

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. cable	Re: [Meeting] (9 pages)	07/04/1994	P1/b(1)
002. notes	Handwritten notes (4 pages)	ca. 1994	P1/b(1)
003. paper	Re: [options] (4 pages)	ca. 1994	P1/b(1), P5
004. paper	Re: [processing] (1 page)	ca. 1994	P1/b(1), P5
005. cable	Re: [Meeting] (3 pages)	06/29/1994	P1/b(1)
006. note	Handwritten notes (2 pages)	ca. 1994	P1/b(1)
007. memo	To Eric Schwartz, re: Draft comments on NSC paper (9 pages)	07/11/1994	P1/b(1), P5
008a. memo	Rand Beers to Anthony Lake, re: [Haitian migrants] (1 page)	07/12/1994	P1/b(1)
008b. memo	Anthony Lake to the President, re: Haiti Migration (4 pages)	ca. 07/1994	P1/b(1), P5
009. paper	Re: [Screening process] (1 page)	ca. 07/1994	P5

COLLECTION:

Clinton Presidential Records
National Security Council
Multilateral & Humanitarian Affairs (Schwartz, Eric)
OA/Box Number: 3416

FOLDER TITLE:

Haiti-Safe Haven, 1994-1995 [7]

Kara Ellis
2011-1045-F
ke1573

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Hand - Safe haven.

A more elaborate, merits based screening process -- even one based on a less stringent standard of proof than refugee processing -- is problematic for the following reasons:

- (1) time: in light of the President's decision not to repatriate genuine refugees, even a cursory substantive determination implicates the problem that we cannot repatriate involuntarily persons who claim they are refugees until we are sure that they are not. This requires a lengthy interview. The procedural protections associated with these interviews will be a source of contention with UNHCR and may provoke litigation from the NGO's.
- (2) involuntary repatriation: UNHCR will not participate in a process that involves involuntary repatriation, although they support a program of self-screening.
- (3) magnet: it will undermine the message because it will still be perceived as a means of entry to the U.S. since those who meet the test will believe that if they wait long enough, they will be resettled in the U.S.

If we must do an additional form of screening, the following is proposed:

Step 3

prima facie refugee screening: Haitians could be asked questions to determine if they have a fear of returning to Haiti and whether they are seeking asylum. This could be done by way of an IOM interview and completion of a form -- with perhaps a paper review by UNHCR. Close cases could be interviewed.

The questions would be for example:

Are you afraid to return to Haiti?

Why did you leave Haiti?

If the answers to these questions made it clear that the individual was clearly an economic migrant and had no fear of return, they could be repatriated.

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001. paper	Safe Haven for Haitian Boat People (1 page)	09/14/1995	P5

COLLECTION:

Clinton Presidential Records
National Security Council
Multilateral & Humanitarian Affairs (Schwartz, Eric)
OA/Box Number: 3416

FOLDER TITLE:

Haiti-Safe Haven, 1994-1995 [8]

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2011-1045-F
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RESTRICTION CODES

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Safe Haven for Haitian Boat People

An interagency debate has developed over whether to continue with safe havens for Haitian boat people after the restoration or revert to some variant of the pre-May policy of direct return.

DoD, OMB, the Coast Guard and some NSC staffers favor direct return, arguing that safe havens in third countries are an unnecessary expense once we are in a position to guarantee an end to persecution in Haiti.

State, Justice and others on the NSC staff believe that maintaining safe havens is cheap insurance against an uncertain future and the best way to avoid criticism from refugee and human rights activists, especially with AMIO about to run out.

Your Talking Points

o We now have a safe haven for Haitians in **Suriname**. We should keep it open at least through the early stages of the UN operation:

-- as a hedge against recurrent strife in Haiti; and

-- as a holding place for GTMO Haitians unwilling to return to Haiti.

o Transferring the Suriname camp to **UNHCR** management will relieve the U.S. military of an unwelcome burden and will save taxpayers money.

o Going back to the pre-May policy could subject the President to **criticism**.

-- Interdicting vessels puts us under obligation to avoid returning anyone with a plausible claim to asylum.

-- UNHCR and other refugee advocates look to us for leadership and will speak out against perceived expediency.

o Whatever the outcome of the intervention, **economic migration** from Haiti is likely to resume; safe haven is the only humane and broadly accepted disincentive we have found.

o We could regret a hasty decision to undo the remarkable progress in **regional cooperation** that the safe havens represent.