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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. report	re: Emergency action plan titled "Operation Distant Shore Mass Immigration Emergency Plan" (92 pages)	06/00/1994	b(7)(E)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Stephen Warnath
OA/Box Number: 8553

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Cuba/Guantanamo [binder] [1]

2016-0920-F

jm1884

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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THE WHITE HOUSE
OFFICE OF ~~DOMESTIC~~ POLICY

CAROL H. RASCO
Assistant to the President for Domestic Policy

To: Steve W

Draft response for POTUS
and forward to CHR by: _____

Draft response for CHR by: _____

Please reply directly to the writer
(copy to CHR) by: _____

Please advise by: _____

Let's discuss: _____

For your information: ☒ _____

Reply using form code: _____

File: _____

Send copy to (original to CHR): _____

Schedule ? : ☐ Accept ☐ Pending ☐ Regret

Designee to attend: _____

Remarks: _____



U.S. Department of Justice

Office of the Associate Attorney General

JUL 15 REC'D

The Associate Attorney General

Washington, D.C. 20530

JUL 11 1994

The Honorable Carol Rasco
Assistant to the President
for Domestic Policy
The White House
Washington, D.C. 20500

Dear Ms. Rasco:

The Immigration and Naturalization Service (INS) has completed the revision of the Operation Distant Shore Mass Immigration Emergency Plan (the Plan). This revision (enclosed) incorporates the comments received from many agencies based on the review of the coordination draft dated February 1994 and additional text drawn from the Federal Response Plan (FRP).

The Plan has been reorganized to adopt the functional structure used in the FRP. This change eliminates the separation of related functional elements which were inherent in the organization of earlier drafts of the Plan. Adopting the time-tested structure of the FRP will also simplify the use of the Plan by primary agencies and emergency planners in State and local governments who are accustomed to the FRP format. The structural reorganization of the Plan has not altered the responsibilities of primary and support agencies.

This is the final opportunity to review the Plan before publication. To ensure that all agency concerns are addressed, you are requested to provide comments before July 29, 1994, the date we intend to publish the Plan, to D. Jerry Rubino, Director, Security and Emergency Planning Staff, Justice Management Division, Department of Justice, Room 6101, 10th Street and Constitution Avenue, N.W., Washington, D.C. 20530.

The INS plans to conduct table-top exercises of the Plan and will coordinate this effort with all agencies which have a role in its implementation. Exercises are expected to be conducted in Southern Florida and at the Department of Justice in Washington, D.C. You will be informed regarding the timing and location of these exercises.

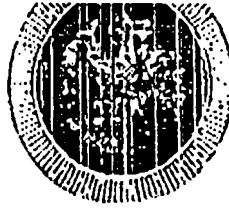
I want to take this opportunity to express my appreciation for your support in the development of the Plan. If you have any questions concerning these issues, Mr. Rubino and his staff will be pleased to assist you and may be reached on (202) 514-2360; the facsimile number is (202) 514-1728.

Sincerely,

A handwritten signature in cursive script, reading "William C. Bryson".

William C. Bryson
Acting Associate Attorney General

Enclosure



THE GOVERNOR OF THE STATE OF FLORIDA

LAWTON CHILES

May 25, 1994

Commissioner Doris Meissner
Immigration and Naturalization Service
424 I Street, NW
Washington, DC 20536

Dear Commissioner Meissner:

As the discussions of the mass immigration emergency plan (Operation Distant Shore) continue, I want to take this opportunity to encourage the Immigration and Naturalization Service to complete efforts which will ensure that Homestead Air Reserve Base is sufficiently outfitted to receive aliens for temporary processing functions as soon as possible. As a part of a team conducting an on-site inspection of the Base for this purpose, the Florida National Guard has proposed an inventory of supplies and equipment necessary to bring the Base to a state of near readiness. A copy of the Guard's assessment list is enclosed.

The practicality of having the Homestead Air Reserve Base near ready to meet the basic needs for aliens is key to the effectiveness of the immediate response to an emergency. All of South Florida would feel more secure if all federal agencies involved in the response plan were equally prepared to quickly address their responsibilities under the plan and thus ensure overall effectiveness and reduce the demands for state and local involvement in a federal immigration matter.

I would be remiss if I did not reiterate what I have repeatedly stated to the President and the Attorney General. The State of Florida has been privy to far more cooperation over the past few years in the overhaul and completion of the mass immigration plan than during the entire last decade. I ask that the Administration now move quickly to see that the final steps are taken to ensure a federal plan that is timely, practical and complete. Thank you for your efforts.

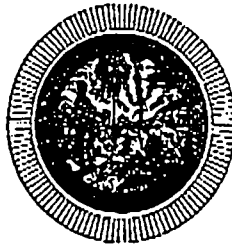
With kind regards, I am

Sincerely,

A handwritten signature in cursive script, reading "Lawton Chiles".

LAWTON CHILES

LC/pm



THE GOVERNOR OF THE STATE OF FLORIDA

LAWTON CHILES

May 27, 1994

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
10th Street and Constitution Avenue
Washington, D.C. 20530

Dear Madam Attorney General:

Thank you for your letter of May 19 with an update on various immigration matters of mutual interest.

Quite frankly, my frustration stems from the fact that much of this progress is still on paper. The Clinton Administration has initiated and proposed new and necessary changes; yet, we have seen little in the way of tangible results. I realize the role of Congress is this regard and will be testifying to this point on June 22 when I appear with other governors before the Appropriations Committee of the United State Senate.

In the meantime, I want to stress to you how critical I believe a "table top" exercise would be at this time to insure that all of our parties are prepared and equipped to respond to any immigration emergency. I would like to request that such an exercise take place on June 20. It would appear to me that it is high time to take the plan on paper and translate its content to action.

I would also hope that the negotiations concerning the short term processing site and providing state and local law enforcement with federal immigration authorities would be resolved by this time so as to absorb these factors into the plan and table-top.

Again, I appreciate all your personal efforts and those of the Department to get us on course. With best regards I am,

Sincerely,

A handwritten signature in cursive script that reads "Lawton Chiles".
LAWTON CHILES

LC/pm

cc: Honorable Bill Clinton
Florida's Congressional Delegation

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

12-Jul-1994 09:04am

TO: Margaret R. Shaw
TO: Keith W. Mason

FROM: Christopher F. Edley, Jr
 Office of Mgmt and Budget, EG

CC: Barry J. Toiv

SUBJECT: Chiles/IEP application

On the Chiles application for Immigration Emergency Program funds, our conclusion is that DOJ should go ahead and have a mtng to explain the "No" diplomatically and constructively.

The timing, however, is delicate. Barry Toiv observes, for example, that DOJ political officials should think through the timing of such a discussion in relation to Haiti, the Urban Institute rollout, and Crime Bill negotiations on the level of funding for the alien incarceration.

Barry Toiv and I agree that (1) no WH or OMB folks should be involved in giving Florida the bad news, and (2) DOJ officials should be responsible (and accountable) for making the political judgments about timing. They know the situation. We have other things on our plate.

Let me know if you need more.

EMERGENCY PLANNING

A revised Federal Mass Immigration Emergency Plan is in the final stages of development. The Plan provides guidelines for a coordinated effort by the Federal government, at the national, regional, and local level, to enforce Federal laws to deter, interdict, and control massive illegal immigration to the United States. The Plan draws on the resources and authority of 37 Federal departments and agencies, with the support of State and local government and voluntary agencies, to work together to maintain the integrity of our national borders, protect public health, and control the admission of immigrants and refugees. The Plan was developed through coordination of the Department of Justice, the Immigration and Naturalization Service Intelligence Division, the INS Regional and District Offices, and Border Patrol sectors. The Florida Governor's Office has also been closely involved in the planning process.



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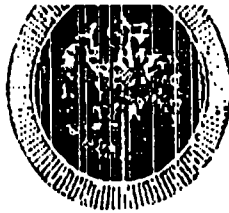
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LC/pm

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E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

12-Jul-1994 02:01pm

TO: Thomas S. Epstein
TO: Stephen C. Warnath

FROM: Barry J. Toiv
 Office of Mgmt and Budget, PA

CC: Christopher F. Edley, Jr

SUBJECT: Chiles situation

Just so you folks are aware of this, if you don't already know about it.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

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MEMORANDUM

August 1, 1994

TO: Doris Meissner, Commissioner
FROM: Robert Bach
SUBJECT: Cuban Migration Emergency

The goal of U.S. policy toward Cuban migration should be to prevent an Immigration Emergency. Elements of an effective strategy to reduce *short-term* dangers exist that are consistent with Administration policy toward reducing tensions with Cuba. As pressures for migration increase, the task is to respond in a way that does not incite political reactions from Havana or Miami, and does not create a migration expectation among families in Cuba or in the United States.

DANGERS OF A CUBAN IMMIGRATION EMERGENCY

An emergency can create an international political crisis that undermines US interest in managing a stable transition beyond Castro. A large Cuban outflow could also greatly complicate US policy toward Haiti.

An emergency can be politically catastrophic. President Carter attributes part of his electoral defeat in 1980 to the Mariel crisis; former Governor Clinton also lost political support because of his agreement to open Ft. Chaffee as a holding center for Mariel entrants.

An emergency can threaten the lives and safety of large numbers of refugees and citizens of both countries. Kidnappings, hijackings, violent seizures of vessels, and the dangers of crossing the Florida Straits in rafts are now all-too-frequent aspects of illegal departures.

An emergency can undermine the Administration's overall immigration policy, especially the forthcoming asylum and expedited exclusion reforms. The Mariel episode launched years of anti-immigration sentiment around the country. Another emergency would certainly fan the anti-immigrant flames burning in California.

CURRENT US MIGRATION POLICY TOWARD CUBA

USG has a comprehensive migration policy toward Cuba. Cuban migration falls under the normal migration preference system that regulates flows from all other countries. Use of these normal channels, however, is very low. Last year, only 1,600 Cubans immigrated to the United States through family reunification. The primary problem is that Cuban American families do not petition for their family members.

USG grants 3,000 refugees each year from Cuba. The number does not appear to be too low. DOS reports some difficulties with weak refugee claims within the existing number, not large backlogs.

USG also issues roughly 10,000 nonimmigrant visas (NIV) a year. With an estimated 10% overstayer rate, approximately 1,000 Cubans remain in the United States each year through illegal entry.

The problem is illegal departures from Cuba by raft, increasingly by larger vessel, and by an occasional hijacking. Illegal departures are dangerous to the rafters and to Cuban citizens and guards who are sometimes physically attacked.

In the first seven months of 1994, total illegal departures who reach the United States (the number who die in the attempt is unknown) already surpass the total for 1993. Department of State reports as of July 26 a total of 4,623 rafters.

PREVENTIVE ACTION

The current rafter flow, if it was not so dangerous and politically inflammatory, is one component of an otherwise modest migration flow. Total Cuban migration, including illegal departures, is only slightly more than 10,000 a year. Now is the time to act moderately and cautiously to prepare for a larger flow either as the Cuban economy continues to deteriorate or a political transition occurs.

o Do Not Create an Emergency

The Mariel crisis began with problems inside Cuba, but Castro turned it to his advantage when President Carter publicly embraced -- or at least was perceived to embrace -- the need for unrestricted emigration. The Cuban Government's current sensitivities include the continued special treatment of illegal departures as political heroes in the United States. Their concern is heightened by the US decision not to prosecute hijackers.

Periodic meetings between US and Cuban officials provide a foundation for maintaining and building confidence. US officials should take care not to make illegal departures a target of condemnation of Cuban activities. Such statements will be sought by Cuban

The issue is what happens
when/if the Cuban Coast
Guard stops interdiction.

American and other community and Congressional leaders in the United States.

With some level of quiet official assurance, the Government of Cuba, which is well acquainted with the Cuban American community's reactions, is capable of distinguishing and accepting the difference between US Government and the local Miami responses.

o Support Action to Reduce Illegal Departures

The U.S. has strong interests in reducing illegal departures and channeling them toward legal emigration. Currently, the Cuban Coast Guard is still working to stop illegal departures, although during a recent episode the Coast Guard reportedly trailed a vessel into international waters. The Cuban Coast Guard is the primary and perhaps only means of preventing another larger outflow. The U.S. should help make it possible for the Cuban Coast Guard to continue to patrol the waters to stop rafters.

o Monitor Interdicted Rafters

Rafters are not human rights activists or victims of recent political crackdowns. US officials have the information to monitor the situation if Cuban Coast Guard interdiction prevents people with bona fide claims to persecution from fleeing.

o Prepare for and Prevent a Boatlift from the U.S.

A large migration outflow can probably not be repeated with the current supply of vessels in Cuba. Emergency preparations should include a clear decision and action plan to prevent a boatlift originating from South Florida.

CUBAN ADJUSTMENT ACT

The Attorney General should use her discretionary authority to qualify, but not eliminate, eligibility under the Cuban Adjustment Act of 1966. A blanket decision to eliminate the special adjustment could be politically provocative in Florida and New Jersey. Such action could also lead to Congressional reactions to create a special legal status for Cuban migrants that would contradict the Administration's general immigration policy.

Still, several reasons argue for use of discretionary authority in a new way. If the Act serves as an incentive to immigrate, a change in both the expectation of automatic qualification and curtailment of public assistance benefits will help over time to reduce the flow.

If the Act makes illegal departures an alternative to normal family sponsorship, its effective termination may increase applications and promote legal immigration.

If the Act represents a political lightning rod for charges of discrimination between Haitian and Cuban migrants, abolition will still allow Cubans the full range of immigration benefits without providing exceptional group-specific treatment.

PROPOSAL TO REDIRECT MIGRATION INCENTIVES BY INCREASING NIVs

The current denial rate of nonimmigrant visas (tourists, visitors) is roughly 75% in Havana. Of those who come, roughly 10% overstay their visa and, after one year in the United States, adjust to legal status under the Cuban Adjustment Act of 1966.

These figures indicate a willingness among most Cuban travelers to return to Cuba after visiting relatives in the United States. Cuban Government restrictions on who can travel (e.g., they set age limits) and USG's own screening provide considerable control over the process.

A temporary increase in the NIV acceptance rate may help to channel some of the pressure away from illegal departures, especially if coupled with sustained Cuban efforts to patrol the coast. The goal would be to open a possibility for more people to visit families, gain foreign currency, and return home. USG would be able to screen those who are coming and have a ready mechanism to regulate the volume if necessary (e.g., if the overstayer rate increased sharply). The critical assumption to monitor, though, is whether any connection exists between decisions to attempt illegal departure and the rate of NIV denials.

A channeled nonimmigrant flow, even with a 10-15% overstayer rate, is much less visibly contradictory to Haitian policy than the current practice of picking up all rafters and releasing them into Miami. Efforts to prevent illegal departures, ensure safety, and facilitate controlled, legal processing would be clearly consistent with the general goals of Haitian policy.

Another, closer look at the reasons Cuban American families do not petition for their relatives would complement this strategy. Perhaps Federal authorities, through public education or removing any processing obstacles, could help redirect the deep emotional commitment to family reunion from support for rafters to a regularized petitioning process.

POLITICAL CONSIDERATIONS

Political resistance is likely to any effort to alter the Cuban Adjustment Act. The Act reinforces the political theme of defection and condemnation of the Cuban Government. The Act also provides Federal aid after only one-year of stay in the United States. The original purpose of the Cuban Adjustment Act of 1966, however, was to provide a legal status for Cubans to facilitate and to encourage rapid transition into resettlement. The context involved an effort to move the Cuban refugee program from a temporary exile situation (in which the refugees expected to go home) to a permanent resettlement process in the United States.

The Act is outdated because of the comprehensive immigration system which applies to Cuban and all other nationalities. The Refugee Act of 1980 provides a clear legal status and transitional support for those who qualify. Currently 3,000 refugees from Cuba are admitted annually. Asylum reforms also provide a mechanism that did not exist in 1966 for responding to new Cuban arrivals. The political context has also changed dramatically. The Cuban American community clearly has the capacity to resettle newcomer family members. For instance, despite the controversies, even the Mariel Cuban flow has adjusted well to communities in South Florida and New Jersey.

Electoral interest in Florida, of course, makes any action on Cuban migration extremely sensitive. Any new policy initiative should expect political reactions that contain several positions that directly constrain migration options. Strong sensitivities include the following issues:

- o perhaps the most important is the strong belief that no one, including most prisoners, should be returned to Cuba. This position fundamentally constrains U.S. migration policy, undermines the asylum process, and encourages outmigration.
- o no overt, official cooperation with Castro.
- o Congressional members' explicit defense of special treatment for Cuban migrants.
- o belief that U.S. is only legitimate destination for people leaving Cuba.
- o possible connections to Florida's lawsuit against the Federal Government for Federal aid for illegal immigration, and Governor Chiles' request for release of resources from the Migration Emergency Fund.
- o some U.S. groups seem ready to push a crisis to promote more aggressive action leading to Castro's demise.

EMERGENCY PLANNING

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