENSITIVE BUT UNCLASSIFIED

REF: A) MONTEVIDEO 1462
B) MONTEVIDEO 1431

1. (U) ON JULY 25 REPRESENTATIVES OF SEDHU, THE NGO WHICH HAS BEEN WORKING WITH THE 12 CUBAN MIGRANTS, TOLD POLOFF THAT THEY HAD RECEIVED A FAX SIGNED BY ALL 12 CUBANS STATING THAT THEY NO LONGER WANTED SEDHU TO ASSIST THEM. THE FAX CLAIMED THAT THIS ACTION WAS DUE TO SEDHU'S ALLEGED LEFTIST BIAS AND ITS REQUIREMENT THAT THE CUBANS NOT SPEAK PUBLICLY ON POLITICAL MATTERS.

2. (U) IN A JULY 27 LETTER FAXED TO THE AMBASSADOR THE DIRECTOR OF SEDHU CONFIRMED THAT THE BOARD OF DIRECTORS HAD DECIDED TO WITHDRAW FROM REPRESENTING THE GROUP DUE TO THE GROUP'S DESIRE TO HAVE NO FURTHER CONTACT WITH SEDHU. THE LETTER DENIED THE CHARGES OF BIAS AND EXPLAINED THAT THE REQUIREMENT THAT THE CUBANS MAKE NO PUBLIC STATEMENTS ORIGINATED AS A REQUEST OF THE GOU.

3. (U) POST HAS SPOKEN WITH SEDHU AND THE LOCAL REPRESENTATIVE OF THE INTERNATIONAL ORGANIZATION FOR MIGRATION ABOUT THE FOOD AND UTILITIES PAYMENTS FOR THE THREE MONTHS THAT REMAIN OF THE ORIGINAL 6 MONTH PERIOD. WE BELIEVE THAT WE WILL BE ABLE TO WORK OUT A METHOD OF CONTINUING THE PAYMENTS ON A MONTHLY BASIS.

4.
(SBU) EMBASSY COMMENT: POST HAS OFTEN THANKED
SKEPTICAL OF THEIR
BUSINESS ACUMEN, POST BELIEVES
THAT SEDHU WAS DOING ITS BEST TO
ASSIST THE CUBANS
AND SAW NO EVIDENCE OF BAD FAITH ON THE PART OF
SEDHU.
ON THE CONTRARY, ONE OF THE REASONS THAT THE
SEARCH FOR APARTMENTS
TOOK MORE TIME THAN ORIGINALLY
PLANNED IS THAT SEDHU WAS UNWILLING
TO FORCE THE
MIGRANTS TO ACCEPT MARGINAL HOUSING, WHICH THEY
COULD
EASILY HAVE DONE. IT SEEMS UNLIKELY THAT POST
OR THE OIM COULD
CAUSE SEDHU TO RECONSIDER ITS
WITHDRAWAL, ESPECIALLY GIVEN THE CONSTANT
PUBLIC
ABUSE HEAPED UPON IT BY THE CUBANS AND THEIR CANF
REPRESENTATIVE
ALEXANDER TORRES MEGA.

5. (SBU) POST PLANS TO MEET SOON WITH
THE MIGRANTS
TO TELL THEM AGAIN THAT NEITHER MIAMI NOR GUANTANAMO
ARE
OPTIONS, THAT THEIR SUPPORT FOR FOOD AND
UTILITIES ENDS OCTOBER
21, AND THAT THEY MUST
CONCENTRATE THEIR ENERGIES ON INTEGRATING
INTO
URUGUAYAN SOCIETY. UPON RECEIPT OF RESPONSES TO
REFTELS POST
WILL MEET WITH THE GOU TO COMMUNICATE
THEIR SUBSTANCE.

ASHBY

Exchange Mail

DATE-TIME 7/30/99 8:16:30 AM
FROM Barks-Ruggles, Erica (AF)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Quick Clearance Please: FY 2000 Refugee Proposal
[UNCLASSIFIED]
TO Smith, Gayle E. (AF)

CARBON_COPY Barks-Ruggles, Erica (AF)
Battenfield, Pat A. (AF)
Frazer, Jendayi E. (AF)
Sanders, Robin R. (AF)
Smith, Gayle E. (AF)

TEXT_BODY

Gayle - I am fine with this - do you want me to clear it out?

As

I noted earlier in this debate, I think it is appalling that we admit nearly 4 times as many people from Europe as we do from Africa (the home of over 2/3 of the world's refugees - according to the W. Post). I do not think we will win this fight, however, in this memo process, so I am prepared to clear w/o comment. - Erica

-----Original

Message-----

From: Busby, Scott W. (MULTI)

Sent: Thursday, July

29, 1999 8:08 PM

To: Krass, Caroline D. (LEGAL); Shapiro, Daniel

B. (LEGIS); Barks-Ruggles, Erica (AF); Weiss, Andrew S. (RUE);

Arvizu, Alexander A. (ASIA); Armstrong, Fulton T. (INTERAM);

Hurley,

C. Michael (EUR); Flanagan, Stephen J. (CEE); Camp, Donald A. (NESA)

Cc: @AFRICA

- African Affairs; @ASIA - Asian Affairs; @CEE - Central/Eastern Europe; @KOSOVO; @LEGAL - Legal Advisor; @LEGISLAT - Legislative

Affairs; @MULTILAT - Multilateral and Humanitarian Affairs;

@NESASIA

- NE/South Asia; @RUSSIA - Russia/Ukraine

Subject: Quick Clearance

Please: FY 2000 Refugee Proposal [UNCLASSIFIED]

Clearance needed
by noon on Friday.

Colleagues --

Further to the draft memorandum
I circulated a couple of weeks ago, attached is the Presidential
Memorandum and package that will initiate the consultations process
on our FY 2000 refugee proposal. I urge the Africa, Kosovo and
NESA
offices to take a particularly close look at the POTUS memo as there
are important statements regarding each of your areas there.

Please
clear by tomorrow at noon, as we need to have this ready for the
President to sign upon his return from Sarajevo. Apologies for short
suspense. Thanks.

TRANSLATED_ATTACHMENT 5197 BERGER memo Refugee Admissions.doc

July 30, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Refugee Admissions Proposal for FY 2000

Attached is a memorandum to the President covering a memorandum
to the Secretary
of State authorizing her to consult with the Congress on your FY 2000
refugee
admissions proposal.

This package has been delayed by State's failure to clear the proposal
with OMB
before sending to us (which it was supposed to do) and a subsequent
need to make
changes to the package.

The Presidential Memorandum must be signed by Tuesday, August 3

at the latest as
Assistant Secretary Julia Taft is scheduled to testify about this
proposal before
a Senate subcommittee on Wednesday, August 4.

Concurrence by: Caroline Krass, Dan Shapiro, Erica Barks-Ruggles,
Andrew Weiss,
Alex Arvizu, Fulton Armstrong, Mike Hurley, Steve Flanagan

RECOMMENDATION

That you sign the attached memorandum.

Attachments

Tab I Memorandum to the President

Tab A Memorandum to the Secretary of State

Tab B Materials Provided by the Department of State

1

5197

TRANSLATED_ATTACHMENT 5197 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

LARRY STEIN

SUBJECT: Proposed Refugee Admissions for FY 1999

Purpose

To obtain your approval to consult with Congress on proposed refugee
admissions
for FY 2000.

Background

Legal Requirement: The Immigration and Nationality Act ("the Act")

requires you to determine, before the beginning of each fiscal year, the number and regional allocation of refugees who will be authorized to be admitted and resettled in the United States. If you so authorize, a process of formal congressional consultation will begin shortly and will lead to a Presidential Determination regarding the program for FY 2000.

Criteria: We have traditionally based our annual allocations on criteria that include historical and familial associations between the affected population and the United States, foreign policy and national security concerns, congressional sentiment and the threats faced by the affected population. In recent years, we have increased our collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR) in identifying those persons in greatest need of resettlement.

Proposal: In consultation with NSC staff, the Departments of State, Justice and Health and Human Services propose a refugee admissions ceiling of 100,000 for FY 2000. This represents a 20,000 increase from the 80,000 admissions assumed in the Administration's budget request for FY 2000 and a 22,000 increase in the refugee ceiling from FY 1999. The State Department recommends such an increase to accommodate the many persons who may require resettlement in the wake of the Kosovo conflict (particularly ethnic Serbs now in Serbia) and intends to fund this increase with additional refugee monies provided by the Kosovo Supplemental Appropriations bill.

Regional Breakdown of FY 2000 Numbers: The proposed refugee admissions during FY 2000 would be allocated by region as follows: 14,000 for Africa; 8,000 for East Asia (including Amerasians); 3,000 for Latin America and the Caribbean; 8,000 for the Near East and South Asia; 57,000 for Europe (20,000 for countries in the

former Soviet Union and 37,000 for persons from the Former Yugoslavia, including 20,000 for refugees related to the Kosovo conflict); and 10,000 for the unallocated reserve.

There are three notable developments in this year's proposal. First, there is an increase from 48,000 to 57,000 in admissions from Europe. This increase is entirely aimed at capturing the additional refugees of all ethnic backgrounds generated or rendered less secure by the conflict in Kosovo. Many are ethnic Serbs in Serbia (e.g., the so-called Krajina Serbs who were originally displaced from Croatia), although there are some ethnic Albanians as well who may not be able to return to Kosovo. Second, we would like to double admissions from the Near East and South Asia, from 4,000 to 8,000. This increase is aimed at providing greater resettlement opportunities to Afghan women-at-risk as well as to Iraqi and Iranian refugees throughout the region. Third, our ceiling for African refugees will increase from 12,000 to 14,000. This is consistent with our efforts to enhance our resettlement program in Africa.

State has consulted with a broad array of non-governmental organizations in advance of developing this proposal, and we do not expect significant opposition. However, we do expect that some members of the Congressional Black Caucus and African-American community may raise questions about the disparity between the ceiling for Europe (57,000) compared with that for Africa (14,000). We do not believe we can justify increasing the African ceiling based on current needs but are prepared to move some of the 10,000 numbers from the unallocated reserve to Africa if deemed necessary.

Recommendation

That you sign the attached memorandum to the Secretary of State authorizing

congressional consultations on the FY 1999 Refugee Admissions Program.

Attachments

Tab A Memorandum to the Secretary of State

Tab B Material Provided by the Department of State

2

3

5197

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 5197SecStateMemo.doc

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: FY 2000 Refugee Admissions Consultations

In accordance with Section 207 of the Immigration and Nationality Act (INA), you are authorized to consult with the appropriate committees of the Congress concerning refugee admissions as follows:

1. The authorization of 100,000 refugee admissions during FY 2000, which would be allocated by specific region as follows: 14,000 for Africa; 8,000 for East Asia (including Amerasians); 3,000 for Latin America and the Caribbean; 8,000 for the Near East and South Asia; 57,000 for Europe (including 17,000 for the former Yugoslavia, 20,000 for refugees related to the crisis in Kosovo and 20,000 for the Newly Independent and Baltic states); and 10,000 for the Unallocated Reserve. The recommended level of funded admissions is equal to the level assumed in the FY 2000 budget request (80,000) and the Kosovo supplemental (up to

20,000).

2. The authorization of an additional 10,000 refugee admission numbers to be made available for the adjustment to permanent resident status of persons who have been granted asylum in the United States.

3. The designation, pursuant to section 101(a) (42) (B) of the INA, of persons in Cuba, Vietnam, and the former Soviet Union, who if they otherwise qualify for admission as refugees, may be considered refugees under the INA even though they are still within their country of nationality or habitual residence.

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

Exchange Mail

DATE-TIME 7/30/99 1:29:13 PM

FROM Krass, Caroline D. (LEGAL)

CLASSIFICATION UNCLASSIFIED

SUBJECT FW: Quick Clearance Please: FY 2000 Refugee Proposal
[UNCLASSIFIED]

TO Busby, Scott W. (MULTI)

CARBON_COPY 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)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)

TEXT_BODY Scott: Attached are my changes (in the memo to the Pres. and one
typo in the determination). I have bracketed the questions we
discussed
on the phone. Please send back to me for a quick look before it
goes up after you have made the changes and talked to Eric. Thanks.

-----Original
Message-----
From: Busby, Scott W. (MULTI)
Sent: Thursday, July
29, 1999 8:08 PM
To: Krass, Caroline D. (LEGAL); Shapiro, Daniel
B. (LEGIS); Barks-Ruggles, Erica (AF); Weiss, Andrew S. (RUE);
Arvizu, Alexander A. (ASIA); Armstrong, Fulton T. (INTERAM);
Hurley,
C. Michael (EUR); Flanagan, Stephen J. (CEE); Camp, Donald A.
(NESA)
Cc: @AFRICA
- African Affairs; @ASIA - Asian Affairs; @CEE - Central/Eastern

Europe; @KOSOVO; @LEGAL - Legal Advisor; @LEGISLAT -
Legislative
Affairs; @MULTILAT - Multilateral and Humanitarian Affairs;
@NESASIA
- NE/South Asia; @RUSSIA - Russia/Ukraine
Subject: Quick Clearance
Please: FY 2000 Refugee Proposal [UNCLASSIFIED]

Clearance needed
by noon on Friday.

Colleagues --

Further to the draft memorandum
I circulated a couple of weeks ago, attached is the Presidential
Memorandum and package that will initiate the consultations process
on our FY 2000 refugee proposal. I urge the Africa, Kosovo and
NESA
offices to take a particularly close look at the POTUS memo as there
are important statements regarding each of your areas there.

Please
clear by tomorrow at noon, as we need to have this ready for the
President to sign upon his return from Sarajevo. Apologies for short
suspense. Thanks.

TRANSLATED_ATTACHMENT 5197 BERGER memo Refugee Admissions.doc

July 30, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Refugee Admissions Proposal for FY 2000

Attached is a memorandum to the President covering a memorandum
to the Secretary
of State authorizing her to consult with the Congress on your FY 2000
refugee
admissions proposal.

This package has been delayed by State's failure to clear the proposal with OMB before sending to us (which it was supposed to do) and a subsequent need to make changes to the package.

The Presidential Memorandum must be signed by Tuesday, August 3 at the latest as Assistant Secretary Julia Taft is scheduled to testify about this proposal before a Senate subcommittee on Wednesday, August 4.

Concurrence by: Caroline Krass, Dan Shapiro, Erica Barks-Ruggles, Andrew Weiss, Alex Arvizu, Fulton Armstrong, Mike Hurley, Steve Flanagan

RECOMMENDATION

That you sign the attached memorandum.

Attachments

Tab I Memorandum to the President

Tab A Memorandum to the Secretary of State

Tab B Materials Provided by the Department of State

1

5197

TRANSLATED_ATTACHMENT 5197 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Proposed Refugee Admissions for FY 1999

Purpose

To obtain your approval to consult with Congress on proposed refugee admissions for FY 2000.

Background

Legal Requirement: Section 207 of the Immigration and Nationality Act ("the Act") requires you to determine, before the beginning of each fiscal year, and after appropriate consultation with Congress, the number and regional allocation of refugees who will be authorized to be admitted and resettled in the United States.

Criteria: We have traditionally based our annual allocations on criteria that include historical and familial associations between the affected population and the United States, foreign policy and national security concerns, congressional views, and the threats faced by the affected population. In recent years, we have increased our collaboration with the Office of the United Nations High Commissioner for Refugees (UNHCR) in identifying those persons in greatest need of resettlement.

Proposal: In consultation with NSC staff, the Departments of State, Justice, and Health and Human Services have agreed to propose a refugee admissions ceiling of 100,000 for FY 2000. This represents a 20,000 increase from the 80,000 admissions assumed in the Administration's budget request for FY 2000 and a 22,000 increase in the refugee ceiling from FY 1999. The State Department recommends the 20,000 increase to accommodate the many persons who may require resettlement in the wake of the Kosovo conflict (particularly ethnic Serbs now in Serbia) and intends to fund this increase with additional refugee monies provided by the Kosovo Supplemental Appropriations bill. [Scott: In light of Jim Steinberg's questions on the last package, does this number make sense?]

Regional Breakdown of FY 2000 Numbers: The proposed refugee admissions during FY 2000 would be allocated by region as follows: 14,000 for Africa; 8,000 for East Asia (including Amerasians); 3,000 for Latin America and the Caribbean; 8,000 for the Near East and South Asia; 57,000 for Europe (20,000 for countries in the former Soviet Union and 37,000 for persons from the Former Yugoslavia, including 20,000 for refugees related to the Kosovo conflict); and 10,000 for the unallocated reserve.

There are three notable developments in this year's proposal. First, there is an increase from 48,000 to 57,000 in admissions from Europe. This increase is entirely aimed at capturing the additional refugees of all ethnic backgrounds generated or rendered less secure by the conflict in Kosovo. Many are ethnic Serbs in Serbia (e.g., the so-called Krajina Serbs who were originally displaced from Croatia), although there are some ethnic Albanians as well who may not be able to return to Kosovo. Second, we would like to double admissions from the Near East and South Asia, from 4,000 to 8,000. This increase is aimed at providing greater resettlement opportunities to Afghan women-at-risk as well as to Iraqi and Iranian refugees throughout the region. Third, our ceiling for African refugees will increase from 12,000 to 14,000. This is consistent with our efforts to enhance our resettlement program in Africa. [Add a sentence explaining the large increase in the unallocated reserve.]

State has consulted with a broad array of non-governmental organizations, representatives of state and local governments and, on an informal basis, Members of Congress in advance of developing this proposal. While we do not expect significant opposition, we do expect that some members of the Congressional Black Caucus and African-American community may raise questions about the disparity

between the ceiling for Europe (57,000) compared with that for Africa (14,000).

We do not believe we can justify increasing the African ceiling based on current needs but are prepared to move some of the 10,000 numbers from the unallocated reserve to Africa if deemed necessary.

Add a sentence explaining that the President also would be authorizing consultations on (1) an additional 10,000 for the adjustment to permanent resident status of those who have been granted asylum and (2) the designation of Cuba, Vietnam and the former Soviet Union as in country.

Recommendation

That you sign the attached memorandum to the Secretary of State authorizing congressional consultations on the FY 2000 Refugee Admissions Program.

Attachments

Tab A Memorandum to the Secretary of State

Tab B Material Provided by the Department of State

2

3

5197

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 5197SecStateMemo.doc

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: FY 2000 Refugee Admissions Consultations

In accordance with Section 207 of the Immigration and Nationality

Act (INA), you
are authorized to consult with the appropriate committees of the
Congress
concerning refugee admissions as follows:

1. The authorization of 100,000 refugee admissions during FY 2000,
which would
be allocated by specific region as follows: 14,000 for Africa; 8,000 for
East
Asia (including Amerasians); 3,000 for Latin America and the
Caribbean; 8,000 for
the Near East and South Asia; 57,000 for Europe (including 17,000
for the former
Yugoslavia, 20,000 for refugees related to the crisis in Kosovo and
20,000 for
the Newly Independent and Baltic states); and 10,000 for the
Unallocated Reserve.
The recommended level of funded admissions is equal to the level
assumed in the
FY 2000 budget request (80,000) and the Kosovo supplemental (up to
20,000).

2. The authorization of an additional 10,000 refugee admission
numbers to be
made available for the adjustment to permanent resident status of
persons who
have been granted asylum in the United States.

3. The designation, pursuant to section 101(a) (42) (B) of the INA, of
persons
in Cuba, Vietnam, and the former Soviet Union, who, if they
otherwise qualify for
admission as refugees, may be considered refugees under the INA
even though they
are still within their country of nationality or habitual residence.

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

Exchange Mail

DATE-TIME 7/30/99 8:26:26 PM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT FY 2000 refugee proposal [UNCLASSIFIED]
TO Schwartz, Eric P. (MULTI)

CARBON_COPY
TEXT_BODY

TRANSLATED_ATTACHMENT

5197 BERGER memo Refugee Admissions__.doc

July 31, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Refugee Admissions Proposal for FY 2000

Attached is a memorandum to the President covering a memorandum to the Secretary of State authorizing her to consult with the Congress on your FY 2000 refugee admissions proposal.

We wish to call your attention to two significant issues in this year's proposal.

First, the proposal is 20,000 higher (100,000) than the number assumed in our FY

2000 budget request (80,000). In essence, State has added 20,000 to the ceiling

for the Former Yugoslavia because of additional resettlement needs created by the

conflict in Kosovo and because additional refugee monies were made available

through the Kosovo supplemental that could be used for this purpose.
We concur
with this modification, as does OMB.

However, the addition of these 20,000 admissions increases the
Europe ceiling to
57,000 (37,000 for the former Yugoslavia and 20,000 for the Newly
Independent
States and the Baltics). This makes very stark the disparity between
the ceiling
for Europe and those for other regions of the world. In the case of
Africa in
particular and consistent with recent comments by the U.N. High
Commissioner for
Refugees and others, we expect this disparity will provoke sharp
criticism from
members of the Congressional Black Caucus and some African policy
and refugee
advocacy groups. State's proposed strategy for dealing with this
criticism is to
make it clear to the Hill that we are prepared to modify our regional
ceilings
based on Congressional consultations and that there is ample room in
the
unallocated reserve, which is now set at the unusually high number of
10,000, to
do so. We believe the wiser course would be to add up to 6,000 slots
to the
Africa ceiling now. Although we recognize that nothing short of a
radical
adjustment between Europe and Africa will mollify these critics, we
think the
wiser course is to acknowledge the problem up front and do what we
can to expand
the Africa numbers now, while leaving some unallocated numbers for
emergencies.

The Presidential Memorandum must be signed by Tuesday, August 3
at the latest
(and preferably sooner) as Assistant Secretary Julia Taft is scheduled
to testify
about this proposal before a Senate subcommittee on Wednesday,
August 4.

This package has been delayed by State's failure to clear the proposal
with OMB
before sending to us (which it was supposed to do) and a subsequent
need to make
changes to the package.

Concurrence by: Caroline Krass, Dan Shapiro, Erica Barks-Ruggles,
Andrew Weiss,
Ravic Huso, Fulton Armstrong, Mike Hurley, Tony Blinken

RECOMMENDATION

That you sign the attached memorandum.

Attachments

Tab I Memorandum to the President

Tab A Memorandum to the Secretary of State

Tab B Materials Provided by the Department of State

2

5197

TRANSLATED_ATTACHMENT 5197SecStateMemo.doc

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: FY 2000 Refugee Admissions Consultations

In accordance with Section 207 of the Immigration and Nationality Act (INA), you are authorized to consult with the appropriate committees of the Congress concerning refugee admissions as follows:

1. The authorization of 100,000 refugee admissions during FY 2000, which would be allocated by specific region as follows: 14,000 for Africa; 8,000 for East Asia (including Amerasians); 3,000 for Latin America and the Caribbean; 8,000 for the Near East and South Asia; 57,000 for Europe (including 37,000 for the former Yugoslavia and 20,000 for the Newly Independent and Baltic states); and 10,000 for the Unallocated Reserve. The recommended level of funded admissions is equal

to the level assumed in the FY 2000 budget request (80,000) and the Kosovo supplemental (up to 20,000).

2. The authorization of an additional 10,000 refugee admission numbers to be made available for the adjustment to permanent resident status of persons who have been granted asylum in the United States.

3. The designation, pursuant to section 101(a) (42) (B) of the INA, of persons in Cuba, Vietnam, and the former Soviet Union, who, if they otherwise qualify for admission as refugees, may be considered refugees under the INA even though they are still within their country of nationality or habitual residence.

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

TRANSLATED_ATTACHMENT 5197 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Proposed Refugee Admissions for FY 1999

Purpose

To obtain your approval to consult with Congress on proposed refugee admissions for FY 2000.

Background

Legal Requirement: Section 207 of the Immigration and Nationality Act ("the Act") requires you to determine, before the beginning of each fiscal year, and after appropriate consultation with Congress, the number and regional allocation of refugees who will be authorized to be admitted and resettled in the United States. The attached Memorandum to the Secretary of State authorizes her to initiate the consultation process.

Proposal: In consultation with NSC staff, the Departments of State, Justice, and Health and Human Services have agreed to propose a refugee admissions ceiling of 100,000 for FY 2000. This represents a 20,000 increase from the 80,000 admissions assumed in the Administration's budget request for FY 2000 and a 22,000 increase in the refugee ceiling from FY 1999. The State Department recommends the 20,000 increase to accommodate the many persons who may require resettlement in the wake of the Kosovo conflict (particularly ethnic Serbs now in Serbia) and intends to fund this increase with additional refugee monies provided by the Kosovo Supplemental Appropriations bill.

Consistent with the Act and past practice, the proposal also includes authorization of 10,000 refugee slots for the adjustment to permanent resident status of persons who have been granted asylum in the United States and the designation of persons in Cuba, Vietnam, and the former Soviet Union as refugees under the Act even though they are still within their country of nationality.

Regional Breakdown of FY 2000 Numbers: The proposed refugee admissions during FY 2000 would be allocated by region as follows: 14,000 for Africa;

8,000 for East Asia (including Amerasians); 3,000 for Latin America and the Caribbean; 8,000 for the Near East and South Asia; 57,000 for Europe (20,000 for countries in the former Soviet Union and 37,000 for persons from the Former Yugoslavia, including 20,000 for refugees related to the Kosovo conflict); and 10,000 for the unallocated reserve.

Notable Developments: There are four notable developments in this year's proposal. First, there is an increase from 48,000 to 57,000 in admissions from Europe. This increase is entirely aimed at capturing the additional refugees of all ethnic backgrounds generated or rendered less secure by the conflict in Kosovo. Many are ethnic Serbs in Serbia (e.g., the so-called Krajina Serbs who were originally displaced from Croatia), although there are some ethnic Albanians as well who may not be able to return to Kosovo. Second, we would like to double admissions from the Near East and South Asia, from 4,000 to 8,000. This increase is aimed at providing greater resettlement opportunities to Afghan women-at-risk as well as to Iraqi and Iranian refugees throughout the region. Third, our ceiling for African refugees will increase from 12,000 to 14,000. This is consistent with our efforts to enhance our resettlement program in Africa. Finally, the proposal increases the unallocated reserve from 2,000 to 10,000, which we will give us flexibility in the consultations process to add to certain regional ceilings if we think appropriate.

Consultations to Date: State has consulted with a broad array of non-governmental organizations, representatives of state and local governments and, on an informal basis, Members of Congress in advance of developing this proposal. While we do not anticipate significant opposition, we expect that some members of the Congressional Black Caucus and African-American community may

raise questions about the disparity between the ceiling for Europe (57,000) compared with that for Africa (14,000). Although we do not believe we can justify proposing a ceiling for Africa higher than 14,000 given current needs, we are prepared to add numbers to this ceiling from the unallocated reserve if we think it appropriate after our consultations with the Hill.

Recommendation

That you sign the attached memorandum to the Secretary of State authorizing congressional consultations on the FY 2000 Refugee Admissions Program.

Attachments

Tab A Memorandum to the Secretary of State

Tab B Material Provided by the Department of State

2

2

5197

cc: Vice President
Chief of Staff

Exchange Mail

DATE-TIME 7/31/99 10:48:28 AM
FROM Schwartz, Eric P. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Refugee Proposal [UNCLASSIFIED]
TO Busby, Scott W. (MULTI)

CARBON_COPY

TEXT_BODY

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

From: Busby, Scott W. (MULTI)
Sent: Saturday,
July 31, 1999 10:02 AM
To: Schwartz, Eric P. (MULTI)
Subject: Refugee
Proposal [UNCLASSIFIED]

TRANSLATED_ATTACHMENT

5197 BERGER memo Refugee Admissions.doc

July 31, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Refugee Admissions Proposal for FY 2000

Attached is a memorandum to the President covering a memorandum to the Secretary of State authorizing her to consult with the Congress on your FY 2000 refugee admissions proposal.

We wish to call your attention to two significant issues in this year's proposal.

Numbers: First, the proposal is 20,000 higher (100,000) than the number assumed in our FY 2000 budget request (80,000). In essence, State has added 20,000 to the ceiling for the Former Yugoslavia because of additional resettlement needs created by the conflict in Kosovo and because additional refugee monies were made available through the Kosovo supplemental that could be used for this purpose.

We concur with this modification, which is discussed in greater detail in the attached memorandum to the President. OMB also concurs.

Africa: The second issue flows from the first. The addition of the 20,000 increases the Europe ceiling to 57,000 (37,000 for the former Yugoslavia and 20,000 for the Newly Independent States and the Baltics) and makes even greater the disparity between the ceiling for Europe and those for other regions of the world. In the case of Africa, in particular, we expect that disparity is likely to provoke criticism from members of the Congressional Black Caucus and some African policy and refugee advocacy groups. However, to our credit, we have substantially increased our African ceiling in the past two years, from 7,000 to 18,000, and significantly enhanced our Africa program.

Why not more than 18,000 for Africa? We've pushed State as hard as possible on this issue -- their initial proposal for next year was 14,000. But given the widely dispersed and diverse character of the refugee population in Africa, we do not now have the capacity to resettle more than 18,000, even with the substantial capacity enhancements we have instituted over the past several years. Indeed, State advises that it will be a major challenge to identify and process 18,000 Africans for resettlement next year. Thus, we think the proposed 18,000 ceiling

for Africa is very defensible -- again, it represents an increase of more than 100% over the past two years.

Timing: It is our goal to have the Presidential Memorandum signed by or before Tuesday, August 3, as Assistant Secretary Julia Taft is scheduled to testify about this proposal before a Senate subcommittee on Wednesday, August 4.

This package was delayed by State's failure to clear the proposal with OMB before sending it to us and a subsequent need to make Kosovo and Africa-related modifications of the package.

Concurrence by: Caroline Krass, Dan Shapiro, Erica Barks-Ruggles, Andrew Weiss, Ravic Huso, Fulton Armstrong, Mike Hurley, Tony Blinken

RECOMMENDATION

That you sign the attached memorandum.

Attachments

Tab I Memorandum to the President

Tab A Memorandum to the Secretary of State

Tab B Materials Provided by the Department of State

2

5197

TRANSLATED_ATTACHMENT 5197 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Proposed Refugee Admissions for FY 1999

Purpose

To obtain your approval to consult with Congress on proposed refugee admissions for FY 2000.

Background

Legal Requirement: Section 207 of the Immigration and Nationality Act requires you to determine, before the beginning of each fiscal year, the number and allocation of refugees who will be admitted and resettled in the United States.

The attached Memorandum to the Secretary of State authorizes her to initiate the prescribed congressional consultation process.

Proposal: In consultation with NSC staff, agencies have agreed to propose a refugee admissions ceiling of 100,000 for FY 2000. This represents a 20,000 increase from the 80,000 admissions assumed in the Administration's budget request for FY 2000 and a 22,000 increase in the refugee ceiling from FY 1999.

This increase was made possible through additional refugee resettlement monies provided by the Kosovo supplemental, and (as explained below) will be used to accommodate persons who have been permanently displaced as a result of the Kosovo conflict.

Consistent with past practice, the proposal also would authorize 10,000 refugee slots for the adjustment to permanent resident status of persons who have been granted asylum in the United States, and would designate successful applicants from Cuba, Vietnam, and the former Soviet Union as refugees even though they are still within their country of nationality.

Regional Breakdown: The proposed refugee admissions during FY 2000 would be allocated by region as follows: 18,000 for Africa; 8,000 for East Asia

(including Amerasians); 3,000 for Latin America and the Caribbean; 8,000 for the Near East and South Asia; 57,000 for Europe (20,000 for countries in the former Soviet Union and 37,000 for persons from throughout the former Yugoslavia); and 6,000 for the unallocated reserve.

Three Notable Developments: First, there is an increase from 48,000 to 57,000 in admissions from Europe, aimed at capturing the additional refugees generated or rendered less secure by the conflict in Kosovo. Many are Krajina Serbs who were displaced from Croatia; others are Roma and severely traumatized ethnic Albanians who may not be able to return to Kosovo. Second, we propose doubling admissions from the Near East and South Asia, from 4,000 to 8,000, to provide greater opportunities to Afghan women-at-risk as well as to Iraqi and Iranian refugees. Third, our Africa ceiling will increase from 12,000 to 18,000, in support of our long-term goal of expanding this program.

Likely Reactions: State has already consulted informally with NGOs, state and local governments, and Members of Congress. While we do not anticipate significant opposition, we expect that some Members of the Congressional Black Caucus and African-American community may raise some questions about the disparity between the ceilings for Europe (57,000) and Africa (18,000). However, we believe this aspect of the proposal is defensible, as we have increased our ceiling for Africa from 7000 to 18,000 over two years, and have made substantial progress in increasing our capacity to resettle Africans. Given the diverse and dispersed character of the African refugee population, this has been a significant undertaking, and we do now have the capacity to go beyond 18,000.

Recommendation

That you sign the attached memorandum to the Secretary of State.

Attachments

Tab A Memorandum to the Secretary of State

Tab B Material Provided by the Department of State

2

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5197

cc: Vice President

Chief of Staff

TRANSLATED_ATTACHMENT 5197SecStateMemo.doc

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: FY 2000 Refugee Admissions Consultations

In accordance with Section 207 of the Immigration and Nationality Act (INA), you are authorized to consult with the appropriate committees of the Congress concerning refugee admissions as follows:

1. The authorization of 100,000 refugee admissions during FY 2000, which would be allocated by specific region as follows: 18,000 for Africa; 8,000 for East Asia (including Amerasians); 3,000 for Latin America and the Caribbean; 8,000 for the Near East and South Asia; 57,000 for Europe (including 37,000 for the former Yugoslavia and 20,000 for the Newly Independent and Baltic states); and 6,000 for the Unallocated Reserve. The recommended level of funded admissions is equal to the level assumed in the FY 2000 budget request (80,000) and the Kosovo Supplemental Appropriations bill (20,000).
2. The authorization of an additional 10,000 refugee admission numbers to be

made available for the adjustment to permanent resident status of persons who have been granted asylum in the United States.

3. The designation, pursuant to section 101(a) (42) (B) of the INA, of persons in Cuba, Vietnam, and the former Soviet Union, who, if they otherwise qualify for admission as refugees, may be considered refugees under the INA even though they are still within their country of nationality or habitual residence.

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

Exchange Mail

DATE-TIME 8/2/99 2:29:16 PM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Refugee Admissions RE-DO [UNCLASSIFIED]
TO Schwartz, Eric P. (MULTI)

CARBON_COPY

TEXT_BODY

TRANSLATED_ATTACHMENT

5197 BERGER memo Refugee Admissions.doc

August 2, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Refugee Admissions Proposal for FY 2000

Attached is a memorandum to the President covering a memorandum to the Secretary of State authorizing her to consult with the Congress on your FY 2000 refugee admissions proposal. We want to call your attention to two significant issues in this year's proposal.

Numbers: First, the proposal is 10,000 higher (90,000) than the number assumed in our FY 2000 budget request (80,000). State added 10,000 to the ceiling for the Former Yugoslavia because of additional resettlement needs related to the conflict in Kosovo, which will be funded with monies made available through the

Kosovo supplemental. In response to Jim's request, this caseload would include approximately 5,000 Krajina Serbs who were originally displaced from the Krajina region in Croatia and many of whom were again displaced by the Kosovo conflict or its aftermath, 2500 ethnic Serbs and Roma, and 2500 "vulnerable" individuals (e.g., severely traumatized ethnic Albanians, unaccompanied minors, elderly) still in Macedonia and Albania who UNHCR will refer to us.

We note that this number of residual resettlement cases, even in the wake of the successful resolution of the Kosovo conflict, is not at all unusual. In the case of Bosnia, for instance, UNHCR estimates that there are 370,000 refugees without durable solutions (i.e., who cannot return to Bosnia nor have they obtained asylum in another country). In the case of Rwanda, there continue to be 70,000 refugees outside the country.

In response to Sandy's question about how to establish for the Hill that most people are returning, we believe that we can do this during the consultation process by highlighting the significant proportion of returns, both from first asylum countries like Macedonia and Albania and from resettlement countries like German and the United States. We can also describe for the Hill the make-up of the residual caseload and why we cannot reasonably expect these people to return.

Africa: The addition of the 10,000 refugees relating to the Kosovo crisis increases the Europe ceiling to 47,000 (27,000 for the former Yugoslavia and 20,000 for the Newly Independent States and the Baltics) and makes even greater the disparity between the ceiling for Europe and those for other regions of the world. In the case of Africa, in particular, we expect that disparity is likely to provoke criticism from members of the Congressional Black Caucus and some

African policy and refugee advocacy groups. However, to our credit, we have substantially increased our African ceiling in the past two years, from 7,000 to 18,000, and significantly enhanced our Africa program.

Why not more than 18,000 for Africa? We've pushed State as hard as possible on this issue -- their initial proposal for Africa for next year was 14,000. But given the widely dispersed and diverse character of the refugee population in Africa, we do not now have the capacity to resettle more than 18,000, even with the substantial capacity enhancements we have instituted over the past several years. Indeed, State advises that it will be a major challenge to identify and process 18,000 Africans for resettlement next year. Thus, we think the proposed 18,000 ceiling for Africa is very defensible -- again, it represents an increase of more than 100% over the past two years.

Timing: It is our goal to have the Presidential Memorandum signed by or before Tuesday, August 3, as Assistant Secretary Julia Taft is scheduled to testify about this proposal before a Senate subcommittee on Wednesday, August 4.

This package was delayed by State's failure to clear the proposal with OMB before sending it to us and a subsequent need to make Kosovo and Africa-related modifications of the package.

Concurrence by: Caroline Krass, Dan Shapiro, Erica Barks-Ruggles, Andrew Weiss, Ravic Huso, Fulton Armstrong, Mike Hurley, Tony Blinken

RECOMMENDATION

That you sign the attached memorandum.

Attachments

Tab I Memorandum to the President

Tab A Memorandum to the Secretary of State

Tab B Materials Provided by the Department of State

5197-REDO

TRANSLATED_ATTACHMENT 5197 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Proposed Refugee Admissions for FY 1999

Purpose

To obtain your approval to consult with Congress on proposed refugee admissions for FY 2000.

Background

Legal Requirement: Section 207 of the Immigration and Nationality Act requires you to determine, before the beginning of each fiscal year, the number and allocation of refugees who will be admitted and resettled in the United States.

The attached Memorandum to the Secretary of State authorizes her to initiate the prescribed congressional consultation process.

Proposal: In consultation with NSC staff, agencies have agreed to propose a refugee admissions ceiling of 90,000 for FY 2000. This represents a 10,000 increase from the 80,000 admissions assumed in the Administration's budget request for FY 2000 and a 12,000 increase in the refugee ceiling from

FY 1999.

This increase was made possible through additional monies from the Kosovo supplemental, and (as explained below) will be used to accommodate an estimated 10,000 persons who have been permanently displaced as a result of the Kosovo conflict.

Consistent with past practice, the proposal also would authorize 10,000 refugee slots for the adjustment to permanent resident status of persons who have been granted asylum in the United States, and would designate successful applicants from Cuba, Vietnam, and the former Soviet Union as refugees even though they are still within their country of nationality.

Regional Breakdown: The proposed refugee admissions during FY 2000 would be allocated by region as follows: 18,000 for Africa; 8,000 for East Asia (including Amerasians); 3,000 for Latin America and the Caribbean; 8,000 for the Near East and South Asia; 47,000 for Europe (20,000 for countries in the former Soviet Union and 27,000 for persons from throughout the former Yugoslavia); and 6,000 for the unallocated reserve.

Three Notable Developments: First, as described above, we have dedicated a special 10,000 slots to persons permanently displaced or rendered less secure by the conflict in Kosovo. Many are Krajina Serbs who were originally displaced from Croatia and many of whom were subsequently displaced from Kosovo; others are Roma and severely traumatized ethnic Albanians. We note that such a substantial resettlement effort, even in the wake of the successful resolution of the situation in Kosovo, is not at all unusual. Second, we propose doubling admissions from the Near East and South Asia, from 4,000 to 8,000, to provide greater opportunities to Afghan women-at-risk as well as to Iraqi and Iranian refugees. Third, our Africa ceiling will increase from 12,000 to 18,000, in

support of our long-term goal of expanding this program.

Likely Reactions: State has already consulted informally with NGOs, state and local governments, and Members of Congress. While we do not anticipate significant opposition, we expect that some Members of the Congressional Black Caucus and African-American community may raise some questions about the disparity between the ceilings for Europe (47,000) and Africa (18,000). However, we believe this aspect of the proposal is defensible, as we have increased our ceiling for Africa from 7000 to 18,000 over two years, and have made substantial progress in increasing our capacity to resettle Africans. Given the diverse and dispersed character of the African refugee population, this has been a significant undertaking, and we do now have the capacity to go beyond 18,000.

Recommendation

That you sign the attached memorandum to the Secretary of State.

Attachments

Tab A Memorandum to the Secretary of State

Tab B Material Provided by the Department of State

2

2

5197

cc: Vice President

Chief of Staff

TRANSLATED_ATTACHMENT 5197SecStateMemo.doc

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: FY 2000 Refugee Admissions Consultations

In accordance with Section 207 of the Immigration and Nationality Act (INA), you are authorized to consult with the appropriate committees of the Congress concerning refugee admissions as follows:

1. The authorization of 90,000 refugee admissions during FY 2000, which would be allocated by specific region as follows: 18,000 for Africa; 8,000 for East Asia (including Amerasians); 3,000 for Latin America and the Caribbean; 8,000 for the Near East and South Asia; 47,000 for Europe (including 27,000 for the former Yugoslavia and 20,000 for the Newly Independent and Baltic states); and 6,000 for the Unallocated Reserve. The recommended level of funded admissions is equal to the level assumed in the FY 2000 budget request (80,000) plus those covered by the Kosovo supplemental (10,000).

2. The authorization of an additional 10,000 refugee admission numbers to be made available for the adjustment to permanent resident status of persons who have been granted asylum in the United States.

3. The designation, pursuant to section 101(a) (42) (B) of the INA, of persons in Cuba, Vietnam, and the former Soviet Union, who, if they otherwise qualify for admission as refugees, may be considered refugees under the INA even though they are still within their country of nationality or habitual residence.

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

5197

Exchange Mail

DATE-TIME 8/2/99 3:12:22 PM
FROM Schwartz, Eric P. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Refugee Admissions RE-DO [UNCLASSIFIED]
TO Busby, Scott W. (MULTI)

CARBON_COPY

TEXT_BODY see changes

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

From: Busby, Scott W.

(MULTI)

Sent: Monday, August 02, 1999 2:29 PM

To: Schwartz, Eric

P. (MULTI)

Subject: Refugee Admissions RE-DO [UNCLASSIFIED]

TRANSLATED_ATTACHMENT

5197 BERGER memo Refugee Admissions.doc

August 2, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Refugee Admissions Proposal for FY 2000

Attached is a revised memorandum to the President covering a memorandum to the Secretary of State authorizing her to consult with the Congress on the FY 2000 refugee admissions proposal.

Concern Raised by Jim: Jim questioned one element of the proposal: the inclusion of a 20,000 sub-ceiling for resettlement needs related to the conflict in Kosovo.

Rationale for addition: In the supplemental, Congress provided us with monies specifically to permit resettlement of an additional 20,000 Kosovars beyond the initial 20,000 we had agreed to resettle. After the conflict ended, we were confronted with the question of how to use (or not to use) these monies. State's lawyers believe these additional monies must be used to assist Kosovars, and State/PRM (with State/EUR concurrence) believed that retaining a 20,000 sub-ceiling for resettlement needs related to Kosovo was justified.

Resettlement needs after the end of conflict: While somewhat counterintuitive, this conclusion accords, in general terms, with our historical experience relating to post-ethnic conflict situations. For example, there remain 370,000 Bosnian refugees in need of resettlement outside their country of origin. In the case of Rwanda, there continue to be 70,000 refugees outside the country. In a post-conflict environment, there are a variety of population groups who are made worse off and cannot return. In the case of Kosovo, these would include Roma, Krajina Serbs, other ethnic Serbs, and especially vulnerable individuals (e.g., severely traumatized ethnic Albanians, unaccompanied minors, elderly) still in Macedonia and Albania.

Scrubbing the numbers: Nonetheless, we went back to PRM and asked them to carefully scrub the numbers, with a view toward ensuring that the 20,000 was not inflated. After the scrub, they came up with a tentative caseload of 10,000 -- including about 5,000 Krajina Serbs who were originally displaced from the Krajina region in Croatia (many of this group were displaced a second

time by the
Kosovo conflict or its aftermath), 2500 ethnic Serbs and Roma, and
2500
vulnerable individuals.

90,000: Hence, the revised proposal is for 90,000, rather than 100,000.
From
the supplemental, we will still retain funding for an additional 10,000
slots
(beyond 90,000), and the President can institute emergency
consultations with the
Hill if we conclude those numbers must be used. Otherwise, the
lawyers say the
monies can probably be used for refugee assistance in the region.

Sandy's query: In response to Sandy's question about how we can
establish for
the Hill that most people are returning, we believe that we can do this
during
the consultation process by highlighting the significant proportion of
returns,
both from first asylum countries like Macedonia and Albania and
from resettlement
countries like Germany and the United States. We can also describe
for the Hill
the make-up of the residual caseload and these people cannot be
expected to
return.

Timing: It remains our goal to have the Presidential Memorandum
signed by or
before Tuesday, August 3, as Assistant Secretary Julia Taft is
scheduled to
testify about this proposal before a Senate subcommittee on
Wednesday, August 4.

Concurrence by: Caroline Krass, Dan Shapiro, Erica Barks-Ruggles,
Andrew Weiss,
Ravic Huso, Fulton Armstrong, Mike Hurley, Tony Blinken

RECOMMENDATION

That you sign the attached memorandum.

Attachments
Tab I Memorandum to the President
Tab A Memorandum to the Secretary of State
Tab B Materials Provided by the Department of State

5197-REDO

TRANSLATED_ATTACHMENT 5197 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Proposed Refugee Admissions for FY 1999

Purpose

To obtain your approval to consult with Congress on proposed refugee admissions for FY 2000.

Background

Legal Requirement: Section 207 of the Immigration and Nationality Act requires you to determine, before the beginning of each fiscal year, the number and allocation of refugees who will be admitted and resettled in the United States.

The attached Memorandum to the Secretary of State authorizes her to initiate the prescribed congressional consultation process.

Proposal: In consultation with NSC staff, agencies have agreed to propose a refugee admissions ceiling of 90,000 for FY 2000. This represents a 10,000 increase from the 80,000 admissions assumed in the Administration's budget request for FY 2000 and a 12,000 increase in the refugee ceiling from FY 1999.

This increase was made possible through additional monies from the Kosovo supplemental, and (as explained below) will be used to accommodate an estimated 10,000 persons who have been permanently displaced as a result of the Kosovo conflict.

Consistent with past practice, the proposal also would authorize 10,000 refugee slots for the adjustment to permanent resident status of persons who have been granted asylum in the United States, and would designate successful applicants from Cuba, Vietnam, and the former Soviet Union as refugees even though they are still within their country of nationality.

Regional Breakdown: The proposed refugee admissions during FY 2000 would be allocated by region as follows: 18,000 for Africa; 8,000 for East Asia (including Amerasians); 3,000 for Latin America and the Caribbean; 8,000 for the Near East and South Asia; 47,000 for Europe (20,000 for countries in the former Soviet Union and 27,000 for persons from throughout the former Yugoslavia); and 6,000 for the unallocated reserve.

Three Notable Developments: First, as described above, we have allocated 10,000 slots to persons permanently displaced or rendered less secure by the conflict in Kosovo. These additional slots were funded by the Kosovo supplemental and were initially anticipated for our evacuation program from Macedonia. However, we believe this alternative is appropriate, as the end of the conflict has left

residual populations of refugees who cannot return. Many are Krajina Serbs who were originally displaced from Croatia (and some of these were subsequently displaced from Kosovo); others are Roma; and still others are severely

traumatized ethnic Albanians. Second, we propose doubling admissions from the Near East and South Asia, from 4,000 to 8,000, to provide greater opportunities to Afghan women-at-risk as well as to Iraqi and Iranian refugees.

Third, our Africa ceiling will increase from 12,000 to 18,000, in support of our long-term goal of expanding this program.

Likely Reactions: State has already consulted informally with NGOs, state and local governments, and Members of Congress. While we do not anticipate significant opposition, we expect that some Members of the Congressional Black Caucus and African-American community may raise some questions about the disparity between the ceilings for Europe (47,000) and Africa (18,000). However, we believe this aspect of the proposal is defensible, as we have increased our ceiling for Africa from 7000 to 18,000 over two years, and have made substantial progress in increasing our capacity to resettle Africans. Given the diverse and dispersed character of the African refugee population, this has been a significant undertaking, and we do now have the capacity to go beyond 18,000.

Recommendation

That you sign the attached memorandum to the Secretary of State.

Attachments

Tab A Memorandum to the Secretary of State

Tab B Material Provided by the Department of State

2

2

5197

cc: Vice President

Chief of Staff

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: FY 2000 Refugee Admissions Consultations

In accordance with Section 207 of the Immigration and Nationality Act (INA), you are authorized to consult with the appropriate committees of the Congress concerning refugee admissions as follows:

1. The authorization of 90,000 refugee admissions during FY 2000, which would be allocated by specific region as follows: 18,000 for Africa; 8,000 for East Asia (including Amerasians); 3,000 for Latin America and the Caribbean; 8,000 for the Near East and South Asia; 47,000 for Europe (including 27,000 for the former Yugoslavia and 20,000 for the Newly Independent and Baltic states); and 6,000 for the Unallocated Reserve. The recommended level of funded admissions is equal to the level assumed in the FY 2000 budget request (80,000) plus those covered by the Kosovo supplemental (10,000).
2. The authorization of an additional 10,000 refugee admission numbers to be made available for the adjustment to permanent resident status of persons who have been granted asylum in the United States.
3. The designation, pursuant to section 101(a) (42) (B) of the INA, of persons in Cuba, Vietnam, and the former Soviet Union, who, if they otherwise qualify for admission as refugees, may be considered refugees under the INA even though they are still within their country of nationality or habitual residence.

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

5197

Exchange Mail

DATE-TIME 8/2/99 5:12:02 PM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Use these instead: Refugee Admissions RE-DO [UNCLASSIFIED]
TO Hill, Roseanne M. (MULTI)

CARBON_COPY**TEXT_BODY**

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

From: Schwartz, Eric P. (MULTI)

Sent: Monday, August 02, 1999 3:12 PM

To: Busby, Scott W. (MULTI)

Subject: FW:

Refugee Admissions RE-DO [UNCLASSIFIED]

see changes

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

From: Busby, Scott W. (MULTI)

Sent: Monday, August
02, 1999 2:29 PM

To: Schwartz, Eric P. (MULTI)

Subject: Refugee

Admissions RE-DO [UNCLASSIFIED]

TRANSLATED_ATTACHMENT

5197 BERGER memo Refugee Admissions.doc

August 2, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Refugee Admissions Proposal for FY 2000

Attached is a revised memorandum to the President covering a memorandum to the Secretary of State authorizing her to consult with the Congress on the FY 2000 refugee admissions proposal.

Concern Raised by Jim: Jim questioned one element of the proposal: the inclusion of a 20,000 sub-ceiling for resettlement needs related to the conflict in Kosovo.

Rationale for addition: In the supplemental, Congress provided us with monies to permit resettlement of an additional 20,000 Kosovars beyond the initial 20,000 we had agreed to resettle. After the conflict ended, we were confronted with the question of how to use (or not to use) these monies. State's lawyers believe these additional monies must be used to assist Kosovars or persons who were directly affected by the Kosovo conflict, and State/PRM (with State/EUR concurrence) believed that retaining a 20,000 sub-ceiling for resettlement needs related to Kosovo was justified.

Resettlement needs after the end of conflict: While somewhat counterintuitive, this conclusion accords, in general terms, with our historical experience relating to post-ethnic conflict situations. For example, there remain 370,000 Bosnian refugees in need of resettlement or some other durable solution outside their country of origin. In Rwanda, there continue to be 70,000 refugees outside the country. In a post-conflict environment, there are a variety of population groups who cannot be re-integrated into their home counties or who are made worse off. In the case of Kosovo, these would include Roma, Krajina Serbs, other ethnic Serbs, and especially vulnerable individuals (e.g., severely

traumatized
ethnic Albanians, unaccompanied minors, elderly) still in Macedonia
and Albania.

Scrubbing the numbers: Nonetheless, we went back to PRM and
asked them to scrub
carefully the numbers, with a view toward ensuring that the 20,000
was not
inflated. They came back with a estimated caseload of 10,000 --
including about
5,000 Krajina Serbs who were originally displaced from the Krajina
region in
Croatia (many of this group were displaced a second time by the
Kosovo conflict
or its aftermath), 2500 ethnic Serbs and Roma, and 2500 vulnerable
individuals.

90,000: Hence, the revised proposal is for 90,000, rather than 100,000.
From
the supplemental, we will still retain funding for an additional 10,000
slots
(beyond 90,000), and the President can institute emergency
consultations with the
Hill if we conclude those numbers must be used. Otherwise, the
lawyers say the
monies can probably be used for refugee assistance in the region.

Sandy's query: In response to Sandy's question about how we can
establish for
the Hill that most people are returning, we believe that we can do this
during
the consultation process by highlighting the significant proportion of
returns,
both from first asylum countries like Macedonia and Albania and
from resettlement
countries like Germany and the United States. We can also describe
for the Hill
the make-up of the residual caseload and why these people cannot be
expected to
return.

Timing: It remains our goal to have the Presidential Memorandum
signed by the
end of business on Tuesday, August 3, as Assistant Secretary Julia
Taft is
scheduled to testify about this proposal before a Senate subcommittee
on
Wednesday, August 4.

Concurrence by: Caroline Krass, Dan Shapiro, Erica Barks-Ruggles,

Andrew Weiss,
Ravic Huso, Fulton Armstrong, Mike Hurley, Tony Blinken

RECOMMENDATION

That you sign the attached memorandum.

Attachments

Tab I Memorandum to the President

Tab A Memorandum to the Secretary of State

Tab B Materials Provided by the Department of State

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5197-REDO

TRANSLATED_ATTACHMENT 5197 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL BERGER
LARRY STEIN

SUBJECT: Proposed Refugee Admissions for FY 1999

Purpose

To obtain your approval to consult with Congress on proposed refugee admissions for FY 2000.

Background

Legal Requirement: Section 207 of the Immigration and Nationality Act requires you to determine, before the beginning of each fiscal year, the number and allocation of refugees who will be admitted and resettled in the United

States.

The attached Memorandum to the Secretary of State authorizes her to initiate the prescribed congressional consultation process.

Proposal: In consultation with NSC staff, agencies have agreed to propose a refugee admissions ceiling of 90,000 for FY 2000. This represents a 10,000 increase from the 80,000 admissions assumed in the Administration's budget request for FY 2000 and a 12,000 increase in the refugee ceiling from FY 1999.

This increase was made possible through additional monies from the Kosovo supplemental, and (as explained below) will be used to accommodate an estimated 10,000 persons who have been permanently displaced as a result of the Kosovo conflict.

Consistent with past practice, the proposal also would authorize 10,000 refugee slots for the adjustment to permanent resident status of persons who have been granted asylum in the United States, and would designate successful applicants from Cuba, Vietnam, and the former Soviet Union as refugees even though they are still within their country of nationality.

Regional Breakdown: The proposed refugee admissions during FY 2000 would be allocated by region as follows: 18,000 for Africa; 8,000 for East Asia (including Amerasians); 3,000 for Latin America and the Caribbean; 8,000 for the Near East and South Asia; 47,000 for Europe (20,000 for countries in the former Soviet Union and 27,000 for persons from throughout the former Yugoslavia); and 6,000 for the unallocated reserve.

Three Notable Developments: First, as described above, we have allocated 10,000 additional slots to persons permanently displaced or rendered less secure by the conflict in Kosovo. These numbers were funded by the Kosovo supplemental and were initially anticipated for our evacuation program from Macedonia. However,

as the evacuation program will end soon, we would instead like to use these resources to resettle residual groups of refugees who cannot return. Many are Krajina Serbs who were originally displaced from Croatia (and some of these were subsequently displaced from Kosovo); others are Roma; and still others are severely traumatized ethnic Albanians. Second, we propose doubling admissions from the Near East and South Asia, from 4,000 to 8,000, to provide greater opportunities to Afghan women-at-risk as well as to Iraqi and Iranian refugees. Third, our Africa ceiling will increase from 12,000 to 18,000, in support of our long-term goal of expanding this program.

Likely Reactions: State has already consulted informally with NGOs, state and local governments, and Members of Congress. While we do not anticipate significant opposition, we expect that some Members of the Congressional Black Caucus and African-American community may raise some questions about the disparity between the ceilings for Europe (47,000) and Africa (18,000). However, we believe this aspect of the proposal is defensible, as we have increased our ceiling for Africa from 7000 to 18,000 over two years, and have made substantial progress in increasing our capacity to resettle Africans. Given the diverse and dispersed character of the African refugee population, this has been a significant undertaking, and we do now have the capacity to go beyond 18,000.

Recommendation

That you sign the attached memorandum to the Secretary of State.

Attachments

Tab A Memorandum to the Secretary of State

Tab B Material Provided by the Department of State

2

5197-REDO

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 5197SecStateMemo.doc

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: FY 2000 Refugee Admissions Consultations

In accordance with Section 207 of the Immigration and Nationality Act (INA), you are authorized to consult with the appropriate committees of the Congress concerning refugee admissions as follows:

1. The authorization of 90,000 refugee admissions during FY 2000, which would be allocated by specific region as follows: 18,000 for Africa; 8,000 for East Asia (including Amerasians); 3,000 for Latin America and the Caribbean; 8,000 for the Near East and South Asia; 47,000 for Europe (including 27,000 for the former Yugoslavia and 20,000 for the Newly Independent and Baltic states); and 6,000 for the Unallocated Reserve. The recommended level of funded admissions is equal to the level assumed in the FY 2000 budget request (80,000) plus those covered by the Kosovo supplemental (10,000).
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admission as refugees, may be considered refugees under the INA even though they are still within their country of nationality or habitual residence.

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

5197-REDO