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NSC/RMO PROFILE

RECORD ID: 9408195
RECEIVED: 07 OCT 94 08

TO: LAKE

FROM: BRILL, K

DOC DATE: 06 OCT 94
SOURCE REF: 9422899

KEYWORDS: CUBA

IMMIGRATION

PERSONS:

SUBJECT: ISSUE OF CUBAN MIGRATION

ACTION: NFAR PER SCHWARTZ

DUE DATE: 11 OCT 94 STATUS: C

STAFF OFFICER: SCHWARTZ

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

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FOR INFO

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E.O. 13526
White House Guidelines, September 11, 2006
By MI NARA, Date 7/11/16
2016 039-F

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ACTION DATA SUMMARY REPORT

RECORD ID: 9408195

DOC ACTION OFFICER

001 SCHWARTZ
001

CAO ASSIGNED ACTION REQUIRED

Z 94100708 PREPARE MEMO FOR LAKE
X 94120208 NFAR PER SCHWARTZ

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D O C U M E N T D I S T R I B U T I O N

FOR ACTION
SCHWARTZ

FOR CONCURRENCE

FOR INFO

COMMENTS:

Return to Records Management

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E.O. 13526
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By *NI* NARA, Date *4/11/16*
2015 1039-F



United States Department of State

Washington, D.C. 20520

9422899

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DECL: OADR

October 6, 1994

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MEMORANDUM FOR ANTHONY LAKE
THE WHITE HOUSE

Subject: October 5 Memo from Eric Schwartz to Dennis Hays
and Chuck Brayshaw of State/ARA and Brunson
McKinley and Terry Rusch of State/PRM on the
Issue of Cuban Migration

Please find attached the Department of State's
comments on the memo from Eric Schwartz.


Kenneth C. Brill
Executive Secretary

Attachments:

- Tab 1 - Department of Statement Comments
- Tab 2 - Original Memo from Eric Schwartz

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Department of State Guidelines,
September 11, 2006

By M' NARA, Date 4/11/16

2015-1031-F

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The following responses to the referenced memo are keyed to the headings within that memo.

I. Current Immigrant Visas. Parole is an INS prerogative and we defer to them in defining its parameters. The concept of "attached family members" is ill-defined. We have agreed with INS that parole will be offered exclusively to unmarried sons and daughters over the age of 21 (and thus not eligible for derivative status) of principal visa applicants, and to those residing in the same household with and economically dependent upon the principal visa applicant. The phrase "attached family members" is vague and unrelated to immigration law. It could create expectations based on the public's understanding of "attached family" that we cannot meet.

USINT is currently only identifying persons for parole consideration. The officers arriving on or about October 17 will process these cases.

II. Expanded Refugee Processing. State strongly supports expanded refugee processing and looks forward to continuing to work with INS towards this objective.

III. Immigrant Visa Backlog. USINT has already been instructed to develop mechanisms for accelerating the visa issuance process. They are actively engaged in doing so. State strongly objects to any public announcement instructing people to contact USINT; any such instruction would create serious control problems. Encouraging the public to contact USINT would paralyze post, overload its telephones and monopolize the time of both its American and Cuban staff. It would also generate enormous crowds around USINT with the attendant security and public relations concerns. Rather than accelerating visa issuance, encouraging people to contact post would create such chaos as to in fact delay visa issuance.

IV. Parole Lottery. As we understand it, the lottery as outlined in ref memo would be prefaced by an intensive public relations campaign to educate the Cuban public about the criteria for entry. This would be an enormous undertaking, which, while doable, would require close consultation and coordination with post. A considerable burden will be placed on the interviewing officer to ferret out the fraud that these criteria will encourage (everyone will answer enough questions affirmatively to qualify). State insists that no attempt be made to rank

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Department of State Guidelines,

September 11, 2006

By MI NARA, Date 4/11/16

2011-1039-F

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successful entrants; someone who answers five of the ten questions affirmatively should be at no disadvantage compared to someone who answers seven. The entire question of which criteria to use is highly problematic. For example, there is no basis in immigration law for giving preference to English speakers. Doing so now could generate a negative public reaction both here and in Cuba. Under "Ties to U.S." we should be careful not to discourage anyone who may have an immigration benefit from pursuing that avenue of migration. The effort at data entry should be more substantial than "several thousand" in order to lend credibility to our efforts to discourage multiple entry. Question #5 on the post card should read "marital status/number of unmarried minor children", as agreed at the October 4 IWG.

V. The Guantanamo Population. Whatever is done with the Guantanamo population must avoid "remagnetizing" the camp and must be consistent with the September 9 migration agreement. State strongly objects to accepting applications for the lottery at GTMO. Doing so will only encourage people to apply and then sit and wait at GTMO until they are successful, and may encourage potential rafters to view Guantanamo as stepping-stone to the U.S. Applications can be taken from those who volunteer for repatriation, but will not be entered in the lottery until they actually leave GTMO. Those who volunteer for repatriation should be given special assistance in filling out the application and should be exempted from any cut-off date for entry applicable to applications from Cuba proper. Efforts should be made to carefully explain the program to the GTMO (and Panama) populations. Whether State and INS officers are best suited to this task is another question; an NGO may be more appropriate.

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WHITE HOUSE
SITUATION ROOMPRECEDENCE: IMMEDIATE
PRIORITY
ROUTINERELEASE: *10/5/94*

DTG: _____

MESSAGE NO: 1993 CLASSIFICATION: ~~CONFIDENTIAL~~ pages: 3FROM: ERIC SCHWARTZ

(Name)

456-9351

(Phone Number)

302, OEOB

(Room No.)

Cuba: Proposal for Legal Migration

TO (Agency) DELIVER TO: DEPT/ROOM NO. PHONE NUMBER

DPC	STEVE WARNATH	HANDCARRIED
NSC	MIKE LONGORIA	HANDCARRIED
NSC	ROB MALLEY	HANDCARRIED
STATE/PRM	BRUNSON MCKINLEY TERRY RUSCH	647-5822 663-1047
STATE/ARA/CUBAN AFFAIRS	DENNIS HAYS CHUCK BRAYSHAW	647-9273
OSD/CARIBBEAN TASK GP	LUTHER SCHRIEFER RAY RUGA	703 697-7588 703 769-9330
OSD/HRA	MIKE MYERS WILL STETTINIUS	703 693-9848
JCS/J-3	GERRY BATES RICK COFFIN	703 695-0987 703 695-1726
JCS/J-5	MIKE HOSTAGE	703 695-8166
JUSTICE/DEP AG	PHYLLIS COVEN SETH WAXMAN	514-9077 514-4560
INS/General Counsel	ALEX ALEINIKOFF CHRIS SALE	514-1270
JUSTICE/CRS	JEFF WEISS	

REMARKS:

ATTACHED IS THE FORWARDED FOR YOUR COMMENTS TO ERIC SCHWARTZ, 456-9351, BY
10AM TOMORROW, OCTOBER 6, 1994.

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October 5, 1994

MEMORANDUM TO Steve Warnath, DPC staff
Mike Longoria, NSC staff
Rob Malley, NSC staff
Brunsen McKinley, State/PRM
Terry Rusch, State/PRM
Dennis Hays, State/ARA/Cuban Affairs
Chuck Brayshaw, State/ARA/Cuban Affairs
Luther Schrieffer, OSD/Caribbean Task Group
Ray Ruga, OSD/Caribbean Task Group
Mike Myers, OSD/HRA
Will Stettinius, OSD/HRA
Jerry Bates, JCS/J-3
Rick Coffin, JCS/J-3
Mike Hostage, JCS/J-5
Seth Waxman, Justice/Depy AG
Phyllis Coven, Justice/Depy AG
Alex Aleinikoff, INS/Genl Counsel
Chris Sale, INS/Genl Counsel
Jeff Weiss, Justice/CRS

FROM Eric Schwartz, NSC staff

SUBJECT Cuba: Proposal for Legal Migration

I have enclosed below the essential elements of a legal migration proposal that attempts to incorporate interagency views. I have also included annotations where relevant.

Please provide me with any agency (i.e., not individual bureau) comments by 10 am on October 6.

Again, I need no more than three sets of comments, from Justice, State and DOD.

I. CURRENT IMMIGRANT VISAS

- INS and State will have additional officers in Havana starting on or about October 17 to begin expanded processing.
- For current IVs, parole will be offered to attached family members, which includes family members residing in the same household and part of the same economic unit as the beneficiary and unmarried sons and daughters of beneficiaries.
- USINT is already processing such cases.

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II. EXPANDING REFUGEE PROCESSING

- State will expand the vetting criteria in the in-country program and publicize this fact.

III. IMMIGRANT VISA BACKLOG

- We will offer parole to preference visa petition beneficiaries on the immigrant visa waiting list on September 9 whose petitions will not become current this year.
- USINT is seeking to contact such persons now. To expedite this process, State will ask USINT about the value of public/press announcements requesting that persons on the waiting list write or visit USINT to obtain necessary forms.

IV. PAROLE LOTTERY

The parole lottery will operate as follows:

- We will announce the lottery, publicly indicate eligibility requirements and invite those who are qualified to send USINT postcards containing the following information:
 - Cuban ID number
 - Name
 - Marital status
 - Address
 - Date of birth
 - Number of unmarried, minor children
 - Occupation
- Applicants will be prohibited from sending more than one card. To verify that we have not received multiple entries and reduce the population under consideration, we will randomly select several thousand cards and enter them into a computer data base. Over the course of the year (in stages), we will randomly select applicants from this list and interview them for eligibility. They will be required to furnish documentary evidence of their eligibility.
- Besides being otherwise admissible, successful applicants will have to meet five of the following ten requirements:

EDUCATION

1. Completed high school.
2. Completed college.

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OCCUPATION/EMPLOYMENT

3. Employed continuously for three years.
4. Have training experience/credentials in a trade, craft or profession.
5. Willing and able to accept work in the U.S.

TIES TO THE U.S.

6. Spouse/parent/child/grandchild/grandparent/sibling in the United States.
7. Other relatives in the U.S.

ENGLISH

8. Can speak and understand English at a basic level.

OTHER FACTORS

9. Have been a member of a human rights organization, have been unable to work in my field due to my political/religious activities or beliefs and/or have suffered discrimination or harassment on the basis of political/religious activities (where such treatment appears to amount to persecution, applicants can be referred to the in-country refugee program).
10. Prior to October 1, 1994, the applicant clearly manifested a strong intention to immigrate to the United States (this could include denied visa applicants in Cuba-proper as well as boat people now in Guantanamo).

V. THE GUANTANAMO POPULATION

- State and INS will deploy staff to Guantanamo to discuss/explain the program to the Cuban populations in the camps, stressing those elements of the criteria that may apply to the Cubans there (i.e., items 9 and 10 in particular).

Cubans in GTMO may apply for the program while in GTMO, but their applications will not be considered until they return. If they volunteer to return but their return is delayed by more than one week, their applications will be considered but they will not receive notice of the result until they return to Cuba. For the time-being, we will not impose a deadline for applications from the camps -- Cubans in the camps who apply before the deadline promulgated in Cuba will be considered for the program after they return even if the return takes place after the deadline. We may, however, consider imposing a cut-off date at some point in the future.

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