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WHORM Category Code:	CO064
WHORM Category Name:	Haiti, Republic of

Document Number:	335284
Alpha File Name:	

ID# 335284

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

CO 064

DATE RECEIVED: JUNE 26, 1992

NAME OF CORRESPONDENT: MR. SHELDON RUDOFF

SUBJECT: VIEWS REGARDING THE ADMINISTRATION'S POLICY
ON HAITIAN REFUGEES

		ACTION		DISPOSITION	
ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
✓ DEPARTMENT OF STATE		ORG	92/06/26	30	A 92/07/02
REFERRAL NOTE:	RL				
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WS

COMMENTS: INCOMING RET'D TO CORRESP. ANALYSIS FROM
CLAYTON FONG FOR DISPOSITION TO DOS; ATTACHED
ARE OTHER LTRS. FROM JEWISH ORGANIZATIONS
ALSO RET'D REGARDING SAME (MAYNARD WISHNER &

ADDITIONAL CORRESPONDENTS: 1 MEDIA:L INDIVIDUAL CODES: 4400 4800

MI MAIL USER CODES: (A) (B) (C)

*ACTION CODES:	*DISPOSITION	*OUTGOING	*
*	*	*CORRESPONDENCE:	*
*A-APPROPRIATE ACTION	*A-ANSWERED	*TYPE RESP=INITIALS	*
*C-COMMENT/RECOM	*B-NON-SPEC-REFERRAL	* OF SIGNER	*
*D-DRAFT RESPONSE	*C-COMPLETED	* CODE = A	*
*F-FURNISH FACT SHEET	*S-SUSPENDED	*COMPLETED = DATE OF	*
I-INFO COPY/NO ACT NEC		* OUTGOING	*
*R-DIRECT REPLY W/COPY *			*
*S-FOR-SIGNATURE *			*
*X-INTERIM REPLY *			*

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MANAGEMENT.

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DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT
TRANSMITTAL FORM

S/S 9213870

Date July 7, 1992

FOR: Mr. William F. Sittmann
Executive Secretary
National Security Council Staff
The White House

REFERENCE:

To: President Bush

From: Sheldon Rudoff

Date: 06-15-92

Subject: Our policy regarding Haitian refugees.

WH Referral Dated: June 30, 1992
NSCS ID# (if any): 335284

_____ The attached item was sent directly to the
Department of State.

ACTION TAKEN:

_____ A draft reply is attached.

_____ A draft reply will be forwarded.

_____ A translation is attached.

XX An information copy of a direct reply is attached.

_____ We believe no response is necessary for the reason
cited below.

_____ The Department of State has no objection to the
proposed travel.

_____ Other (see remarks).

REMARKS:

W. Gillespie
for Director
Secretariat Staff

UNCLASSIFIED



United States Department of State

Washington, D.C. 20520

July 2, 1992

Mr. Sheldon Rudoff, President
Orthodox Union
333 Seventh Avenue
New York, NY 10001

Dear Mr. Rudoff:

The White House asked me to respond to your and Mr. Mandell I. Ganchrow's letter of June 11, 1992 expressing concern about the direct repatriation of Haitian migrants.

Let me stress at the outset that the United States remains committed to the restoration of the democratic process and rule of law in Haiti, and firm in recognizing Jean-Bertrand Aristide as that country's legitimate president. We continue to support the OAS resolutions of October 3, October 8 and May 17 calling for financial and commercial sanctions to bring pressure on the illegal regime which seized power last year to conclude a political settlement and restore the legitimate government to office.

The Administration's recent decision to repatriate Haitian migrants directly to their homeland was prompted by the unprecedented outpouring of boats in the latter part of May. During the previous seven months we had been able, with extraordinary effort, to accommodate large numbers of boat people at the U.S. Naval Base at Guantanamo Bay and to afford every migrant an asylum pre-screening interview to identify those with credible claims of persecution for parole into the United States. However, the number rose very sharply in the final weeks of May, reaching in excess of 1,000 people per day and threatening to overwhelm completely our capacity at Guantanamo.

Intense diplomatic efforts in the region failed to bring any offers of assistance to accommodate the unmanageable numbers we were confronting. These efforts were only the latest in a series of approaches to other governments over a period of months, all of which had met with a similar lack of success.

It had also become clear to us that the potential for admission afforded by our screening program and the physical

comforts of Guantanamo had in themselves become a magnet attracting migrants out of Haiti. It is worth noting in this regard that there has been no increase since we began direct repatriations in the number of Haitians crossing the border to the Dominican Republic, which would be expected if substantial numbers of them felt that they were targetted for persecution or mistreatment by the Haitian authorities.

A major consideration for the Administration throughout this period, and going back to the earliest days of the Alien Migrant Interdiction Operation (AMIO) Agreement, has been the safety of the boat people leaving Haiti under dangerous conditions. These concerns grew as it became clear unscrupulous individuals were charging by the head and inducing increasing numbers of poor Haitians to set out in unseaworthy craft without navigation equipment or even life preservers. On at least two occasions in recent months, migrant boats capsized near the Cuban coast with the loss of scores of lives. We cannot be sure that there were not other accidents and loss of life -- despite the efforts of our Coast Guard to intercept all boats departing Haiti.

It was under these circumstances that the President signed the May 23 Executive Order which authorized direct repatriation of migrants to Haiti.

In taking this decision, careful consideration was given to our legal obligations for the treatment of refugees. It has long been the position of the U.S. Government that the non-refoulement obligation of Article 33 of the U.N. Convention Relating to the Status of Refugees -- the obligation not to repatriate refugees against their will -- does not apply until a refugee has entered the territory of the contracting state. This view is based inter alia on a careful reading of the text of the Convention and its negotiating record.

All migrants who are directly repatriated are advised of the availability of refugee processing at the U.S. Embassy in Port au Prince before they disembark from our cutters. We have added personnel to the Embassy staff to deal with refugee applications, and we have directed that there be no limitation on the categories of persons who can be processed. Embassy officers have boarded the cutters to reassure those who have expressed concern about approaching the Embassy, noting that

members of President Aristide's personal staff have applied for refugee status without interference or any apparent surveillance from the Haitian authorities.

To date over 1,600 persons have applied for refugee status at the Embassy, of whom somewhat over 200 have been processed for presentation to the U.S. Immigration and Naturalization Service (INS) to adjudicate their claims. Not all applicants' cases are presented to INS, as Embassy review has concluded that some have not demonstrated even a prima facie fear of persecution. The standard which must be met under our law for admission as a refugee is whether a person can demonstrate a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

In addition to having officers present at every repatriation by our cutters, the Embassy has conducted an intensive monitoring effort over the past four months to determine whether any returning migrants have been subject to persecution by authorities. Since beginning this effort in early February we have interviewed over 2,300 returnees from all parts of the country. To date we have found no instance in which a returnee has been subject to mistreatment as a result of his or her departure or subsequent return to Haiti. These monitoring efforts will continue.

I appreciate your interest in this difficult issue. I hope that the information I have provided helps address your concerns.

Sincerely,



Lee M. Peters
Deputy Director
Office of Caribbean Affairs

T H E W H I T E H O U S E O F F I C E

REFERRAL

JUNE 30, 1992

TO: DEPARTMENT OF STATE

9213870

ACTION REQUESTED:

DIRECT REPLY, FURNISH INFO COPY

DESCRIPTION OF INCOMING:

ID: 335284

MEDIA: LETTER, DATED JUNE 15, 1992

TO: PRESIDENT BUSH

FROM: MR. SHELDON RUDOFF
PRESIDENT
UNION OF ORTHODOX JEWISH -
CONGREGATIONS OF AMERICA
333 SEVENTH AVENUE
NEW YORK NY 10001

SUBJECT: VIEWS REGARDING THE ADMINISTRATION'S POLICY
ON HAITIAN REFUGEES

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
UNDERSIGNED AT 456-7486.

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(OR DRAFT) TO:
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE, 20500

SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE



Clayton Fong

Orthodox Union

DOS

335284

UNION OF
ORTHODOX
JEWISH
CONGREGATIONS
OF AMERICA

איחוד
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באמריקה

333 SEVENTH AVENUE • NEW YORK, NY 10001 • (212) 563-4000 • FAX (212) 564-9058

ב"ה

June 15, 1992

Honorable George Bush
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, DC. 20500

9213870

Dear Mr. President:

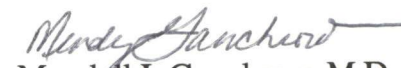
We write to express our deep concern with respect to the current Haitian refugee problem. America's history and indeed its destiny is to provide refuge and safe haven for those in need, and often this includes opening our shores to refugees.

Those individuals fleeing Haiti, because of the military coup that ousted President Jean-Bertrand Aristide, should not be turned back to possible death or persecution. Although there is no real comparison, this policy of returning boat-loads of Haitians without allowing appeal for protection and asylum, reminds us of the tragic mistake made 50 years ago to turn Jews away from U.S. ports and back to their deaths in Nazi Germany.

Ironically, if the Haitians were fleeing Communism instead of military dictatorship, they would be granted asylum under current U.S. law. We strongly support the "Haitian Refugee Protection Act", sponsored by Representative Charles Rangel, to assure safety for Haitians in the U.S. until democracy returns to Haiti.

Sincerely,


Sheldon Rudoff
President


Mandell I. Ganchrow, M.D.
Chairman
Institute for Public Affairs

President

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Chairman, Board of Directors
SIDNEY KWESTEL

Chairman, Board of Governors
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HARVEY TANNENBAUM
West Coast

RABBI PINCHAS STOLPER
Executive Vice President

RABBI RAPHAEL B. BUTLER
National Director

ID# 335284

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

CO 064

INCOMING

DATE RECEIVED: JUNE 10, 1992

NAME OF CORRESPONDENT: JEANNIE WEINER

SUBJECT: VIEWS REGARDING THE ADMINISTRATION'S POLICY
ON HAITIAN REFUGEES

ROUTE TO: OFFICE/AGENCY (STAFF NAME)		ACTION ACT CODE	DATE YY/MM/DD	TYPE RESP	C D	COMPLETED YY/MM/DD
✓ DEPARTMENT OF STATE	RL	PAP ORG	92/06/28	30		92/07/15
REFERRAL NOTE:						
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COMMENTS: INCOMING RET'D TO CORRESP. ANALYSIS FROM
CLAYTON FONG FOR DISPOSITION TO DOS; ATTACHED
ARE OTHER LTRS. FROM JEWISH ORGANIZATIONS
ALSO RET'D REGARDING SAME (MAYNARD WISNER &

ADDITIONAL CORRESPONDENTS: 1 MEDIA:L INDIVIDUAL CODES: 4400 4800

MI MAIL USER CODES: (A) (B) (C)

*ACTION CODES:	*DISPOSITION	*OUTGOING	*
*	*	*CORRESPONDENCE:	*
*A-APPROPRIATE ACTION	*A-ANSWERED	*TYPE RESP=INITIALS	*
*C-COMMENT/RECOM	*B-NON-SPEC-REFERRAL	*OF SIGNER	*
*D-DRAFT RESPONSE	*C-COMPLETED	*CODE = A	*
*F-FURNISH FACT SHEET	*S-SUSPENDED	*COMPLETED = DATE OF	*
I-INFO COPY/NO ACT NEC		*OUTGOING	*
*R-DIRECT REPLY W/COPY *			*
*S-FOR-SIGNATURE *			*
*X-INTERIM REPLY *			*

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DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT

TRANSMITTAL FORM

S/S 9214309

Date July 15, 1992

FOR: Mr. William F. Sittmann
Executive Secretary
National Security Council Staff
The White House

REFERENCE:

To: President Bush

From: Jeannie Weiner

Date: June 10, 1992

Subject: Views regarding the Administration's policy on
Haitian refugees

WH Referral Dated: June 30, 1992
NSCS ID# (if any): 335284

_____ The attached item was sent directly to the
Department of State.

ACTION TAKEN:

_____ A draft reply is attached.

_____ A draft reply will be forwarded.

_____ A translation is attached.

X An information copy of a direct reply is attached.

_____ We believe no response is necessary for the reason
cited below.

_____ The Department of State has no objection to the
proposed travel.

_____ Other (see remarks).

REMARKS:


Director
Secretariat Staff

UNCLASSIFIED



United States Department of State

Washington, D.C. 20520

July 15, 1992

Dear Ms. Weiner:

President Bush has asked that I respond to your letter of June 10, 1992, expressing concern over the May 24 Executive Order allowing for the direct repatriation of Haitian migrants.

Let me assure you that we share your concern regarding Haiti and the plight of the Haitian boat people. The United States Government, in cooperation with the Organization of American States, is doing all it can to restore democratic legitimacy to Haiti. Haiti has long been plagued by political upheaval and poverty. Over the years, but more and more since the coup d'etat of September 1991, Haitians have sought a more stable and prosperous life in the United States. Their motivation is often mixed, but we believe that economic factors predominate.

In May, the exodus of more than 13,000 Haitian migrants led to a dangerous and unmanageable situation. Both the temporary processing facility at the United States naval base Guantanamo and the Coast Guard cutters on patrol were filled to capacity. President Bush was compelled on May 24, 1992, to issue an executive order which permitted the United States Coast Guard to return Haitians picked up at sea directly to Haiti. Since then, boat departures have nearly ceased.

Jeannie Weiner
President,
Jewish Community Council.

THE WHITE HOUSE OFFICE
REFERRAL

JUNE 30, 1992

TO: DEPARTMENT OF STATE

9214309

ACTION REQUESTED:
DIRECT REPLY, FURNISH INFO COPY

DESCRIPTION OF INCOMING:

ID: 335284
MEDIA: LETTER, JUNE 10, 1992
TO: PRESIDENT BUSH
FROM: JEANNIE WEINER, PRESIDENT,
JEWISH COMMUNITY COUNCIL,
6735 TELEGRAPHS, SUITE 100
BLOOMFIELD HILLS, MI 48301

SUBJECT: VIEWS REGARDING THE ADMINISTRATION'S POLICY
ON HAITIAN REFUGEES

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
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(OR DRAFT) TO:
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE, 20500

SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE

Nevertheless, any Haitians who believe that they have a well-founded fear of persecution are free to contact our Embassy in Port-au-Prince for a refugee interview. Haitians picked up at sea after May 24 are informed of the possibility of applying for refugee status in accordance with new procedures instituted in February 1992, which exist for only four countries: the former Soviet Union, Vietnam, Cuba and Haiti. Embassy officers board the cutters to reassure those who have expressed concern about approaching the Embassy, noting that members of President Aristide's personal staff have applied for refugee status without surveillance or interference from the Haitian authorities. VOA is broadcasting information in Creole on in-country refugee processing so that all Haitians will be aware of our program. Haitians from the countryside can apply by writing to the U.S. Embassy in Port-au-Prince.

Under the new program, both initial screening and the refugee interviews take place in Haiti. Embassy staff has been increased to cover the caseload. Processing in Haiti eliminates the need for bona fide refugees to risk their lives in seeking admission to the United States. To date, over 4,400 Haitians have applied for the program. Some who have been identified as refugees have already been transported to the United States. In our contacts with over 2,400 returnees since early February, we have encountered no evidence of mistreatment connected with repatriation.

Temporary Protected Status (TPS) is designed for citizens of foreign countries stranded in the United States beyond their permission to stay. It usually applies in areas of civil war or invasion, as in Liberia or Kuwait. Designating Haiti as a TPS country under present circumstances would only encourage additional migration. I refer you to the Department of Justice, in whose domain that decision lies.

There has been some criticism that our policy is racist. This is not true. We have admitted to the United States over 10,000 Haitian asylum seekers during this crisis. Moreover, some 140,000 Haitians have been given legal status here in the past ten years. Only four countries sent more of their citizens here in that period. More Haitians than Cubans came in, despite Cuba's much larger population.

I am pleased to enclose a copy of a recent statement made by myself before the Committee on Foreign Affairs. It explains both our current policy towards Haiti and earlier action we took in response to the exodus of boat people.

In sum, we believe that a fair and comprehensive process is in place. We believe that those Haitians who feel they have a well-founded fear of persecution will avail themselves of our in-country refugee processing service. We will continue to encourage other countries and the United Nations to help us find solutions to this crisis.

Please be assured of our continued concern for the safety and protection of Haitian boat people and our commitment to the return of democracy to Haiti.

Sincerely,



Brunson McKinley
Deputy Assistant Secretary
Bureau for Refugee Programs

Enclosures: 1. Correspondence returned
2. Statement of Ambassador Brunson McKinley



Jewish Community Council

An association of 270 fraternal, religious, social and community relations organizations

Jeannie Weiner
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HONORARY MEMBER
Paul D. Borman

June 10, 1992

9214309

President George Bush
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear President Bush:

On behalf of the Jewish Community Council of Metropolitan Detroit, representing the approximately 100,000 members of the Jewish community in our area, I wish to convey our alarm at the policy of intercepting boats carrying Haitians fleeing their country and returning them to Haiti without holding hearings on their asylum claims. For the Jewish community, the memories of desperate people seeking to escape a cruel regime, and being rebuffed at this country's shores, are still all too clear. We cannot stand silently by and watch others endure a similar fate.

Our nation was founded in order to create a free and open society, where all could live in peace under the rule of law. We have been strengthened immeasurably by the many immigrant groups that have fled religious or political persecution to make a new home in the United States. We violate the principles we all hold dear when we deny the petitions for asylum of those who are leaving a regime of terror, without even providing an opportunity for a full and fair hearing.

At minimum, we would urge you to consider granting Temporary Protected Status to Haitian refugees, until such time as a determination can be made regarding their claims.

Sincerely,

Jeannie Weiner
Jeannie Weiner
President

JW:sk

Jewish Community Council of Metropolitan Detroit

Mailing address: 6735 Telegraph, Suite 100 • Bloomfield Hills, MI 48301 • (313) 642-5393 FAX: 642-6469

Downtown office: 163 Madison • Detroit, MI 48226 • (313) 962-1880 FAX: 962-1885

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WASHINGTON
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ID# 335284

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___ Report not scanned.

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___ Proclamation not scanned.

___ Incoming letter(s) not scanned.

___ Proposal not scanned.

___ Statement not scanned.

___ Duplicate letters attached - not scanned.

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___ No incoming letter attached.

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Comments:

STATEMENT OF AMBASSADOR BRUNSON MCKINLEY

Deputy Assistant Secretary
Bureau for Refugee Programs
U.S. Department of State

June 11, 1992

Before the

United States House of Representatives
Committee on Foreign Affairs
Subcommittee on Western Hemisphere Affairs
and
Subcommittee on International Operations

ADMINISTRATION POLICY

On May 24, 1992 President Bush issued an executive order which permits the U.S. Coast Guard to return Haitians picked up at sea directly to Haiti. Since that date, we have picked up and returned to Haiti 2,887 Haitians. In the past week, once information on the new policy became widespread, we have interdicted only about a dozen Haitians. There have been no reports of mistreatment of returnees.

This was a difficult decision, taken only in the face of rising and increasingly unmanageable outflows and after seven months of exploring all possible alternative means of addressing the outflow of Haitians in unseaworthy boats.

For as long as we could, we used the base at Guantanamo as a humanitarian sanctuary and a location for interviewing Haitian boat people to allow those with credible claims to be identified and brought to the United States to apply for asylum status. In May, however, when more than 13,000 Haitians were picked up, we were overwhelmed by the numbers. Moreover, we became convinced that the Guantanamo operation and the presence of U.S. Coast Guard cutters offshore had become a magnet -- causing more and more Haitians to take to the boats. In this circumstance, we were compelled to act to end or to reduce greatly the boat exodus.

One essential element of our policy is to safeguard human life. When the numbers of boat people began to exceed the capacity of our Coast Guard cutters to pick them up, we were forced to implement a practice of selectivity -- asking the cutter captains to decide which boats were sufficiently seaworthy to let sail on. Sooner or later a Haitian boat would go down and lives would be lost. Similarly, at some point the overcrowding at Guantanamo would pose serious risks to human health. These risks were clearly intolerable and unsustainable, and, on May 24, the President determined that the point of maximum capacity had been reached.

We faced an excruciating dilemma. Haitians want to come to Miami. To save lives we pick people up at sea. By doing so we strengthen the pull of the magnet for the United States. The magnet goes well beyond political refugees; most are people seeking better economic opportunity. The dilemma is magnified by the need to employ an embargo in our efforts to restore democracy, which adds to the economic pressures.

In these circumstances, recognizing all the down sides, we believe that it is imperative to end the magnet effect by returning all Haitians directly to Haiti. We will be able to continue to save lives by picking up those at sea. We will be able to process any Haitians who fear persecution at our embassy in Port-au-Prince, and we have spread this word widely. The embassy has been processing refugee applications since February with no interference from the Haitian authorities. The cumulative total of applications received by the Embassy is over 1,400 and more than a thousand others have expressed interest in the program. We are also monitoring returnees and working with both the International Federation of Red Cross and Red Crescent Societies and UNHCR to expand their presence in Haiti for this purpose. This monitoring plus our refugee processing provides an expanding means of protection within Haiti. We are hoping that the OAS-DEMOC observers will soon be able to arrive to expand such protection further.

This, of course, is not all we are doing for Haiti, nor is it the most important aspect of our overall Haiti policy. The only good answer to the dilemma of the Haitian boat people is to address the fundamental problem facing the entire Haitian population -- the need to restore democratic legitimacy. When that happens, Haitians can have hope for a better life without leaving their country. We and the OAS are doing what we can.

In the meanwhile, we are endeavoring to address the basic needs of the people. We have increased our humanitarian assistance programs, which total \$47 million and will provide food for over 600,000 Haitians and health care services to nearly two million. We have called on other nations to increase their humanitarian efforts. Fundamentally, however, the answer to Haiti's problem and the desire of its people for a better life can be found only in the political realm, through the restoration of constitutional government.

OTHER POLICY OPTIONS

The central fact about boat people is that they are on the high seas. They must be brought safely to shore. There must be a place on land to receive them.

A second fact about asylum seekers and migration phenomena generally is offering resettlement or asylum to any large group will cause even greater numbers to seek the same benefit. Any policy we pursue must be considered in terms of this potential magnet effect.

Taking these two criteria together, the need for a place on land and the avoidance of a magnet effect, the options available to the United States for Haitian boat people are

extremely limited: we could bring them to the United States, we could return them to Haiti, or we could find a third country which would allow the use of its territory for safehaven or at least for processing.

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We have also sought a solution through multilateral institutions, and we have strongly supported the diplomatic efforts of the OAS and UNHCR to orchestrate a regional plan. The United States and UNHCR are continuing to seek a regional solution. To date, however, there has been no success.

THE UN REFUGEE CONVENTION

Our policy decision to return Haitians picked up on the high seas without screening has raised concern about the consistency of our policy with the legal obligations of the 1951 UN Convention and the 1967 Protocol on the Status of Refugees. Let me assure you that the Department of State has approached this question with the greatest seriousness. Not only do we respect such treaty obligations as a matter of law and policy, we are the acknowledged world leader in refugee affairs. Both in support of the UN High Commissioner for Refugees and bilaterally, as necessary, we are constantly working with other governments in the cause of first asylum practice and refugee protection. We have not violated the Convention, and we have no intention of lessening our advocacy of its principles around the world.

Our position, simply put, is that the UN Refugee Convention does not impose an obligation on a state with respect to refugees outside of its own territory. This is not a new interpretation to fit the present circumstance. The negotiating record shows that this was the understanding of the Convention at the time it was negotiated.

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The new policy is working. New boat departures have dropped to nearly zero in the past week. Since May 24 some 2,887 persons who have not been screened have been returned directly to Haiti. We have checked and monitored and no incidents of mistreatment have come to light. All returnees are being met at the dock by embassy officers. All receive a briefing in Creole and a handout which explains how to apply at the embassy for the U.S. refugee admissions program.

I think our critics are attacking us not so much because of what we are doing but because of the perception that we are treating Haitians differently than asylum seekers from other nations.

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Finally, and here the argument is particularly pointed within the fraternity of experts on refugee affairs, there is the contention that we are less concerned for the fate of the Haitian boat people than for the fate of Vietnamese boat people. Before reaching a conclusion, let us work through these two quite different cases.

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As stated earlier, this question of land to house boat people is a critical element. For Haitian boat people, no other country has been willing to offer its territory for a significant number.

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For Haitian boat people there is almost no multilateral support, despite seven months of effort.

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U.S. policy on Haitian boat people has also been in place for over ten years. This policy recognizes that most Haitians are intending illegal immigrants to the United States and allows for their interdiction and return to Haiti. We have done so for over ten years with no evidence that returnees are persecuted. Since the coup in October 1991, we have returned some 22,000 Haitians. We are monitoring all over the country, tracking down specific allegations that are reported to us, and we have found no credible evidence that returnees are targeted for persecution.

CONCLUSION

This is what we are doing. In the cases of both Vietnamese and Haitian boat people we have put first and foremost the safety of people on the high seas. In both cases we have sought multilateral solutions. In both cases we have supported screening procedures. This was our policy on Haitians for seven months, but it could not be sustained. The unilateral U.S. program to offer safe landing and screening at Guantanamo became its own undoing. It became a magnet, drawing out more and more Haitians until eventually our first priority -- the safeguarding of lives at sea -- could no longer be assured.

We were forced to change our policy. We are returning Haitians directly to their country of origin without screening. We recognize that our decision might be misconstrued, and used to weaken international resolve to protect asylum seekers in other circumstances. We will work to counter that, carefully explaining the special circumstances of this case and the efforts we are undertaking within Haiti both to monitor returnees and process refugees. In these ways we believe we can sustain our support on behalf of refugees worldwide.

Thank you Mr. Chairman.

ID# 335284

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

CO 064

INCOMING

DATE RECEIVED: JUNE 11, 1992

NAME OF CORRESPONDENT: *Sheldon Rudolph*
~~MAYNARD I. WISNER~~SUBJECT: VIEWS REGARDING THE ADMINISTRATION'S POLICY
ON HAITIAN REFUGEES

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION		DISPOSITION	
		ACT CODE	DATE YY/MM/DD	TYPE RESP	C COMPLETED D YY/MM/DD
✓ DEPARTMENT OF STATE	RL	PAP GKG	92/06/28	30	A 92/07/15
REFERRAL NOTE:					
REFERRAL NOTE:					
REFERRAL NOTE:					
REFERRAL NOTE:					
REFERRAL NOTE:					

Blue tracking sheet & original incoming not returned

COMMENTS: INCOMING RET'D TO CORRESP. ANALYSIS FROM
CLAYTON FONG FOR DISPOSITION TO DOS; ATTACHED
ARE OTHER LTRS. FROM JEWISH ORGANIZATIONS
ALSO RET'D REGARDING SAME (MAYNARD WISNER &

ADDITIONAL CORRESPONDENTS: 1 MEDIA:L INDIVIDUAL CODES: 4400 4800

MI MAIL USER CODES: (A) (B) (C)

*ACTION CODES:	*DISPOSITION	*OUTGOING	*
*	*	*CORRESPONDENCE:	*
*A-APPROPRIATE ACTION	*A-ANSWERED	*TYPE RESP=INITIALS	*
*C-COMMENT/RECOM	*B-NON-SPEC REFERRAL	*OF SIGNER	*
*D-DRAFT RESPONSE	*C-COMPLETED	*CODE = A	*
*F-FURNISH FACT SHEET	*S-SUSPENDED	*COMPLETED = DATE OF	*
I-INFO COPY/NO ACT NEC		*OUTGOING	*
*R-DIRECT REPLY W/COPY *			*
*S-FOR-SIGNATURE *			*
*X-INTERIM REPLY *			*

REFER QUESTIONS AND ROUTING TO CENTRAL REFERENCE
(ROOM 75, OEOB) EXT-2590
KEEP THIS WORKSHEET ATTACHED TO ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COPIED RECORD TO RECORDS
MANAGEMENT.

UNCLASSIFIED

DEPARTMENT OF STATE
EXECUTIVE SECRETARIAT

TRANSMITTAL FORM

S/S 9214324

Date July 15, 1992

FOR: Mr. William F. Sittmann
Executive Secretary
National Security Council Staff
The White House

REFERENCE:

To: President Bush

From: Maynard I. Wishner

Date: June 11, 1992

Subject: Views regarding the Administration's policy on
Haitian refugees

WH Referral Dated: June 30, 1992

NSCS ID# (if any): 335284

_____ The attached item was sent directly to the
Department of State.

ACTION TAKEN:

_____ A draft reply is attached.

_____ A draft reply will be forwarded.

_____ A translation is attached.

X An information copy of a direct reply is attached.

_____ We believe no response is necessary for the reason
cited below.

_____ The Department of State has no objection to the
proposed travel.

_____ Other (see remarks).

REMARKS:



Director
Secretariat Staff

UNCLASSIFIED



United States Department of State

Washington, D.C. 20520

July 15, 1992

Dear Mr. Wishner:

President Bush has asked that I respond to your letter of June 11, 1992, cosigned by Michael C. Kotzin expressing concern over the May 24 Executive Order allowing for the direct repatriation of Haitian migrants.

Let me assure you that we share your concern regarding Haiti and the plight of the Haitian boat people. The United States Government, in cooperation with the Organization of American States, is doing all it can to restore democratic legitimacy to Haiti. Haiti has long been plagued by political upheaval and poverty. Over the years, but more and more since the coup d'etat of September 1991, Haitians have sought a more stable and prosperous life in the United States. Their motivation is often mixed, but we believe that economic factors predominate.

In May, the exodus of more than 13,000 Haitian migrants led to a dangerous and unmanageable situation. Both the temporary processing facility at the United States naval base Guantanamo and the Coast Guard cutters on patrol were filled to capacity. President Bush was compelled on May 24, 1992, to issue an executive order which permitted the United States Coast Guard to return Haitians picked up at sea directly to Haiti. Since then, boat departures have nearly ceased.

Maynard I. Wishner
Chairman,
Jewish Community Relations Council.

Nevertheless, any Haitians who believe that they have a well-founded fear of persecution are free to contact our Embassy in Port-au-Prince for a refugee interview. Haitians picked up at sea after May 24 are informed of the possibility of applying for refugee status in accordance with new procedures instituted in February 1992, which exist for only four countries: the former Soviet Union, Vietnam, Cuba and Haiti. Embassy officers board the cutters to reassure those who have expressed concern about approaching the Embassy, noting that members of President Aristide's personal staff have applied for refugee status without surveillance or interference from the Haitian authorities. VOA is broadcasting information in Creole on in-country refugee processing so that all Haitians will be aware of our program. Haitians from the countryside can apply by writing to the U.S. Embassy in Port-au-Prince.

Under the new program, both initial screening and the refugee interviews take place in Haiti. Embassy staff has been increased to cover the caseload. Processing in Haiti eliminates the need for bona fide refugees to risk their lives in seeking admission to the United States. To date, over 4,400 Haitians have applied for the program. Some who have been identified as refugees have already been transported to the United States. In our contacts with over 2,400 returnees since early February, we have encountered no evidence of mistreatment connected with repatriation.

Temporary Protected Status (TPS) is designed for citizens of foreign countries stranded in the United States beyond their permission to stay. It usually applies in areas of civil war or invasion, as in Liberia or Kuwait. Designating Haiti as a TPS country under present circumstances would only encourage additional migration. I refer you to the Department of Justice, in whose domain that decision lies.

There has been some criticism that our policy is racist. This is not true. We have admitted to the United States over 10,000 Haitian asylum seekers during this crisis. Moreover, some 140,000 Haitians have been given legal status here in the past ten years. Only four countries sent more of their citizens here in that period. More Haitians than Cubans came in, despite Cuba's much larger population.

I am pleased to enclose a copy of a recent statement made by myself before the Committee on Foreign Affairs. It explains both our current policy towards Haiti and earlier action we took in response to the exodus of boat people.

In sum, we believe that a fair and comprehensive process is in place. We believe that those Haitians who feel they have a well-founded fear of persecution will avail themselves of our in-country refugee processing service. We will continue to encourage other countries and the United Nations to help us find solutions to this crisis.

Please be assured of our continued concern for the safety and protection of Haitian boat people and our commitment to the return of democracy to Haiti.

Sincerely,



Brunson McKinley
Deputy Assistant Secretary
Bureau for Refugee Programs

Enclosures: 1. Correspondence returned
2. Statement of Ambassador Brunson McKinley

THE WHITE HOUSE OFFICE

REFERRAL

JUNE 30, 1992

TO: DEPARTMENT OF STATE

9214324

ACTION REQUESTED:
DIRECT REPLY, FURNISH INFO COPY

DESCRIPTION OF INCOMING:

ID: 335284
MEDIA: LETTER, JUNE 11, 1992
TO: PRESIDENT BUSH
FROM: MAYNARD I. WISHNER, CHAIRMAN,
JEWISH COMMUNITY RELATIONS COUNCIL
BEN GURION WAY,
1 SOUTH FRANKLIN STREET,
CHICAGO, ILLINOIS 60606-4694

SUBJECT: VIEWS REGARDING THE ADMINISTRATION'S POLICY
ON HAITIAN REFUGEES

PROMPT ACTION IS ESSENTIAL -- IF REQUIRED ACTION HAS NOT BEEN
TAKEN WITHIN 9 WORKING DAYS OF RECEIPT, PLEASE TELEPHONE THE
UNDERSIGNED AT 456-7486.

RETURN CORRESPONDENCE, WORKSHEET AND COPY OF RESPONSE
(OR DRAFT) TO:
AGENCY LIAISON, ROOM 91, THE WHITE HOUSE, 20500

SALLY KELLEY
DIRECTOR OF AGENCY LIAISON
PRESIDENTIAL CORRESPONDENCE



THE JEWISH COMMUNITY RELATIONS COUNCIL
OF THE JEWISH UNITED FUND OF METROPOLITAN CHICAGO

Ben Gurion Way • 1 South Franklin Street • Chicago, Illinois 60606-4694 • (312)346-6700 • FAX 855-2474

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Maynard I. Wishner

Honorary Chairmen
Raymond Epstein
Hon. Philip M. Klutznick
Robert M. Schrayner
Joel J. Sprayregen
Herbert S. Wander
Richard L. Wexler

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on Soviet Jewry
Leah Silverstein, *Chair*
Roman Kahn, *Vice-Chair*

Domestic Concerns
Michael M. Mitchel, *Chair*
Richard S. Rhodes, *Vice-Chair*

Holocaust
Sol Goldstein, *Chair*

International Concerns
Caryn R. Adelman, *Chair*

Israel
Howard G. Kaplan, *Chair*

• • •

Director
Michael C. Kotzin, Ph.D.

Associate Director-JCRC
Director, Chicago
Conference on
Soviet Jewry
Richard D. Zelin

Program Coordinator
Domestic Concerns
Paula A. Harris

Program Coordinator
Israel
Jay J. Tcath

June 11, 1992

President George H. Bush
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Dear President Bush:

On December 19, 1991, the Jewish Community Relations Council (JCRC) of the Jewish United Fund of Metropolitan Chicago endorsed a resolution supporting efforts to rectify the plight of Haitian refugees by providing a temporary safe haven for those who sought to escape political upheaval and violence in Haiti.

The current Executive Order instructing the Coast Guard to intercept Haitian boat people at sea, sending those refugees directly back to Haiti and denying them an opportunity to apply for asylum, has intensified our concern.

Remembering the plight of Jews attempting to flee Nazi Europe in the '30s and '40s, the Jewish community views this as a significant and painful humanitarian issue. We are troubled that the current policy could set a dangerous precedent for the treatment of refugees worldwide who are in need of protection. We urge you to reconsider the Administration's policy on this issue.

Sincerely,

Maynard I. Wishner
Maynard I. Wishner
Chairman

Michael C. Kotzin
Michael C. Kotzin
Director

Jewish Community Relations Council
of the Jewish United Fund
of Metropolitan Chicago

MIW/MCK:abs

PARTICIPATING ORGANIZATIONS

American Jewish Committee, Chicago Chapter
American Jewish Congress, Midwest Region
American ORT Federation
Amit Women
Anti-Defamation League of B'nai B'rith, Greater Chicago Regional Office
Association of Reform Zionists
B'nai B'rith, Illinois Regional Council
B'nai B'rith Women, Land of Lakes Region
Chicago Action for Soviet Jewry
Chicago Association of Reform Rabbis
Chicago Board of Rabbis
UAHC, Chicago Federation of Reform Congregations
Chicago Jewish Youth Council
Chicago Rabbinical Council
Chicago Zionist Federation
Community Council of Jewish Organizations
Council of Traditional/Orthodox Synagogues
Federation of Reconstructionist Congregations and Havurot
Hadassah, Chicago and North Shore Chapters
Herut Zionists of Greater Chicago
Jewish Federation of Metropolitan Chicago
Jewish Labor Committee
Jewish United Fund of Metropolitan Chicago
Jewish War Veterans of the U.S. Dept. of Illinois
Labor Zionist Alliance
Na'amat/USA
National Council of Jewish Women, Chicago Metropolitan Council
National Federation of Temple Sisterhoods, Midwest District #18
Rabbinical Assembly of America
Religious Zionists of Chicago
United Synagogue of America, Midwest Region
Women's American ORT, Midwest District
Women's Division-JUF
Women's International Zionist Organization
Women's League for Conservative Judaism, Central Branch
Young Leadership Division-JUF
Zionist Organization of Chicago

STATEMENT OF AMBASSADOR BRUNSON MCKINLEY

**Deputy Assistant Secretary
Bureau for Refugee Programs
U.S. Department of State**

June 11, 1992

Before the

**United States House of Representatives
Committee on Foreign Affairs
Subcommittee on Western Hemisphere Affairs
and
Subcommittee on International Operations**

ADMINISTRATION POLICY

On May 24, 1992 President Bush issued an executive order which permits the U.S. Coast Guard to return Haitians picked up at sea directly to Haiti. Since that date, we have picked up and returned to Haiti 2,887 Haitians. In the past week, once information on the new policy became widespread, we have interdicted only about a dozen Haitians. There have been no reports of mistreatment of returnees.

This was a difficult decision, taken only in the face of rising and increasingly unmanageable outflows and after seven months of exploring all possible alternative means of addressing the outflow of Haitians in unseaworthy boats.

For as long as we could, we used the base at Guantanamo as a humanitarian sanctuary and a location for interviewing Haitian boat people to allow those with credible claims to be identified and brought to the United States to apply for asylum status. In May, however, when more than 13,000 Haitians were picked up, we were overwhelmed by the numbers. Moreover, we became convinced that the Guantanamo operation and the presence of U.S. Coast Guard cutters offshore had become a magnet -- causing more and more Haitians to take to the boats. In this circumstance, we were compelled to act to end or to reduce greatly the boat exodus.

One essential element of our policy is to safeguard human life. When the numbers of boat people began to exceed the capacity of our Coast Guard cutters to pick them up, we were forced to implement a practice of selectivity -- asking the cutter captains to decide which boats were sufficiently seaworthy to let sail on. Sooner or later a Haitian boat would go down and lives would be lost. Similarly, at some point the overcrowding at Guantanamo would pose serious risks to human health. These risks were clearly intolerable and unsustainable, and, on May 24, the President determined that the point of maximum capacity had been reached.

We faced an excruciating dilemma. Haitians want to come to Miami. To save lives we pick people up at sea. By doing so we strengthen the pull of the magnet for the United States. The magnet goes well beyond political refugees; most are people seeking better economic opportunity. The dilemma is magnified by the need to employ an embargo in our efforts to restore democracy, which adds to the economic pressures.

In these circumstances, recognizing all the down sides, we believe that it is imperative to end the magnet effect by returning all Haitians directly to Haiti. We will be able to continue to save lives by picking up those at sea. We will be able to process any Haitians who fear persecution at our embassy in Port-au-Prince, and we have spread this word widely. The embassy has been processing refugee applications since February with no interference from the Haitian authorities. The cumulative total of applications received by the Embassy is over 1,400 and more than a thousand others have expressed interest in the program. We are also monitoring returnees and working with both the International Federation of Red Cross and Red Crescent Societies and UNHCR to expand their presence in Haiti for this purpose. This monitoring plus our refugee processing provides an expanding means of protection within Haiti. We are hoping that the OAS-DEMOC observers will soon be able to arrive to expand such protection further.

This, of course, is not all we are doing for Haiti, nor is it the most important aspect of our overall Haiti policy. The only good answer to the dilemma of the Haitian boat people is to address the fundamental problem facing the entire Haitian population -- the need to restore democratic legitimacy. When that happens, Haitians can have hope for a better life without leaving their country. We and the OAS are doing what we can.

In the meanwhile, we are endeavoring to address the basic needs of the people. We have increased our humanitarian assistance programs, which total \$47 million and will provide food for over 600,000 Haitians and health care services to nearly two million. We have called on other nations to increase their humanitarian efforts. Fundamentally, however, the answer to Haiti's problem and the desire of its people for a better life can be found only in the political realm, through the restoration of constitutional government.

OTHER POLICY OPTIONS

The central fact about boat people is that they are on the high seas. They must be brought safely to shore. There must be a place on land to receive them.

A second fact about asylum seekers and migration phenomena generally is offering resettlement or asylum to any large group will cause even greater numbers to seek the same benefit. Any policy we pursue must be considered in terms of this potential magnet effect.

Taking these two criteria together, the need for a place on land and the avoidance of a magnet effect, the options available to the United States for Haitian boat people are

extremely limited: we could bring them to the United States, we could return them to Haiti, or we could find a third country which would allow the use of its territory for safehaven or at least for processing.

We have ruled out bringing any or all boat persons to the United States for our territory is the supreme magnet. It is precisely for the purpose of reaching the United States that most Haitians have gone out in the boats. When Haitians arrived spontaneously in Cuba, Jamaica or the Bahamas rather than reaching Guantanamo, they voluntarily returned to Haiti. So, too, have the great majority of those offered safehaven in Venezuela and Honduras. We are convinced that a program of large-scale entry into the United States, under any current or conceivable legal framework, would only ensure that thousands, tens of thousands, or even hundreds of thousands of additional Haitians would follow.

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I think our critics are attacking us not so much because of what we are doing but because of the perception that we are treating Haitians differently than asylum seekers from other nations.

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U.S. policy on Haitian boat people has also been in place for over ten years. This policy recognizes that most Haitians are intending illegal immigrants to the United States and allows for their interdiction and return to Haiti. We have done so for over ten years with no evidence that returnees are persecuted. Since the coup in October 1991, we have returned some 22,000 Haitians. We are monitoring all over the country, tracking down specific allegations that are reported to us, and we have found no credible evidence that returnees are targeted for persecution.

CONCLUSION

This is what we are doing. In the cases of both Vietnamese and Haitian boat people we have put first and foremost the safety of people on the high seas. In both cases we have sought multilateral solutions. In both cases we have supported screening procedures. This was our policy on Haitians for seven months, but it could not be sustained. The unilateral U.S. program to offer safe landing and screening at Guantanamo became its own undoing. It became a magnet, drawing out more and more Haitians until eventually our first priority -- the safeguarding of lives at sea -- could no longer be assured.

We were forced to change our policy. We are returning Haitians directly to their country of origin without screening. We recognize that our decision might be misconstrued, and used to weaken international resolve to protect asylum seekers in other circumstances. We will work to counter that, carefully explaining the special circumstances of this case and the efforts we are undertaking within Haiti both to monitor returnees and process refugees. In these ways we believe we can sustain our support on behalf of refugees worldwide.

Thank you Mr. Chairman.