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NSC/RMO PROFILE

RECORD ID: 9603564
RECEIVED: 21 MAY 96 18

TO: BERGER

FROM: MALLEY

DOC DATE: 04 JUN 96
SOURCE REF:

KEYWORDS: CUBA
REFUGEES

CARIBBEAN

PERSONS:

SUBJECT: NON-CRISIS MIGRANT OPERATIONS AT GUANTANAMO

ACTION: NOTED BY BERGER

DUE DATE: 24 MAY 96 STATUS: C

STAFF OFFICER: ARMSTRONG

LOGREF:

FILES: WH

NSCP:

CODES:

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

FOR ACTION

FOR CONCURRENCE

FOR INFO

DOBBINS
MALLEY
NSC CHRON
SCHWARTZ
SPARKS

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSTMH

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DOC 2 OF 2

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ACTION DATA SUMMARY REPORT

RECORD ID: 9603564

DOC ACTION OFFICER

001 ARMSTRONG
002 BERGER
002

CAO ASSIGNED ACTION REQUIRED

Z 96052118 PREPARE MEMO FOR BERGER
Z 96060418 FOR INFORMATION
X 96060810 NOTED BY BERGER

UNCLASSIFIED

**National Security Council
The White House**

rec'd 6/5
10:15a

PROOFED BY: _____ LOG # 3564
 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG _____ A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<i>WD</i> Harmon	_____	_____	_____
Dohse	<u>1</u>	<u>D</u>	_____
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Soderberg	_____	_____	_____
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Lake	_____	Deputy Natl Sec Advisor has seen	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>3</u>	<u>6/6 LA</u>	<u>N</u>
Records Mgt.	<u>4</u>	_____	<u>N</u>
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A = Action	I = Information	D = Dispatch	R = Retain	N = No Further Action
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cc:

COMMENTS:

4 MAY 93 11:15

Exec Sec Office has diskette yes 1

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

NOTED 64

June 4, 1996

INFORMATION

MEMORANDUM FOR SANDY BERGER

THROUGH:

PA for
ERIC SCHWARTZ/JIM DOBBS

Deputy Natl Sec Advisor
has seen

FROM:

ROB MALLEY *RM*

SUBJECT:

Non-crisis migrant operations at Guantanamo

Attached at Tab A is a memorandum from Deputy Secretary White requesting termination of military involvement in non-crisis migrant operations -- i.e., an end to the use of Guantanamo as a safe haven in routine situations. We also understand that the Attorney General will be raising Guantanamo-related migration issues at the June 5 meeting you will be chairing.

Current Operations

While Operation Sea Signal officially ended on January 31, 1996, with the departure of the last parole flight from GTMO to the U.S., the naval base continues to be used as an interim safe-haven for those Cubans intercepted at sea or who jump the fence and cannot be immediately returned to Cuba (generally for protection reasons). The migrants' stay at GTMO can be lengthy as we either await Cuban assurances that no action will be taken against returnees or search for third countries willing to admit the migrants. On average, roughly 25-35 migrants are at GTMO at any given time. DoD claims that it lacks the authority to maintain this ongoing migration effort in a non-emergency situation, and Congress has made clear that it would not support use of DoD funds for these activities.

Initial NSC Proposed Plan

Several months ago, NSC staff proposed a course of action under which migrant facilities at GTMO would be placed under civilian (State or INS) control, possibly run by an independent contractor, and have the capacity to maintain up to 40 migrants on a regular basis and up to 400 in emergency situations. Any increase over 400 would have led to DoD assumption of authority.

However, both State and INS resist the notion of using their resources for this purpose, and neither believes it has the authority to operate such a facility:

- **INS:** According to INS General Counsel, the agency cannot operate a facility beyond U.S. borders. Moreover, it would be difficult to argue that the operation falls within the ambit of the Immigration Emergency Fund (IEF), the most likely funding source.
- **State:** State's Bureau of Population, Refugees and Migration (PRM) arguably could fund these activities. However, State believes that use of the Migration and Refugee Assistance (MRA) would require designation of migrants as refugees -- a designation that would not be appropriate in many, if not most, cases -- and they believe that use of the Emergency Refugee and Migration Assistance Fund (ERMA) would be difficult to justify in routine, non-emergency cases.

Possible Alternatives

In the context of PRD 46, the interagency has been exploring alternative long-term solutions. The most promising involves the establishment of regional safe havens outside the United States. This would permit us to provide protection without the guarantee of U.S. resettlement. Under this proposal, State would seek standby arrangements with governments in the region to maintain temporary safe havens. Of course, this would require identifying both countries willing to play this role and an available funding source. The proposal also would entail DoD making facilities available to provide shelter when use of third countries is not possible or practical.

In the meantime, we need to ensure that DoD continues to operate the current migration safe-haven at GTMO, especially as we approach the onset of the rafting season.

Concurrence by: John Sparks *J.E. Sparks*

DoD agrees

Attachment

Tab A Memorandum from John White



THE DEPUTY SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-1000

3564

20 MAY 1996



MEMORANDUM FOR THE DEPUTY ASSISTANT TO THE PRESIDENT FOR
NATIONAL SECURITY AFFAIRS

SUBJECT: Non-Crisis Migrant Operations at Guantanamo

The departure of the last Cuban parole flight from Guantanamo on 31 January 1996 marked the successful completion of Operation SEA SIGNAL, and the end of the 1994 Caribbean migration crisis. During SEA SIGNAL, the US military received and cared for over 50,000 Haitian and Cuban migrants at Guantanamo. At its peak, over 3,000 migrants were being picked up daily at sea by Coast Guard and Navy vessels. The military involvement in migration operations took a heavy toll on military resources, with nearly 18,000 Service members participating in the 20-month long operation. We believe direct military involvement in non-crisis migrant operations should end with the completion of SEA SIGNAL.

Now that the crisis is over, there is compelling reason for an interagency review of non-crisis migrant operations, a re-evaluation of military operation of migrant safe havens and the use of Guantanamo as a safe haven. Non-crisis military operation of migrant facilities raises questions concerning existing DOD authority, especially given the specific statutory responsibilities of other government agencies in this area.

Request your assistance in facilitating resolution of these issues by the Deputies.