

FOIA MARKER

This is not a textual record. This is used as an administrative marker by the Clinton Presidential Library Staff.

Original OA/ID Number: 1611				
Document ID: 9702262				
Stack: V	Row: 45	Section: 2	Shelf: 8	Position: 3

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Rob Malley and Fulton Armstrong to Samuel Berger re: Return of Illegal Cuban Migrants (3 pages)	03/31/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Records Management
([Schwartz and Cuba...])
OA/Box Number: 1611

FOLDER TITLE:

9702262

2011-1039-F
rs1876

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]
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- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

~~CONFIDENTIAL~~
NSC/RMO PROFILE

RECORD ID: 9702262
RECEIVED: 02 APR 97 16

TO: BERGER

FROM: MALLEY
ARMSTRONG
SCHWARTZ

DOC DATE: 31 MAR 97
SOURCE REF:

KEYWORDS: CUBA
LEGAL ISSUES

IMMIGRATION

PERSONS:

SUBJECT: RETURN OF ILLEGAL CUBAN MIGRANTS

ACTION: BERGER APPROVED RECOM W/ COMMENT DUE DATE: 05 APR 97 STATUS: C

STAFF OFFICER: MALLEY

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

FOR CONCURRENCE

FOR INFO
ARMSTRONG
DANVERS
DOBBINS
MALLEY
NSC CHRON
SCHWARTZ

COMMENTS: _____

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSTSM

CLOSED BY: NSTMH

DOC 1 OF 1

~~CONFIDENTIAL~~

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By W NARA, Date 4/11/16
201-1034-F

~~CONFIDENTIAL~~
ACTION DATA SUMMARY REPORT

RECORD ID: 9702262

DOC ACTION OFFICER

001 BERGER
001

CAO ASSIGNED ACTION REQUIRED

Z 97040220 FOR DECISION
X 97041415 BERGER APPROVED RECOM W/ COMMENT

~~CONFIDENTIAL~~

**National Security Council
The White House**

*ECWd
4/3/97
1110am*

PROOFED BY: _____ LOG # 2262
 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG TmtA A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
Harmon	_____	_____	_____
Dohse	<u>1</u>	<u>D</u>	_____
Davies	_____	_____	_____
Kerrick	<u>copy</u>	_____	_____
Steinberg	<u>2</u>	_____	_____
Berger	<u>3</u>	<u>Q</u>	_____
Situation Room	_____	_____	_____
West Wing Desk	<u>4</u>	_____	_____
Records Mgt.	<u>6</u>	<u>TmtA 4-14</u>	<u>N</u>
<u>Malley</u>	<u>5</u>	_____	<u>A N</u>

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

Kreagkov

RMA

COMMENTS:

'97 APR 2 PM 8:24

Exec Sec Office has diskette

yes

Withdrawal/Redaction Sheet

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THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

December 6, 1996

STATEMENT BY THE PRESS SECRETARY

Policy Toward Cuba Migration

On December 4-5, the United States held its fifth round of talks with the Cuban government to deal with issues arising from implementation of the 1994 and 1995 migration accords.

United States policy throughout the world is not to repatriate those determined to be refugees and those who have a valid claim to asylum. This is our long-standing national policy and our solemn international obligation.

We want to make this clear to the American people and to the Cuban people, just as we have repeatedly done with the Cuban government, most recently during the bilateral migration review talks that concluded yesterday in Havana.

At the same time, any alien who enters or attempts to enter the United States in violation of our immigration law is subject to exclusion and return to the country from which he or she came. Bonafide refugees and those with valid asylum claims are not excludable.

Since 1984, the United States has returned to Cuba Cuban nationals found excludable for serious criminal offenses. The Cuban government has accepted about 1,500 of these. Other cases are still pending.

The United States has also sought, since 1995, Cuban government agreement to return Cuban nationals who enter the United States illegally, who are found excludable, and who are not found to have valid asylum claims. We seek, and will require, guarantees that no action would be taken against such individuals as a result of their departure from Cuba, and arrangements to monitor their treatment upon return, as is the case with those returned after interception at sea.

The United States is seeking to deter future illegal immigration, and does not contemplate the repatriation of Cuban nationals who are presently within our borders, other than those found excludable, as noted above, for serious criminal offenses, a category of individuals whom we have been returning to Cuba since 1984.

#

DRAFT

Representatives of the United States of America and the Republic of Cuba, in furtherance of their mutual interest in normalizing migration procedures and ensuring that migration between the two countries is safe, legal and orderly, as set forth in the Joint Communique of September 9, 1994 and the Joint Statement of May 2, 1995, have agreed as follows:

1. In addition to the return of Cuban nationals covered by the Communique of December 14, 1984, the Republic of Cuba will accept the return of certain Cuban nationals present in the territory of the United States who have been determined by the United States to be ineligible to be admitted to or to remain in the United States under U.S. law due to lack of entry documents or criminal records.
2. The United States of America will provide the Republic of Cuba with information regarding the laws and legal procedures relevant to such determinations.
3. The returns will be carried out by means of an orderly program of returns with the cooperation of the immigration authorities of both countries, pursuant to the procedures set forth in the accompanying Minute on Implementation.
4. In the case of Cuban nationals who will be removed from the United States on grounds of lack of valid entry documents, only those individuals who arrived in the United States after December 6, 1996 will be subject to removal. The United States and Republic of Cuba will ensure that no action will be taken against such individuals as a consequence of their attempt to immigrate illegally. United States officials will inform such individuals of procedures to apply at the U.S. Interests Section for legal immigration to the United States. Both parties will work together to facilitate the procedures necessary to implement these measures.
5. In the case of Cuban nationals who will be removed from the United States on criminal grounds, only those individuals identified in accordance with the terms of the attached Annex [e.g., nonlist Mariels] and those individuals covered by the Communique of December 14, 1994 will be subject to removal.

DRAFT

MINUTE ON IMPLEMENTATION

To implement the Joint Communiqué on migration matters issued today, the representatives of the United States of America and the Republic of Cuba have agreed on the following procedures:

I. The returns of Cuban nationals found ineligible to be admitted to or to remain in the United States will be effected at the same rate as provided for in the 1984 Communiqué, that is, not more than 100 each calendar month, but if the figure of 100 is not met in a given month, the remaining numbers may be used in subsequent months, provided that no more than 150 will be returned in any calendar month.

II. The United States immigration authorities will be required to provide the following documents on the following schedule:

A. In the case of Cuban nationals who, within 30 days of date of arrival in the United States, are determined to be inadmissible on grounds of lack of entry documents, the United States authorities will furnish the following biographical information at least 24 hours in advance of any return by sea or at least 10 days prior to any return by air:

1. Name;
2. Sex;
3. Date and place of birth;
4. Cuban identity card number, if known; and
5. Last known address in Cuba.

B. In the case of Cuban nationals determined to be inadmissible more than 30 days after date of arrival in the United States, the United States authorities will furnish the following at least 30 days in advance of return:

1. Name;
2. An index card with the person's physical description data and right thumbprint;
3. Last known address in Cuba;
4. A recent photograph; and
5. For any person charged with committing crimes in the United States, a summary of the person's criminal history.

C. At least 10 days prior to a scheduled flight, United States immigration authorities will provide notice, through the Department of State, of:

1. The names of the persons to be returned on the flight;
2. Any mental or physical handicaps or diseases among those to be returned on the flight;
3. Any specific medical requirements for persons to be returned on the flight that must be met at the time the flight arrives in Cuba; and
4. The identification and description of the aircraft to be used for the flight and the identities of the pilots flying the aircraft.

D. In the case of Cuban nationals determined to be inadmissible more than 30 days after date of arrival in the United States, United States immigration authorities will provide a health status summary upon arrival of the flight in Cuba.

E. No person being returned will be permitted to bring more than 30 kilograms (kg) of accompanying baggage or personal effects.

III. The immigration authorities of the United States and Cuba will give priority to returning Cuban nationals who are excluded on criminal grounds.