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Executive Authority to Introduce United States
Forces into Hostile Situations to Evacuate U.S.
Citizens and Foreign Nationals



The Constitutional Authority of the President

From the time of Jefferson to the present, American Presidents have exercised their authority under the Constitution to use military force to protect U.S. citizens abroad. Instances where this authority has been exercised in the absence of any legislative sanction include the Boxer Rebellion in China in 1900, the landing of Marines in Nicaragua in 1926, and many others. (A partial listing of such instances is attached as an annex to this memorandum.)

The nature and basis of this authority was succinctly described by former President Taft. In 1916, after his term of office had expired, he wrote:

"He [the President] has done this [used military force to protect Americans] under his general power as Commander in Chief. It grows not out of any specific act of Congress, but out of that obligation, inferable from the Constitution, of the Government to protect the rights of an American citizen against foreign aggression" (William Howard Taft, The President and His Power, (1967) p. 94-95 (originally published in 1916).)

This remains the position of the executive branch.

The courts also have recognized the authority of the executive branch to take military action to protect U.S. citizens abroad. In the Slaughterhouse Cases (83 U.S. (16 Wall.) 36, 79 (1872)) the Supreme Court said of the Government's responsibility to its citizens abroad:

"Another privilege of a citizen of the United States is to demand the care and protection of the Federal Government over his life, liberty, and property when on the high seas or within the jurisdiction of a foreign government. Of this there can be no doubt nor that the right depends upon his character as a citizen of the United States."

In Durand v. Hollins (8 Fed. Cas. 111, 112 (1860)) a Federal Court in New York said of our duty to protect citizens abroad:

"Now, as it respects the interposition of the executive abroad, for the protection of the lives or property of the citizen, the duty must, of necessity, rest in the discretion of the President. Acts of lawless violence, or of threatened violence to the citizen or his property, cannot be anticipated and provided for; and the protection, to be effectual or of any avail, may, not unfrequently, require the most prompt and decided action The great object and duty of government is the protection of the lives, liberty, and property of the people composing it, whether abroad or at home; and any government failing in the accomplishment of the object, or the performance of the duty, is not worth preserving."

Finally, in In re Neagle, (135 U.S. 1 (1889)) the Supreme Court suggested that the President's duty to "take care that the laws be faithfully executed" might go so far as to authorize action to enforce "rights, duties and obligations growing out of . . . our international relations," including, by implication, our obligations to protect our citizens abroad. In support of this suggestion the Court recounted an incident involving one Martin Koszta, a native of Hungary who had at the time only declared his intention of becoming a U.S. citizen. According to Mr. Justice Miller:

"While in Smyrna he [Koszta] was seized by command of the Austrian consul general at that place, and carried on board the Hussar, an Austrian vessel, where he was held in close confinement. Captain Ingraham, in command of the American sloop of war St. Louis, arriving in port at that critical period, and ascertaining that Koszta had with him his naturalization papers, demanded his surrender to him, and was compelled to train his guns upon the Austrian vessel before his demands were complied with. It was, however, to prevent bloodshed, agreed that Koszta should be placed in the hands of the French

consul subject to the result of diplomatic negotiations between Austria and the United States. The celebrated correspondence between Mr. Marcy, Secretary of State, and Chevalier Hulsemann, the Austrian minister at Washington, which arose out of this affair and resulted in the release and restoration to liberty of Koszta, attracted a great deal of public attention, and the position assumed by Mr. Marcy met the approval of the country and of Congress, who voted a gold medal to Captain Ingraham for his conduct in the affair." (135 U.S. at 64)

Mr. Justice Miller ends his discussion of this curious incident by pointing out that Captain Ingraham's actions lacked any congressional authorization, implying that none was needed.

The Scope of the Various "Combat Activities" Statutes

We do not believe that there is any necessary conflict between the President's constitutional authority to take military action for the limited purpose of protecting American lives and the various statutes which have been enacted since June of 1973 prohibiting the use of appropriated funds for the introduction of U.S. forces into hostilities in Indochina. The legislative history of these statutes and subsequent statements made by members of Congress who were instrumental in their enactment, make it clear, we believe, that the Congress did not intend by these statutes to circumscribe this constitutional authority of the President.

In discussing the meaning of the Addabbo Amendment to the Fiscal Year 1974 Continuing Resolution, one of the earliest enactments in this series of coextensive restrictions, Congressman Addabbo discussed the precise point at issue here. He said in response to questions from the former House Minority Leader:

"The gentleman from Michigan is speaking of protective action. I am speaking of direct combat action by our forces. We are not amending the Constitution here this afternoon; we are taking a congressional prerogative. The President still has, as Commander in Chief, certain war powers and if any place in this world our forces are threatened or attacked he can move for the moment"

Representative Ford then asked if it was correct that Congressman Addabbo was saying "that the President as Commander in Chief has certain constitutional military responsibilities and opportunities . . . which would go beyond the limitation in this amendment"

(Emphasis added.) Congressman Addabbo responded "his rights under the Constitution as Commander in Chief, yes". (Congressional Record, June 26, 1973, page H-5365.)

On August 3, 1973 -- after the first of these statutes was enacted but before their effective date -- Admiral Moorer, then Chairman of the Joint Chiefs of Staff, said in executive session testimony before the Senate Foreign Relations Committee:

"[T]he only time that I think I said we might . . . use retaliatory fire was in the event we were trying to rescue Americans. I think you accept that as being -- I do -- a world wide authority when we get into that type of crisis."

Chairman Fulbright said that he did accept the authority, though he also suggested that we should not create a situation making such action necessary. (Moorer testimony before the Senate Foreign Relations Committee, August 3, 1973, page 40.)

One might ask, if the President's authority to take military action to rescue Americans is so clear, why has the Congress been requested to enact legislation clarifying that authority? The answer is that the executive branch believes our efforts to evacuate Americans, if that becomes necessary, should, in view of the national concern about the role of the United States in Indochina, be supported by the Congress as well as the constitutional authority of the President. Our national response to such an emergency should be a united one in which the Legislative and the executive branches are joined in their resolve. Possible disagreements over interpretation of the Constitution or the various statutes relating to Indochina should be set aside. In dealing with a matter as important as protecting the lives of American citizens there should be no dissension within our Government on the question of taking military action if necessary for the limited purpose of safely evacuating Americans from places of danger.

With regard to the authority of the President to employ the armed forces to evacuate foreigners from places of danger, it is clear that the various statutes restricting our involvement in hostilities in Indochina do not operate to prevent the President from using the armed forces for the evacuation of foreigners so long as those forces do not become involved in hostilities. We acknowledge that the President may not order U.S. forces into combat in Vietnam for the purpose of evacuating Vietnamese and third-country nationals without congressional authorization, except where a limited number of foreigners can be evacuated in connection with an evacuation of Americans without materially changing the nature of such an effort. Because we believe we have a real responsibility to the many Vietnamese who have been associated with the United States for many years, and because we recognize that it might not be possible to evacuate these people to safety without some limited involvement in hostilities by U.S. forces, we are seeking authorization to take the minimum military action necessary to achieve this limited purpose should the worst come to pass.

Drafted:L:OTJohnson:lhs
x20445 4/16/75

Clearances:

L - Mr. Leigh
L/EA - Mrs. Verville
L/PM - Mr. Michel
H - Mr. Goldberg
EA - Mr. Miller
White House - Mr. Rod Hills

ANNEX

Instances where the Armed Forces of the United States were Used to Protect U.S. Citizens Without Congressional Authorization

1. Following the burning of the American and British legations in Japan in 1863, the Commander of the USS Wyoming was instructed to use all necessary force to insure the safety of Americans residing in Japan.
2. In 1863 a detachment of Japanese troops assaulted foreign residents in Hiogo. Naval forces of the United States and other Western powers made a joint landing and adopted measures to protect the foreign settlement.
3. In 1888, U.S. naval forces in the Pacific were ordered to extend full protection and defense to American citizens and foreigners in Samoa who were threatened by civil war in that island.
4. In 1900, 2,500 U.S. troops were sent to join an international military force organized to protect the foreign legations in Peking during the "Boxer Rebellion".
5. In 1927, Nationalist soldiers in Nanking, China attacked Americans and other foreigners. On March 22 of that year, eleven men from the USS Noa were landed to protect the American Consulate. Additional forces were sent from the USS Preston to protect Americans and their property. The next month, 24 marines were landed at Hankow to protect an American business firm and in December, during a rebellion in Canton, marines were sent ashore to assist in the evacuation of Americans. By the end of 1927, the United States had 44 naval vessels in Chinese waters and 5,670 men ashore.
6. When local disturbances broke out in Nicaragua in 1926, the government of that country requested that American forces undertake to protect the lives and property of Americans and other foreigners. In May of that year, a force of marines was landed for the purpose of establishing a neutral zone. Additional neutral zones were established later in the year. The American military presence in Nicaragua continued until 1933.

For additional examples, see "Authority of the President to Repel the Attack in Korea", 23 Department of State Bulletin, 173 (1950); Memorandum of the Solicitor for the Department of State, October 5, 1912, "Right to Protect Citizens in Foreign Countries by Landing Forces", (2d ed., 1929); "Power of the President to Send the Armed Forces Outside the United States", Committee print prepared for the Joint Committee made up of the Committee on Foreign Relations and the Committee on Armed Services of the Senate, February 28, 1951, 82 Congress, 1st session.

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Apr-1 1975

CO 212.28-P

Edward R. Levi
The Attorney General

L. F. Chapman, Jr.
Commissioner of Immigration and Naturalization

Parole for Certain Cambodians and Additional Vietnamese.



CAMBODIANS

The State Department and INS have agreed to parole 983 Cambodians now in Thailand who were evacuated to that country by the United States provided:

1. Each in fact was evacuated by the United States.
2. Each is processed in accordance with specific instructions furnished to the Embassy.

VIETNAMESE

Again State Department and INS have agreed to parole the immediate relatives of United States citizens and permanent residents presently in the United States provided:

1. They desire to enter the United States.
2. They qualify fully for admission to the United States under the immigration laws with certain technical exceptions.

This authorization would allow into the United States the same categories of persons as were authorized over the weekend for the immediate relatives of American citizens who are presently in Vietnam except it would not permit the entry of the brothers and sisters of permanent residents. The number involved in this category could be as high as 75,000.

Subject to your approval we will obtain clearances from the White House, and then consult with the two Committees of the Congress. If all concur, the despatches appended hereto will be released immediately.

Approved by the President

*State Dept. approved
want to parole more
of middle class
Cambodians.*

*Personnel list in 2-20-75
inspector's committee
has considered
the names of members*

*0. How to Approve, Committee
to Approve*

*From a memo to your desk
98,001*

① Telegram of last week

Attach

① S. Bill
+
Analysis

② H. Bill
+
Analysis

③ Scarecrow letter



Handwritten notes:
W. J. ...
...

Handwritten notes:
W. J. ...
...

This information would allow them the United States the same categories of persons as were authorized over the weekend for the immediate release of American citizens who are presently in Vietnam except it would not put all the names of the hostages and citizens of permanent residents. The names involved in this category could be as high as 10,000.

In order to your request we will obtain clearance from the White House, and this consists with the top clearance of the Congress. If all cleared, the Department requested items will be released immediately.

Large handwritten notes at the bottom of the page, including names like 'W. J. ...' and other illegible text.



Office of the Commissioner
Immigration and Naturalization Service

MEMORANDUM

Tied -

Herewith a copy of my
memo, approved by
A/G, furnished to
Phil Buchen & State
last night.

happy -

U. S. Department of Justice
Immigration and Naturalization
Service

SECRET

COVER SHEET

This cover sheet shall be immediately placed on all SECRET MATERIAL prepared or received pending insertion in classified file.

SECRET

COVER SHEET

~~SECRET~~

[April 1975]

EMERGENCY PROGRAM FOR PAROLE OF REFUGEES FROM VIETNAM

At the President's news conference of April 3, 1975 he stated that the Attorney General's authority, which had been used several times since World War II to permit victims of war and persecution to come to the United States, would be considered for Vietnamese refugees.

In light of past experience with refugee programs generated by varying conditions in foreign countries the following considerations and recommendations are offered.

1. Time element. The period of time available for moving refugees out of Vietnam could be severely limited. It is not unlikely that within a matter of weeks the military situation will prevent any movement of refugees out of that country. Alternatively, some orderly movements may be possible.

2. Potential number of refugees. STATE Department estimates of potential Vietnamese refugees could run as high as 1,707,000, composed of:

- Vietnamese employees of U.S. and their dependents _____ 164,000
- SENIOR Vietnamese officials and their dependents
and others closely identified with U.S. _____ 600,000
- Close relatives of U.S. citizens and permanent
residents _____ 93,000
- FORMER Vietnamese employees of U.S. and their
dependents _____ 850,000



DECLASSIFIED
E.O. 12958 Sec. 3.6

State Dept. Guidelines
by KSH: MASA, Date 6/3/97

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- 2 -

3. Relatives of U.S. citizens and permanent residents.

Those relatives now in Vietnam are entitled to enter the United States under present law, if they so wish, and if proper petitions or applications are submitted on their behalf provided they are otherwise admissible under the law. Arrangements are now being made to process and move these people at the earliest possible date. The parole authority is and should be used to speed this process.



4. Bona fide refugees. Included in this category would be all of those considered by the State Department to be in the high risk category, and their dependents. The number could be large.

(a) In the 1950's we paroled some 40,000 Hungarian refugees into the United States. In the 1960's we paroled in some 675,000 Cubans into the United States. In the early 1970's we paroled 3500 Ugandans. In the case of the Hungarians and the Ugandans other countries in the world took a share of the total refugees. In the case of the Cubans the President stated publicly that the United States would accept all the Cuban refugees who could get here; a few went in addition to other countries in the world. This unqualified offer to accept Cuban refugees enabled CASTRO to rid

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- 3 -

himself of several hundred thousand of his undesirable, including large numbers of dissidents as well as many who were infirm or aged.

(b) At this time it is the opinion of the Justice Department that the United States should be called upon to accept only a limited and finite number of refugees. This statement is made in the light of the impact that would be felt on our economy and our social structure by the ingress of very large numbers.

(c) Consequently the United States should decide to accept only a limited number and through all channels and the United Nations other countries should be urged to accept a fair share of however many refugees there may turn out to be.



5. Implementation. The handling of large numbers of refugees will require:

- a. TRANSPORTATION.
- b. Screening for health, security, and immigration criteria.
- c. Staging area in a third country to include representatives of other countries who will accept refugees.
- d. Reception centers in the United States.

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[April 1975]

- e. Housing, food, clothing, jobs - voluntary agencies, IHW, and Labor to play the major roles.
- f. Funding for all the above.

6. Recommendations.

- a. Immediate parole decisions should be made.
- b. Immediate relatives of United States citizens and permanent residents (who are now entitled to enter the United States under present law) be paroled to expedite the process. This matter is being handled now by State and Justice in cooperation with the White House and appropriate Congressional Committees.
- c. A maximum of 50,000 bona fide refugees or 40% of the total, whichever is less, be paroled into the United States. All others to be absorbed by other countries under the auspices of U.N. and international agencies.
- d. To become permanent residents of the U.S. all in b. and c. above must meet the full requirements of the Immigration and Nationality Act.
- e. At the proper time, a public announcement of the foregoing be made to prevent a mass exodus based on false hopes.

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- 5 -

- f. If the foregoing, or some modification, are approved, the several governmental departments be directed to commence planning accordingly.

~~SECRET~~

DEPARTMENT OF STATE
WASHINGTON

April 5, 1975

SECRET



Dear Mr. Attorney General:

Communist overrunning of Cambodia and South Vietnam will make refugees out of many Cambodians and South Vietnamese associated with the present governments of those countries and with the United States. These people will face death or persecution from the communist elements if they remain in Cambodia or South Vietnam or if they are presently outside of those countries and return.

There are three categories of such refugees:
(1) South Vietnamese and Cambodians in the United States who have well-founded fear of persecution if they return to their countries of nationality. These are likely to request asylum from the Immigration Service which we presume will be granted.
(2) South Vietnamese and Cambodians in third countries who are unable to remain in these countries or who may face the threat of forcible return to their countries of nationality. (3) South Vietnamese and Cambodians who face death or persecution by communist elements because of their association with the United States Government or their own governments and must leave their countries of nationality. We estimate there are conservatively 200,000 to whom the United States Government has an obligation and the number may run to many times that number. We hope that many will be able to resettle in third countries but this may not be possible.

The Honorable
Edward H. Levi,
Attorney General.

DECLASSIFIED
E.O. 12958 Sec. 3.6

State Dept. Guidelines.
By ICSH, NARA, Date 6/3/97.

SECRET

SECRET

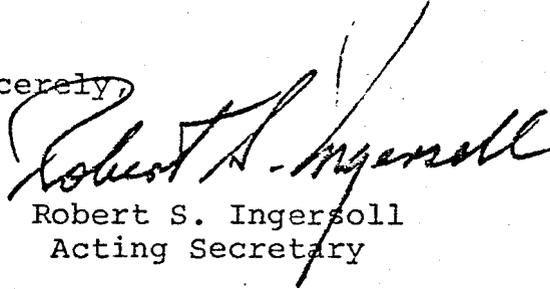
- 2 -

Because of our deep involvement in Vietnam and Cambodia, these people will look to the United States for resettlement and I believe we have an obligation to receive them. Because of the time involved, I do not believe it will be possible to obtain special legislation from the Congress in time to permit their entry into the United States, although such legislation may well be forthcoming. Therefore, parole under Section 212 (d) (5) of the Immigration and Nationality Act appears to be the only alternative. Such parole clearly meets the emergent reasons and public interest provisions of the Immigration and Nationality Act.

Therefore, I request that you exercise your parole authority under Section 212 (d) (5) of the Immigration and Nationality Act to permit the entry of the above categories of refugees.

If you agree with this proposal, officers of the Department will be in touch with your designees to discuss its implementation should that become necessary.

Sincerely,

A handwritten signature in dark ink, appearing to read "Robert S. Ingersoll". The signature is written in a cursive style with a large, sweeping flourish at the end.

Robert S. Ingersoll
Acting Secretary

SECRET

Dr. Maus.

Phil Habib + I are making
some revisions in the paper on
talking points we will brief you
in full in the AM.

A handwritten signature in cursive script, appearing to be 'D. W.' or similar, written in black ink.

SECRET

SCA:LWALENTYNOWICZ/AANTIPPAS:SJB
04/13/75
SCA:LWALENTYNOWICZ



NODIS

IMMEDIATE SAIGON

IMMEDIATE MANILA

E.O. 11652: GDS

[Signature]
LU
LW/AA

TAGS: AEMR, VS

SUBJECT: E & E AND ALIEN DEPENDENTS OF U.S. CITIZENS

REF: A) SAIGON 4878; B) SAIGON 4829

1. VERY MUCH APPRECIATE YOUR THOUGHTFUL RECOMMENDATIONS IN THE REFTEL. WE ARE STUDYING YOUR COMMENTS AND WILL RESPOND IN DETAIL. IN THE MEANTIME WE HAVE SUCCEEDED IN OBTAINING AUTHORITY FOR A VERY LIMITED RPT VERY LIMITED PAROLE PROGRAM. THIS PROGRAM DEALS ONLY WITH ALIEN RELATIVES PHYSICALLY PRESENT NOW IN VIET-NAM, OF U.S. CITIZENS ALSO PHYSICALLY PRESENT NOW IN VIET-NAM. THE PURPOSE OF THE PROGRAM IS TO ELIMINATE ONE OF THE REASONS WHY SOME AMERICANS REFUSE TO LEAVE VIET-NAM. IT WILL BE YOUR RESPONSIBILITY TO MONITOR SUCH PROGRAM AS CAREFULLY AS POSSIBLE AND YOU SHOULD MAKE AVAILABLE WHATEVER SECURITY FACILITIES NECESSARY TO PERMIT YOU TO SAY NO REPEAT NO TO THOSE WHO DON'T QUALIFY.

2. THE CRITERIA OF SUCH A PAROLE PROGRAM IS AS FOLLOWS:

A) EVERY SUBJECT MUST BE PHYSICALLY RPT PHYSICALLY PRESENT IN VIET-NAM AND MUST HAVE THE SPECIAL FAMILY RELATIONSHIP HEREAFTER DESCRIBED;

SECRET
KBH 6/3/97

~~SECRET~~

12

B} SUCH FAMILY RELATIONSHIP MUST BE ONE OF THE FOLLOWING TYPE AS MORE SPECIFICALLY DEFINED IN THE INA AND THE REGULATIONS:

- 1} LAWFUL SPOUSE
- 2} CHILDREN
- 3} MOTHER OR FATHER OF U.S. CITIZEN
- 4} MOTHER OR FATHER OF ALIEN SPOUSE
- 5} MINOR UNMARRIED SIBLINGS OF ALIEN SPOUSE
- 6} MINOR UNMARRIED SIBLINGS OF AN AMERICAN CITIZEN

C} EACH SUBJECT MUST HAVE IN PHYSICAL POSSESSION ALL AVAILABLE DOCUMENTS NECESSARY TO ESTABLISH SUCH SPECIAL FAMILY RELATIONSHIP AND BASIS TO ESTABLISH THAT SUBJECT'S QUALIFICATION AS AN IMMIGRANT UNDER THE INA WHERE EVER APPLICABLE.

D} FORM I-94 MUST BE FILLED OUT FOR EACH AND EVERY SUBJECT.

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F} THE AMERICAN CITIZEN WHO IS IN THE STATED FAMILY RELATIONSHIP MUST ACCOMPANY THE INTENDED PAROLEES WHEN THEY DEPART UNLESS CONTINUED PRESENCE OF SUCH AMERICAN CITIZEN IN VIET-NAM IS ESSENTIAL AS DETERMINED BY THE EMBASSY.

3. LISTS OF THE NAMES OF RELATIVES ELIGIBLE FOR PAROLE SHOULD BE CABLED TO DEPARTMENT SLUGGED FOR SCA, INS, AND VO. SUCH LISTS SHOULD ALSO BE PROVIDED TO THE TRANSPORTATION COMPANY CONCERNED WITH A LETTER AUTHORIZING THEIR TRANSPORTATION WITHOUT VISA TO A U.S. POST OF ENTRY. IT IS CONTEMPLATED THAT MAJORITY OF POTENTIAL PAROLEES WILL BE ARRIVING INDEPENDENTLY AT VARIOUS POSTS OF ENTRY, CONSEQUENTLY THE TRANSPORTATION COMPANIES AND INS PARTICULARLY SHOULD BE ADVISED AS ABOVE SO AS TO BE ABLE TO IDENTIFY THOSE CLEARED AND AUTHORIZED TO SO TRAVEL BY THE EMBASSY.

SECRET

SECRET

13

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NOTE: TO THE EMBASSY IN MANILA: PLEASE GIVE THE PHILIPPINE GOVERNMENT THE NECESSARY ASSURANCES THAT ANY PAROLEES STOPPING IN THE PHILIPPINES ARE THERE TEMPORARILY AND THAT THE U.S.G. WILL ARRANGE FOR THEIR ONWARD MOVEMENT WHEN CIRCUMSTANCES PERMIT. YY



SECRET

o Cambodians in Thailand — 1000 (3000?)

in US — 1300

in other third countries ?

in Cambodia ?

o Vietnamese —

in 3rd country

potentially in 3rd country, specific element evacuation (75000)

wholesale evac. (planning only)

— large scale

extraction

after collapse

— peaceful agreement

evacuation

— other alternatives

— no commitment to parole

— we are working in the

interim
organization



Dr. Maus.

Phil Habib & I are making
some revisions in the paper on
talking points we will brief you
in full in the Asst.



~~SECRET~~

SCA:LWALENTYNOWICZ/AANTIPPAS:SJB
04/13/75
SCA:LWALENTYNOWICZ



NODIS

IMMEDIATE SAIGON
IMMEDIATE MANILA

[Handwritten signature]
LW
LW/AA

E.O. 11652: GDS

TAGS: AEMR, VS

SUBJECT: E & E AND ALIEN DEPENDENTS OF U.S. CITIZENS

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SECRET

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SECRET

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in US — 1300
in other third countries ?
in Cambodia ?

3. Vietnamese —

- in 3rd country
- potentially in 3rd countries
- specific current evacuation (7500)
- wholesale evac. (planning only)
 - large scale extraction after collapse
 - peaceful agreement evacuation
 - other alternatives
- no commitment to parole
- we are working in other continent organization

THE WHITE HOUSE
WASHINGTON

Item 4

Spouses & Children in S. Vietnam
(dependent aliens)

10,000 → 75,000

Item 5

1,707,000

- Vietnam employees of US
164,000
- Sr Vietnam officials
& families
609,000
- Close relatives of US citizens
93,000
- Former US employees
850,000

DEPARTMENT OF STATE
WASHINGTON

April 15, 1975

SECRET

MEMORANDUM FOR MR. PHILIP BUCHEN
THE WHITE HOUSE

Subject: Need to Parole Refugee from Indochina



SITUATION

The State Department has recommended to the Attorney General that he exercise his parole authority under Section 212(c)(5) of the Immigration and Naturalization Act for broad categories of Cambodian and Vietnamese subjects. The Attorney General is requesting the President's guidance and approval. (The exchange of correspondence is attached as Tab A.)

The Department of State and the Immigration and Naturalization Service have begun consultations with the House and Senate Judiciary Subcommittees.

It is clear that the Congressional Committees have little or no problem with the use of parole to admit small numbers of Cambodian subjects who are refugees, particularly those with close American ties, those South Vietnamese subjects who are relatives and dependents of American citizens and South Vietnamese persons who are resident aliens of the U.S. who would ordinarily be entitled to immigrant status under the INA given the time, opportunity and desire to use ordinary procedures. On April 13, for instance, the House Subcommittee agreed to the immediate parole of approximately 3,000 Vietnamese dependents of 1,500 U.S. citizens presently in Vietnam who would otherwise have refused to leave that country. This was done to reduce the American presence there in the event total evacuation became necessary.

SECRET

GDS KBH 6/3/97

Congressional and public controversy will begin to grow as the numbers of potential parolees increase, as they will if we undertake an evacuation of any scale of South Vietnamese even though they may be in a high risk category. Assistance to the resettlement of Indo-Chinese refugees in third countries is vital and we have already obtained the agreement of the United Nations High Commissioner for Refugees for such assistance to Cambodians. (The question of UNHCR help to Vietnamese will be raised at a later date.)

IMMEDIATE ACTION REQUESTED

In order to fulfill the special obligation described in the President's April 10 speech to the Congress, while at the same time limiting public controversy to the extent possible, we ask that the President request the Attorney General to use his parole authority to admit Cambodians and Vietnamese refugees into the United States, in identifiable categories and in the following order of priority:

1. Those of the almost 1,000 "Eagle Pull" Cambodians now in Thailand who may wish to come to the United States. The Thai Government has made it abundantly clear that it urgently desires their onward movement, and our obligation to this group has not ended with their evacuation from Cambodia.

2. Several hundred South Vietnamese who arrived at Clark Air Force Base by American military planes and whose presence there is straining our relationship with the Philippine Government.

3. Cambodian diplomats and other refugees in third countries who are facing forcible return or expulsion, as in India. (If the worst should come to pass and the Saigon Government falls, the same parole authority will be required for Vietnamese diplomats.)

1000

100

5000 Camb.
2000

4. Documented Vietnamese relatives of American citizens in the United States who would otherwise be admissible under normal immigration procedures and whose status will be changed to the appropriate INA preference as soon as feasible after their safe arrival here as parolees.

3000 registered in Saigon
17,600 unregistered
132,400 family
HLS go

5. In the event of a large-scale evacuation of South Vietnam, it is possible that as many as 200,000 Vietnamese to whom we have a moral obligation will require resettlement. Although every effort will be made to involve third countries, through international mechanisms such as the UNHCR, and directly, it is apparent that a large number will wish to come to the United States. The Attorney General should be asked to parole those Vietnamese who have left their country under such programs as the President may have authorized for their safety.

211,000
high risk + fam
50000

The Congress would be consulted and informed at every step but the urgency of most of these actions will not permit the luxury of lengthy debate or expectation of unanimous approval.

214000
3000
~~208,000~~
211,000

Robert H. Miller for
Philip Habib

Assistant Secretary
Bureau of East Asian Affairs

Attachment:

Tab A - Acting Secretary's letter to the Attorney General dated April 5 and the Attorney General's reply dated April 11.

T
A
B
A

DEPARTMENT OF STATE
WASHINGTON

4/5/75 Original hand delivered
to S/R to General
Chairman of INS 4/5
MSO (D)

April 5, 1975

SECRET

Copies to:
S/S-0 Task Force
EA
H
L
S/R
MODIS
FILE
(ek)

Dear Mr. Attorney General:

Communist overrunning of Cambodia and South Vietnam will make refugees out of many Cambodians and South Vietnamese associated with the present governments of those countries and with the United States. These people will face death or persecution from the communist elements if they remain in Cambodia or South Vietnam or if they are presently outside of those countries and return.

There are three categories of such refugees:
(1) South Vietnamese and Cambodians in the United States who have well-founded fear of persecution if they return to their countries of nationality. These are likely to request asylum from the Immigration Service which we presume will be granted.
(2) South Vietnamese and Cambodians in third countries who are unable to remain in these countries or who may face the threat of forcible return to their countries of nationality.
(3) South Vietnamese and Cambodians who face death or persecution by communist elements because of their association with the United States Government or their own governments and must leave their countries of nationality. We estimate there are conservatively 200,000 to whom the United States Government has an obligation and the number may run to many times that number. We hope that many will be able to resettle in third countries but this may not be possible.



DECLASSIFIED
E.O. 12958 Sec. 3.6

The Honorable
Edward H. Levi,
Attorney General.

State Dept. Guidelines
K84 NARA Date 6/3/97

MICROFILMED
BY S/SI

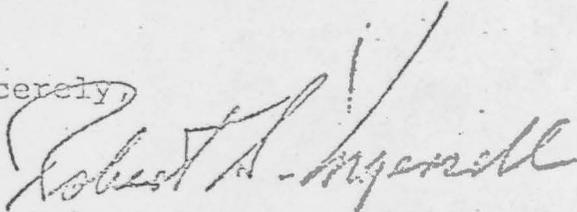
SECRET

Because of our deep involvement in Vietnam and Cambodia, these people will look to the United States for resettlement and I believe we have an obligation to receive them. Because of the time involved, I do not believe it will be possible to obtain special legislation from the Congress in time to permit their entry into the United States, although such legislation may well be forthcoming. Therefore, parole under Section 212 (d) (5) of the Immigration and Nationality Act appears to be the only alternative. Such parole clearly meets the emergent reasons and public interest provisions of the Immigration and Nationality Act.

Therefore, I request that you exercise your parole authority under Section 212 (d) (5) of the Immigration and Nationality Act to permit the entry of the above categories of refugees.

If you agree with this proposal, officers of the Department will be in touch with your designees to discuss its implementation should that become necessary.

Sincerely,



Robert S. Ingersoll
Acting Secretary

SECRET

Drafted by: FRJame^{son}:sll

x28345 4/4/75

Clearances:

- SCA - Mr. Recknagel
- L - Mr. Malmberg
- EA - Mr. Habib
- S/R - Mr. Kello
- H - Mr. Goldberg



Office of the Attorney General
Washington, D. C. 20530

7507263

April 11, 1975

Secret

The Honorable Robert S. Ingersoll
Deputy Secretary of State
Room 7220, State Department
Washington, D. C.

Dear Mr. Ingersoll:

I am writing in response to your request that I exercise the parole authority vested in me by Section 212(d)(5) of the Immigration and Naturalization Act to permit entry into the United States of the classes of refugees about whom you have expressed concern.

As you know, prior to receiving your letter, the Immigration and Naturalization Service decided that it would not now require the departure of South Vietnamese or Cambodians in the United States. Therefore, the question of asylum for individuals in this class is not of immediate importance, but will be addressed if it becomes necessary to do so.

You have also expressed concern about South Vietnamese and Cambodians in third countries who are unable to remain in those countries or who face the threat of forcible return to their countries of nationality. With regard to such persons now residing in nations which have signed the United Nations Convention relating to the Status of Refugees, we believe it would be appropriate for the United States to request that such countries fulfill their obligations under the Convention to permit such persons to remain. We propose to treat such persons now in non-signatory countries in the same manner as those presently in South Vietnam and Cambodia.

The largest number of people about whom you have expressed concern are those in South Vietnam and Cambodia who are in danger of death or persecution. While you indicate that there may be 200,000 people in this category,

DECLASSIFIED
E.O. 12958 Sec. 3.6

State Dept. Guidelines

by K3H NARA, Date 6/3/97



Secret

Page 2
Hon. Robert S. Ingersoll
April 11, 1975

other estimates of people to whom the United States may be deemed to have an obligation have ranged as high as 865,000.

The provisions of the Immigration and Nationality Act which permit the annual entry of 10,200 refugees from Communist countries or areas are presently unavailable because the quota for such refugees for this year has already been committed. Therefore, you are correct in assuming that the parole authority vested in the Attorney General is the only available means of permitting the immediate entry of refugees at this time. As you know, the parole authority was not originally intended to be used for classes of aliens and the Department of Justice informally agreed to consult, when possible, with the appropriate committees of Congress if it is to be exercised in this manner.

I understand that there is an immediate question regarding parole for 67 South Vietnamese now in the Philippines and approximately 2,000 Cambodians now in Thailand. I am advised by the Immigration and Naturalization Service that while these refugees are likely to present some problems with regard to the necessary identification, medical clearances, and security clearances, these matters can be handled. I am willing to exercise my parole power to admit these refugees if the President confirms that such action would be consistent with the treatment he would propose for future applicants who are similarly situated. I will attempt to obtain his guidance on this question as soon as possible.

Your request that I exercise my parole authority to permit entry of up to 200,000 people raises important questions which should be expeditiously, but systematically resolved before a decision is reached. These concern our immediate and long range capacity to employ, house, school and otherwise support varying numbers of refugees and the proper programs to do so. In addressing these questions,

Secret

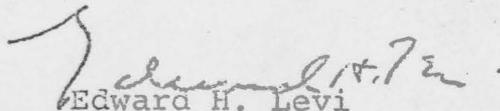
Page 3
Hon. Robert S. Ingersoll
April 11, 1975

it may be determined that the United States could not adequately accommodate every South Vietnamese and Cambodian who may wish to come here. In that case, it may be necessary to establish priorities among potential immigrants and procedures to assure that those priorities are fairly and effectively implemented. I have asked Acting Commissioner Greene of the Immigration and Naturalization Service to consult with the State Department on those matters.

As with the use of the parole authority for the Cambodians now in Thailand and the South Vietnamese now in the Philippines, the exercise of the authority for large numbers of persons now in Vietnam and Cambodia should follow consultation with the appropriate committees of Congress and have the approval of the President.

I appreciate the importance of resolving the questions raised by your request. We look forward to continuing to work with you to do so.

Sincerely,


Edward H. Levi
Attorney General

cc. Philip Buchen
Counsel to the President



DEPARTMENT OF STATE
ADMINISTRATOR
BUREAU OF SECURITY AND CONSULAR AFFAIRS
WASHINGTON

SECRET

April 16, 1975

MEMORANDUM FOR: Mr. Theodore Marrs
The White House

FROM: Leonard F. Walentynowicz 

SUBJECT: Expanding Parole Authority

Pursuant to our telephone conversation late this afternoon, and your request for further comment, I am sending you this memorandum to indicate that the State Department believes it is necessary to have broader parole authority than that specifically described in the two proposed cables, attached. We wish to see included in the cable to Cambodia the authority to parole Cambodian refugees beyond those specifically mentioned. We would estimate that the number of Cambodian refugees is not likely to exceed 3,000 persons. To allay any fear of excessive numbers, we would be willing to accept, however, a numerical limitation.

As I am sure the President is aware, that even though the Attorney General can exercise parole authority without the concurrence of Congress, as a practical matter such concurrence is initially desirable as failure to obtain same might result in Congressional hesitation to appropriate sufficient funds to care for those persons who are paroled and who in fact need financial assistance. This, of course, is of greater significance in connection with any additional grants of parole dealing with those Vietnamese who have no family connections in the U.S. and are considered vulnerable to Communist harm.

Attachments:

As stated.

SECRET-GDS

KBH 6/3/97



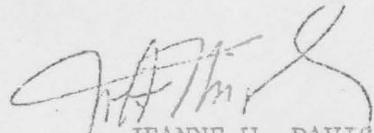
NATIONAL SECURITY COUNCIL

April 16, 1975

MEMORANDUM FOR: MR. RUMSFELD
MR. MARSH
MR. BUCHEN ✓

SUBJECT: State Department Response to
Query on Waivers for Admission
of Refugees....

Attached for your information is a copy of
the State Department response to the questions
raised in Mr. Marsh's memorandum of April 14.


JEANNE W. DAVIS
Staff Secretary



April 15, 1975



MEMORANDUM FOR LIEUTENANT GENERAL BRENT SCOWCROFT
THE WHITE HOUSE

Subject: Waivers for Admission of Refugees

The information below is submitted in response to your memorandum of today on the above subject:

Following the suppression of the abortive Hungarian revolt in the Fall of 1956 over 200,000 Hungarian refugees fled the country, especially to Austria (180,000) and to Yugoslavia (20,000). Resettlement missions from many countries were eager to accept Hungarian refugees, and the asylum countries -- especially Austria -- served as staging areas. President Eisenhower and the American people in general were eager to accept a generous quota of the Hungarians. Fewer than 7,000 refugee visas remained available, however, under the Refugee Relief Act of 1953 as amended. These were quickly used for Hungarians. At this juncture the decision was made to invoke Section 212 (d) (5) of the Immigration and Nationality Act in order to parole larger numbers of Hungarian refugees into the United States.

Section 212 (d) (5) provides inter alia that "The Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in the public interest any alien applying for admission to the United States"

LEWIS GIBSON

The sympathetic 85th Congress enacted P.L. 85-559, which provides for adjustment of status of paroled Hungarians to that of permanent immigrants to the U.S. The majority of the refugees were brought in from Austria into a U.S. staging area, in Camp Kilmer, New Jersey, administered by the Department of the Army. The refugees were resettled from Camp Kilmer, primarily through the efforts of interested voluntary agencies. A total of 30,701 Hungarian refugees regularized their status in the United States under P.L. 85-559 during 1958-59. This represented the overwhelming majority of the Hungarian refugees who were paroled into this country.

The Cuban refugee situation differs from others in that the United States was the country of first asylum. From 1957-72 this country admitted 621,403 Cuban nationals who fled from Cuba. That exodus was generally divided into three distinct periods: from the advent of the Castro government in 1959 to the breaking of diplomatic relations in January, 1961; from 1961 until the end of commercial travel in October, 1962; the subsequent period. While diplomatic relations existed, Cubans who wanted to leave Cuba went to the consulate in Havana. They were issued B-2 (tourist visas) which documented them and enabled commercial carriers to bring them to the United States. On arrival (usually Miami) the B-2 visa was cancelled by the Immigration Service (INS) and they were paroled into the United States under the parole provisions of the Immigration Act. The B-2 visa was "pro-forma" documentation to enable travel to commence.

After the break in diplomatic relations, the United States initially avoided the use of parole for Cubans fleeing the island and resorted to the device of waiving the visa requirement on a mass basis on the theory that each case represented an unforeseen emergency because of the unavailability of consular services in Cuba. This program largely terminated at the time of the Cuban Missile Crisis of 1962 because travel out of Cuba became impossible.

In October 1962, all commercial transportation between Cuba and the U.S. ended. The Cuban refugee flow was reduced to a trickle. In December 1962 the American Red Cross began sponsoring airflights and vessels which

brought Cuban refugees to the United States, primarily relatives of Cubans already here and prisoners from the "Bay of Pigs" invasion. These people were directly paroled.

In 1965, Castro announced that certain Cubans who wanted to leave were free to do so. President Johnson responded that the U.S. would accept all. Direct parole was the method of entry. Some Cubans went to third countries (primarily Spain) as they were unable to get places on the airlifts. Those with close relatives in the U.S. were given "pre-parole" documentation (medicals, affidavit of support, security clearance) by our consulate in Madrid. When they arrived at the U.S. port of entry, they were paroled into the U.S. by INS. In October, 1973, the Attorney General agreed to a one year parole program for those without close relatives here. Documentation was prepared by the consulates as with the pre-parole program, but INS personnel interviewed and issued the actual parole document in Madrid. Cubans in the U.S. were received and processed by the Cuban Refugee Center in Miami run by HEW. The Act of November 2, 1966 enabled Cuban refugees to adjust status to permanent residents.

Other examples, such as the parole of Soviet Jews from Rome, can be cited if these are desired.

Carolee Sulman
for George S. Springsteen
Executive Secretary

HISTORY OF THE PAROLE AUTHORITY UNDER THE IMMIGRATION LAWS

Parole is a device by which an inadmissible alien seeking entry is permitted to proceed into the United States, but in contemplation of law is considered to be standing at the water's edge. He is not deemed to be in the United States within the meaning of the expulsion provisions or other provisions of the Immigration and Nationality Act. Standing at the water's edge, as it were, he may be removed only in exclusion proceedings.

Parole is resorted to only in exceptional situations such as emergent medical treatment, avoiding unwarranted detention, and prosecution of criminals returned to the United States. It has also been used for refugees and orphans.

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Before 1952, parole was utilized as an administrative expedient. ^{2/} Its peculiar status was recognized by the Supreme Court 50 years ago in the case of Kaplan v. Tod. ^{3/}

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Nevertheless, under the general parole authority of the 1952 Act, large numbers of refugees have been allowed to come into the United States after, as well as before, publication of the House Report. ^{5/} These include:

Over 30,000 refugees from the 1956 Hungarian Revolution, by direction of President Eisenhower.

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^{1/} Section 212(d)(5), INA Act, 8 U.S.C. 1182(d)(5)

^{2/} Letter of E. J. Linn Dec. 45 (1947)

^{3/} 117 U.S. 228 (1925)

^{4/} H. Rept. No. 745, 86th Cong., 1st Sess., pp. 15-16.

^{5/} In the Act of July 14, 1960, statutory authorization for parole of refugees was specifically provided. That law expired in 1965.

takeover in 1959. (In 1965 when he signed into law the abolition of the National Origins System, President Johnson revived the Cuban parole program despite the House report.)

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^{2/} Walter v. R., 3 INA Dec. 45 (1947)

^{3/} 257 U.S. 223 (1921)

^{4/} H. Rept. No. 745, 89th Cong., 1st Sess., pp. 15-16.

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NATIONAL SECURITY COUNCIL

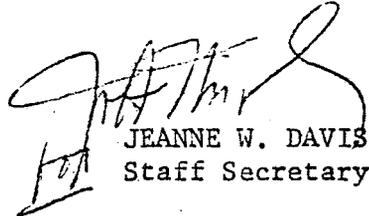


April 16, 1975

MEMORANDUM FOR: MR. RUMSFELD
MR. MARSH
MR. BUCHEN ✓

SUBJECT: State Department Response to
Query on Waivers for Admission
of Refugees.....

Attached for your information is a copy of
the State Department response to the questions
raised in Mr. Marsh's memorandum of April 14.


JEANNE W. DAVIS
Staff Secretary

April 15, 1975

MEMORANDUM FOR LIEUTENANT GENERAL BRENT SCOWCROFT
THE WHITE HOUSE

Subject: Waivers for Admission of Refugees



The information below is submitted in response to your memorandum of today on the above subject:

Following the suppression of the abortive Hungarian revolt in the Fall of 1956 over 200,000 Hungarian refugees fled the country, especially to Austria (180,000) and to Yugoslavia (20,000). Resettlement missions from many countries were eager to accept Hungarian refugees, and the asylum countries -- especially Austria -- served as staging areas. President Eisenhower and the American people in general were eager to accept a generous quota of the Hungarians. Fewer than 7,000 refugee visas remained available, however, under the Refugee Relief Act of 1953 as amended. These were quickly used for Hungarians. At this juncture the decision was made to invoke Section 212 (d) (5) of the Immigration and Nationality Act in order to parole larger numbers of Hungarian refugees into the United States.

Section 212 (d) (5) provides inter alia that "The Attorney General may in his discretion parole into the United States temporarily under such conditions as he may prescribe for emergent reasons or for reasons deemed strictly in the public interest any alien applying for admission to the United States"

LIEUTENANT GENERAL

The sympathetic 85th Congress enacted P.L. 85-559, which provides for adjustment of status of paroled Hungarians to that of permanent immigrants to the U.S. The majority of the refugees were brought in from Austria into a U.S. staging area, in Camp Kilmer, New Jersey, administered by the Department of the Army. The refugees were resettled from Camp Kilmer, primarily through the efforts of interested voluntary agencies. A total of 30,701 Hungarian refugees regularized their status in the United States under P.L. 85-559 during 1958-59. This represented the overwhelming majority of the Hungarian refugees who were paroled into this country.

The Cuban refugee situation differs from others in that the United States was the country of first asylum. From 1957-72 this country admitted 621,403 Cuban nationals who fled from Cuba. That exodus was generally divided into three distinct periods: from the advent of the Castro government in 1959 to the breaking of diplomatic relations in January, 1961; from 1961 until the end of commercial travel in October, 1962; the subsequent period. While diplomatic relations existed, Cubans who wanted to leave Cuba went to the consulate in Havana. They were issued B-2 (tourist visas) which documented them and enabled commercial carriers to bring them to the United States. On arrival (usually Miami) the B-2 visa was cancelled by the Immigration Service (INS) and they were paroled into the United States under the parole provisions of the Immigration Act. The B-2 visa was "pro-forma" documentation to enable travel to commence.

After the break in diplomatic relations, the United States initially avoided the use of parole for Cubans fleeing the island and resorted to the device of waiving the visa requirement on a mass basis on the theory that each case represented an unforeseen emergency because of the unavailability of consular services in Cuba. This program largely terminated at the time of the Cuban Missile Crisis of 1962 because travel out of Cuba became impossible.

In October 1962, all commercial transportation between Cuba and the U.S. ended. The Cuban refugee flow was reduced to a trickle. In December 1962 the American Red Cross began sponsoring airflights and vessels which



brought Cuban refugees to the United States, primarily relatives of Cubans already here and prisoners from the "Bay of Pigs" invasion. These people were directly paroled.

In 1965, Castro announced that certain Cubans who wanted to leave were free to do so. President Johnson responded that the U.S. would accept all. Direct parole was the method of entry. Some Cubans went to third countries (primarily Spain) as they were unable to get places on the airlifts. Those with close relatives in the U.S. were given "pre-parole" documentation (medicals, affidavit of support, security clearance) by our consulate in Madrid. When they arrived at the U.S. port of entry, they were paroled into the U.S. by INS. In October, 1973, the Attorney General agreed to a one year parole program for those without close relatives here. Documentation was prepared by the consulates as with the pre-parole program, but INS personnel interviewed and issued the actual parole document in Madrid. Cubans in the U.S. were received and processed by the Cuban Refugee Center in Miami run by HEW. The Act of November 2, 1966 enabled Cuban refugees to adjust status to permanent residents.

Other examples, such as the parole of Soviet Jews from Rome, can be cited if these are desired.

Carolee Sullivan
for George S. Springsteen
Executive Secretary



use of
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~~SECRET~~
124 6/3/47

ACTION: IMMEDIATE CAMBODIA

INFO: _____ ALL OTHER EAST ASIAN AND PACIFIC DIPLOMATIC
AND CONSULAR POSTS

EO 11652:GDS

Tags: CVIS; BRZF; VN, US

SUBJECT: Parole of Cambodians in Thailand

REF: State _____



1a. We understand from your cable No. 6282 that the US evacuated 983 Cambodians. Parole has been authorized for those Cambodians who have in fact been evacuated by the US provided they express a desire to come to the United States and are processed in accordance with the procedure set forth below. Any other Cambodians whom you believe should be authorized to come to the United States as parolees because of extraordinary circumstances should be reported with identifying data and pertinent facts on an individual basis for consideration.

2a. All grounds of inadmissibility set forth in section 212(a) of Act other than (14), (15), (20), (21) and (26) will apply to all aliens. An ineligibility which could be waived pursuant to section 212(g), (h), or (i) in a normal IV case is deemed to be overcome for purposes of parole. Other grounds of inadmissibility are not waived and preclude parole for aliens concerned. Consular officer should make every possible effort to satisfy himself of alien's admissibility in each case.

b. All aliens should be encouraged to make every effort to present and carry passport, birth certificate, or other appropriate identity documents.

c. Every alien approved for parole pursuant to the authority in

This telegram shall be given a letter addressed to INS officer-in-charge at port of entry stating that parole authorized. Letter should contain name and DPOB of alien. Also attach to letter photograph of alien and affix impression seal thereto.

d. All parolees should be advised that if financially able, they or their sponsor are responsible for the cost of transportation, care, maintenance, and resettlement, etc. In addition all parolees should understand that parole is simply a temporary admission into the US and that each of them still have to adjust their status and qualify as lawful immigrants under US law.

e. Every alien who will be paroled under this authority must have properly completed form I-94 (parole edition, if available) ready for submission to INS upon arrival at port of entry. Department assumes, however, that this can be handled while aliens enroute to US and requests that Embassy emphasize to carriers necessity of proper completion of process.

f. Department quite concerned about possible medical problems among parolees. Appropriate special travel arrangements must be made for any parolee having active pulmonary tuberculosis. Any other persons with serious medical problems, including women about to give birth, should be referred to and retained at Clark AFB or other intermediate military stop for medical treatment and clearance and/or appropriate transportation (i.e., HEDEVAC).



SECRET

KPH 6/3/97

ACTION: IMMEDIATE SAIGON

INFO: _____ ALL OTHER EAST ASIAN AND PACIFIC DIPLOMATIC
AND CONSULAR POSTS

EO 11652:GDS

Tags: CVIS; SREF; VN, US

SUBJECT:

REF: State _____

1. On additional, but still very limited rpt very limited parole authorization has been granted for certain relatives of persons who are US citizens or Vietnamese permanent resident aliens, but who are not physically present in Viet-Nam, provided the aliens are desirous of travelling to the US.
2. Classes of aliens to whom this parole authority applies are -
 - a. beneficiaries of approved immediate relative or first, second and fourth preference petitions; and
 - b. beneficiaries of approved fifth preference petitions who are unmarried and under twenty-one years of age; and
 - c. parents of Vietnamese permanent resident aliens provided conditions set forth in para 4 below are met; and
 - d. aliens entitled to derivative immigrant status (under Sec. 203(a)(9)) from categories a, b, and c above.



SECRET

- 2 -

3. In cases involving beneficiaries of approved petitions, petition or notice of approval thereof must be received at Embassy prior to alien's departure from Viet-Nam.

4. Before parents of permanent resident aliens (see par. 2(c) above) may qualify for parole relationship to and status of permanent resident must be established. Department foresees possible problems in informing resident aliens of need to file Form I-550 with INS for verification of status. Department and INS prepared assist in this process if Embassy can cable names and US address of resident aliens in such cases. Would appreciate Embassy's comments as to feasibility of this proposal.

5. All grounds of inadmissibility set forth in section 212(a) of Act other than (14), (15), (20), (21) and (26) will apply to aliens in authorized categories. An ineligibility which could be waived pursuant to section 212(g), (h) or (i) in a normal IV case is deemed to be overcome for purposes of parole. Other grounds of inadmissibility are not waived and preclude parole for aliens concerned. Consular officer should make every possible effort to satisfy himself of alien's admissibility in each case.



6. Every alien who will be paroled under this authority must have properly completed form I-94 (parole edition, if available) ready for submission to INS upon arrival at port of entry. Department assumes, however, that this can be handled while aliens enroute to US and requests that Embassy emphasize to carriers necessity of proper completion of forms.

7. Lists of the names with date and place of birth of relatives eligible for parole should be cabled daily to Department slugged for SCA, INS, and VO. Such lists should also be provided to the transportation company concerned with a letter authorizing their transportation without visa to a US port of entry. It is contemplated that majority of potential parolees will be arriving independently at various ports of entry, consequently the transportation companies and INS particularly should be advised as above so as to be able to identify those cleared and authorized to so travel by the Embassy. Embassy should use its discretion as to when to issue group or individual letters authorizing such travel, as long as the letters adequately serve the above-stated purpose.

8. All parolees should be advised that they ~~for~~ their sponsor are responsible for the cost of transportation, care, maintenance, and resettlement, etc. In addition all parolees should understand that parole is simply a temporary admission into the US and that each of them still have to adjust their status and qualify as lawful immigrants under US law.



SECRET

-4-

9. Department quite concerned about possible medical problems among parolees. Appropriate special travel arrangements must be made for any parolee having active pulmonary tuberculosis. Any other persons with serious medical problems, including women about to give birth, should be referred to and retained at Clark AFB or other intermediate military stop for medical treatment and clearance and/or appropriate transportation (i.e., MEDEVAC).

10. Again it will be your responsibility to monitor this program as carefully as possible. Failure to do so will result in adverse reaction so as to prevent any further extension of parole authority to any other groups of aliens that could be considered in future. Emphasize this again to military and other functionaries who for reasons of compassion and otherwise are permitting undocumented aliens, not potentially qualified as immigrants, to board military transports.

