

The original documents are located in Box 10, folder “Indochina Refugees - Parole Authority (2)” of the Theodore C. Marrs Files at the Gerald R. Ford Presidential Library.

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THE WHITE HOUSE
WASHINGTON

April 16, 1975

Dr. Marrs,

For your information.

Phil Buchen





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



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, ^{1/} 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. Guidance

by [unclear] 028 6/3/97

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

These 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

himself of several hundred thousand of his undesirables, 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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- e. Housing, food, clothing, jobs - voluntary agencies, HEW, 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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f. If the foregoing, or some modification, are approved, the several governmental departments be directed to commence planning accordingly.

12 Noon
April 15, 1975
Draft Outline

Vietnam Contingency Act of 1975

1. If the President determines that the use of Armed Forces is necessary to withdraw American citizens and their families, the President may use the Armed Forces to take action essential to and directly connected with the protection of Americans and their families while they are being withdrawn subject to the provisions in paragraph 2.
 - (a) If the President uses U. S. Armed Forces to protect American citizens as above provided, he shall submit a report on the use of these forces in accordance with section 4(a) of the War Powers Resolution and comply with all other provisions of that Resolution.
 - (b) In addition to the information required under section 4(a) of the War Powers Resolution, the President would also be required to certify to Congress that:
 - (2) Every effort was made to terminate the threat to Americans by the use of diplomatic and any other means available without using the Armed Forces;
 - (1) There existed a direct and imminent threat to the lives of such U.S. citizens and their dependents;
 - (3) American citizens are being evacuated as rapidly as possible.
2. In carrying out the withdrawal of Americans, the President would be authorized to use U. S. Government personnel and property to assist in bringing out foreign nationals, (who are not members of the families of U. S. citizens), (?) when he determines and certifies to Congress that:
 - (a) a direct and imminent threat exists to the lives of the foreign nationals;
 - (b) no additional U. S. Forces are required beyond those needed to evacuate Americans;

- (c) the duration of the possible exposure of U. S. Forces to hostilities is not extended; and
- (d) the rescue of foreign nationals is only undertaken incidental to the rescue of Americans and only within areas necessarily controlled by U. S. Forces for the purpose of protecting Americans while they are being evacuated.



DEPARTMENT OF STATE
WASHINGTON

April 16, 1975

SECRET

MEMORANDUM FOR MR. PHILIP BUCHEN
THE WHITE HOUSE

Subject: Need to Parole Refugees from Indochina

SITUATION

The State Department has recommended to the Attorney General that he exercise his parole authority under Section 212(d)(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. (You have copies of this correspondence.)

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 U.S. citizens presently in Vietnam who would otherwise have refused to leave that

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GDS

KBH 6/3/97

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-2-

country. This was done to reduce the American presence there in the event total evacuation became necessary. Congressional and public controversy grows as the numbers of potential parolees increase, as they will if we undertake an evacuation of any scale of South Vietnamese, even though the people may be in a high-risk category. Therefore, assistance to the resettlement of Indochinese refugees in third country is vital. We have already obtained the agreement of the United Nations High Commissioner (UNHCR) and the Intergovernmental Committee for European Migration (ICEM) for such assistance to Cambodians. Our Mission in Geneva is being asked to approach the UNHCR and ICEM on a confidential basis to request similar assistance to Vietnamese refugees once they are out of their own country.

Whatever action is taken, the Congress should be consulted and informed at every step, but the urgency of some of these recommendations may not permit lengthy debate or expectation of unanimous approval.

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, the State and Justice Departments have agreed to ask that the President request the Attorney General to use his parole authority to admit certain Cambodian and Vietnamese refugees in identifiable categories into the United States. With the two exceptions noted below, State and Justice are agreed on the following categories and order of priority:

1. Those of the 1,000 "Eagle Pull" Cambodians now in Thailand who may wish to come to the United States. The Thai Government has made it clear that it urgently desires their onward movement.

n.b.: all figures used are State Department estimates. Justice Department estimates are included in the Attorney General's memo of April 15 which you have.

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2. There are 100 South Vietnamese at Clark Air Force Base, who constitute the exception referred to above. They arrived via American military airlifts and their presence is straining our relationship with the Philippine Government. The State Department recommends that they be paroled. Justice concurs, provided the 100 figure is subtracted from the total number of parolees finally agreed upon.

3. 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. (Embassy Saigon reports 3,000 such relatives currently registered with the Visa Section.)

4. Approximately 5,000 Cambodian diplomats and other refugees in third countries who may face forcible return or expulsion, as in India. If the worst should come to pass, the same parole authority will be required for Vietnamese diplomats and other refugees in third countries, also roughly estimated at 5,000. Justice does not wish to parole any of these categories into the U.S., in order to force the UNHCR to take action. State disagrees.

CONTINGENCY PLANNING

In the event of a large-scale evacuation of those high-risk Vietnamese to whom we have a moral obligation, as many as 200,000 may require resettlement. (Under certain circumstances, this figure could be much larger but there is no clear indication of just how great the number might be.) Every effort will be made to involve third countries, through international mechanisms such as the UNHCR and ICEM, and directly. Nevertheless, it is apparent that a large number will wish to come to the United States. If they are to do so, it would require the Attorney General's use of parole.

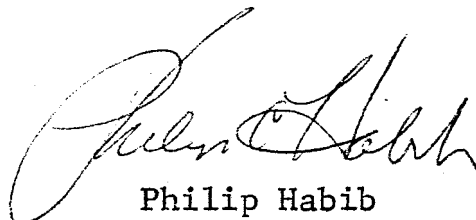
The State and Justice Departments are agreed on the principle of parole for Vietnamese who have left their

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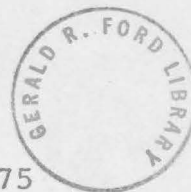
country under such programs as the President may have authorized for their safety but differ sharply as to numbers. The Justice Department would limit the use of parole to a maximum of 50,000, or 40% of the total number of refugees, whichever is less, because of domestic impact. The State Department believes that we should take our fair share of the residual refugees unable to be resettled elsewhere.



Philip Habib
Assistant Secretary
Bureau of East Asian Affairs



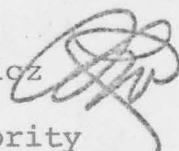
DEPARTMENT OF STATE
ADMINISTRATOR
BUREAU OF SECURITY AND CONSULAR AFFAIRS
WASHINGTON



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

KBA 6/3/77

THE WHITE HOUSE

WASHINGTON

April 17, 1975



MEMORANDUM FOR:

THE PRESIDENT

FROM:

PHILIP BUCHEN
JOHN MARSH
GENERAL SCOWCROFT

Section 212(d) (5) of the Immigration and Nationality Act 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...."

A history of the use of this authority is provided at Tab A.

From April 3 through April 15, 1,703 orphans have been flown out of Vietnam/Cambodia. The parole process has been applied in these cases. An updated report of this action is attached at Tab B.

On April 13, authorization for movement of families accompanying U. S. citizens returning from Vietnam was given. Parole is being used in this action. It is estimated that between 3,000 and 5,000 persons are involved.

It is now essential to consider additional actions:

1. There are 1,000 Cambodians now in Thailand who were evacuated as part of "Eagle Pull" and who may wish to come to the United States. The Thai Government has made it clear that it urgently desires their onward movement. State and Justice request your authorization to proceed with parole for these persons. We recommend your approval.

AGREE _____

DISAGREE _____

2. There are about 100 South Vietnamese at Clark Air Force Base whose presence is straining our relationship with the Philippine Government. Those who qualify for immigrant status under the INA should be paroled into the United States as soon as possible. State recommends that the remainder also be paroled. INS agrees "provided that the number admitted is subtracted from the total number of parolees finally admitted." We recommend parole without caveat.

AGREE _____

DISAGREE _____



3. There are approximately 3,000 Vietnamese relatives of American citizens or permanent resident aliens in the United States for whom petitions for entry have already been filed and who would otherwise be admissible in due course under normal immigration procedures. State and INS recommend the use of parole to permit their processing to be completed while they are in the United States. Their status will then be converted to the appropriate INA preference as soon as feasible after their arrival here as parolees. We recommend your approval.

AGREE _____

DISAGREE _____

4. There are also Vietnamese nationals (estimated to number between 10,000 and 75,000) who are immediate relatives of American citizens and permanent residents and for whom petitions have not as yet been filed. The number of those who would and could accept an offer of parole is unknown. State and Justice both recommend parole. We recommend your approval.

AGREE _____

DISAGREE _____

5. Approximately 5,000 Cambodian diplomats and other refugees in third countries may face forcible return or expulsion, as in India. If the worst should come to pass, the same parole authority will be required for Vietnamese diplomats and other refugees in third countries, also roughly estimated at 5,000. State will make every effort to assist and persuade the UNHC for Refugees to arrange for the relocation of refugees throughout the world, but State also wishes the President to request the Justice

Department to authorize entry into the United States of all such persons by parole whenever State determines that the efforts of the UNHC for Refugees are not successful. Immigration disagrees.

We recommend that the State Department position be accepted.

AGREE _____

DISAGREE _____



6. Planning is also now required for the potential evacuation of certain high risk Vietnamese. These include U. S. employees, labor leaders engaged in the free trade labor movement (particularly those who have worked with U. S. unions), governmental personnel and others along with their dependents. There is no clear indication of just how great the number will be. Every effort will be made to involve third countries, both directly and through international mechanisms such as the UNHCR and the International Committee for European Refugees. Nevertheless, it is apparent that a large number will wish to come to the United States. This will require the Attorney General's use of parole.

State and INS agree that parole should be exercised for such Vietnamese, but differ sharply as to numbers.

State believes that we should take our fair share of refugees who are unable to be settled elsewhere, and recognizes that the total number, given logistical and political limitations could be approximately 200,000. INS would limit the use of parole to 50,000 or 40% of the total number to be evacuated, whichever is less. It is their view that (1) the domestic impact on our society of admitting a large number is undesirable and (2) the Cuban experiences, wherein the President permitted 675,000 persons to enter the United States, should not be repeated. The INS also believes that it may be necessary to publicly announce this limit to prevent a mass exodus based on false hopes.

We recommend that the State Department position be accepted.

AGREE _____

DISAGREE _____

7. We recommend that you direct establishment of a small full-time task force with the necessary authority to improve

your decision making data base, assume interdepartmental coordination, and advise you in this emergency. This task force should include high level representatives from the Departments of State, Justice, Labor, HEW and HUD.

AGREE _____

DISAGREE _____



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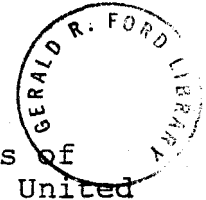
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State and INS agree that parole should be exercised for such Vietnamese, but differ sharply as to numbers.

State believes that we should take our fair share of refugees who are unable to be settled elsewhere, and recognizes that the total number, given logistical and political limitations could be approximately 200,000. INS would limit the use of parole to 50,000 or 40% of the total number to be evacuated, whichever is less. It is their view that (1) the domestic impact on our society of admitting a large number is undesirable and (2) the Cuban experiences, wherein the President permitted 675,000 persons to enter the United States, should not be repeated. The INS also believes that it may be necessary to publicly announce this limit to prevent a mass exodus based on false hopes.

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*Probably
Agreeable*

AGREE

DISAGREE



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DISAGREE

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A



HISTORY OF THE USE OF PAROLE

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.

The first express statutory authorization for parole appeared in the Immigration and Nationality Act which became effective December 24, 1952. 1/ The statute provides that the Attorney General in his discretion may parole any alien seeking admission for emergent reasons or for reasons deemed strictly in the public interest.

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

There has never been any question concerning the authority to parole individual aliens. However, questions have been raised by the Congress concerning authority to parole groups of aliens. For example, a question was raised after 224 Russian Orthodox Old Believers were paroled into the United States in June 1963. In the House Report on the 1965 Amendments, which established permanent Legislation for the conditional entry of refugees, the following statement was made: "The parole provisions were designed to authorize the Attorney General to act only in emergent, individual and isolated situations, such as the case of an alien who requires immediate medical attention, and not for the immigration of classes or groups outside of the limit of the law." 4/

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.

Over 600,000 refugees from Cuba who began to come to the United States in an almost unbroken stream for more than a decade after the Castro 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.)

15,000 Chinese refugees from Hong Kong, by direction of President Kennedy in 1962.

6,500 Czechoslovak refugees after the Soviet invasion of that country in 1968, at the urging of Congress.

Several hundred Soviet Jews and other minorities in the U.S.S.R., at the urging of Congress in 1971.

1,000 stateless Ugandan-Asians, authorized in 1972, at the urgent request of the State Department.

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.

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 the 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.



B



16 April 1975

Point Paper for the Special Assistant to the Secretary and
Deputy Secretary of Defense

SUBJECT: Orphan Evacuation Program - Vietnam/Cambodia

MAIN THRUST OF POINT PAPER

- Provides an update on the orphan evacuation program.

DISCUSSION

- On 3 Apr 75, DOD developed procedures for orphan evacuation. State/AID wholeheartedly concurred.
 - All orphans, upon verification by US Embassy in Vietnam and Cambodia, would be airlifted on first available military or commercial contract aircraft to Clark AB.
 - At Clark AB medical evaluation would be made to determine if orphans should be hospitalized, proceed on normal airlift, or be medically evacuated.
 - Flights then proceed to San Francisco or Los Angeles with Seattle as backup where military and volunteer agency personnel would further process them.
 - From 3 through 15 April a total of 1703 orphans (52 Cambodians) have been flown out of Vietnam/Cambodia. Military Airlift Command (MAC) transported 883 through Clark AFB, Philippines, of which 43 are currently enroute. Non-DOD carriers, chartered by private arrangements, transported the balance of 820 orphans.
 - 914 orphans have been moved to San Francisco.
 - 330 orphans have been moved to Los Angeles.
 - 409 orphans have been moved to Seattle.
 - 201 orphans have been moved to Fort Benning, Ga.
- (These figures do not total 1703 due to double handling, i.e., L.A. and Benning)
- Number and location of orphans currently being processed:
 - Clark AB, Philippines - 5 hospitalized.
 - Hickam AB, Hawaii - 5 hospitalized.
 - San Francisco - 65
 - Los Angeles - 87
 - Seattle - 18
 - Fort Benning - 170 (14 hospitalized)



-- Enroute - 43 from Clark AB to Los Alamedas Air Station, Ca.

- Deaths:

-- 5 April crash of C-5 - 190 (figure not final)

-- One died enroute to Clark AB - cause of death, extreme dehydration. (Infant)

-- One died at Clark AB Hospital - cause of death, sepsis (absorption of pathogenic microorganisms into blood stream). (Infant)

-- One died enroute to Los Angeles - cause of death, pneumonia, dehydration and prematurity. Reported 24 days old.

-- Prognosis - No more deaths expected.

- Future orphan airlift requirements:

-- Known - zero - original "Reported 2000" all processed

-- Possible - 80 (Vietnam) Rumors of 500 to 5000 more. Tracking this.

- Problems:

-- Despite the official State/AID/DOD system, certain individuals have operated as free agents making arrangements for contract flights and direct liaison with the orphanages.

-- This has caused considerable confusion and resulted in less than desirable service for the orphans.

-- News reporters covering commercial arrivals at San Francisco and Seattle (outside the State/AID/DOD system) cited health problems with orphans on these flights.

- Current funding status (funded by State/AID):

-- Airlift \$1,156,772

-- Medical 166,938

-- Support 71,916

-- Total obligated as of 15 Apr - \$1,395,626

Prepared by: MGEN M.F. Casey, USAF
DOD Orphan Lift Coordinator
OX 74121



THE WHITE HOUSE

WASHINGTON

April 17, 1975

DRAFT

MEMORANDUM FOR: THE PRESIDENT

FROM: PHILIP BUCHEN
JOHN MARSH
GENERAL BRENT SCOWCROFT



Section 212(d) (5) of the Immigration and Nationality Act 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...."

A history of the use of this authority is provided at Tab A.

From April 3 through April 15, a total of 1703 orphans have been flown out of Vietnam/Cambodia. The parole process has been applied in these cases. An updated report of this action is attached at Tab B.

On April 13, authorization for movement of families accompanying U. S. citizens returning from Vietnam was given. Parole is being used in this action. It is estimated that between 3000 and 5000 persons are involved.

It is now essential to consider additional actions:

1. There are 1,000 Cambodians now in Thailand who were evacuated as part of "Eagle Pull" and who may wish to come to the United States. The Thai Government has made it clear that it urgently desires their onward movement. State and Justice request your authorization to proceed with parole for these persons. We recommend your approval.

AGREE _____

DISAGREE _____

2. There are about 100 South Vietnamese at Clark Air Force Base whose presence is straining our relationship with the Philippine Government. Those who qualify for immigrant status under the INA should be paroled into the United States as soon as possible. State recommends that the remainder also be paroled. INS agrees provided that the number

admitted is subtracted from the total number of parolees finally admitted." We recommend parole without caveat.

AGREE _____

DISAGREE _____

3. There are approximately 3,000 Vietnamese relatives of American citizens or permanent resident aliens in the United States for whom petitions for entry have already been filed and who would otherwise be admissible in due course under normal immigration procedures. State and INS recommend the use of parole to permit their processing to be completed while they are in the United States. Their status will then be converted to the appropriate INA preference as soon as feasible after their arrival here as parolees. We recommend.

AGREE _____

DISAGREE _____



4. There are also Vietnamese nationals (estimated to number between 10,000 and 75,000) who are immediate relatives of American citizens and permanent residents and for whom petitions have not as yet been filed. The number of those who would and could accept an offer of parole is unknown. State and Justice both recommend parole. We recommend.

AGREE _____

DISAGREE _____

5. Approximately 5,000 Cambodian diplomats and other refugees in third countries may face forcible return or expulsion, as in India. If the worst should come to pass, the same parole authority will be required for Vietnamese diplomats and other refugees in third countries, also roughly estimated at 5,000. State will make every effort to assist and persuade the UNHC for Refugees to arrange for the relocation of refugees throughout the world, but State also wishes the President to request the Justice Department to authorize entry into the United States of all such persons by parole whenever State determines that the efforts of the UNHC for Refugees are not successful. Immigration disagrees.

We recommend that the State Department position be accepted.

AGREE _____

DISAGREE _____

6. Planning is also now required for certain high risk Vietnamese. These include U. S. employees, labor leaders engaged in the free trade labor movement (particularly those who have worked with U. S. unions), governmental personnel and others along with their dependents. There is no clear indication of just how great the number will be. Every effort will be made to involve third countries, both directly and through international mechanisms such as the UNHCR and the International Committee for European Refugees. Nevertheless, it is apparent that a large number will wish to come to the United States. This will require the Attorney General's use of parole.

The State and Immigration Service agree that parole should be exercised for such Vietnamese but differ sharply as to numbers.

State believes that we should take our fair share of refugees who are unable to be settled elsewhere, and recognizes that the total number, given logistical and political limitations could be approximately 200,000. INS would limit the use of parole to 50,000 or 40% of the total number to be evacuated, whichever is less. It is their view that (1) the domestic impact on our society of admitting a large number is undesirable and (2) the Cuban experiences, wherein the President permitted 675,000 persons to enter the United States, should not be repeated. The INS also believes that it may be necessary to publicly announce this limit to prevent a mass exodus based on false hopes.

We recommend that the State Department position be accepted.

AGREE _____

DISAGREE _____



7. We recommend that you direct establishment of a small full-time task force with necessary authority to improve your decision making data base, assume interdepartmental coordination, and advise you in this emergency. Such task force should include high level representatives from the Departments of State, Justice, Labor, HEW and HUD.

DRAFT

SECRET

April 17, 1975

MEMORANDUM FOR MR. PHILIP BUCHEN
THE WHITE HOUSE

Subject: Need to Parole Refugees from Indochina



SITUATION

The State Department has recommended to the Attorney General that he exercise his parole authority under Section 212(d)(5) of the Immigration and Naturalization Act for broad categories of Cambodian and Vietnamese subjects. In view of the very large numbers involved in some of the categories, and their domestic impacts, the Attorney General requests the advice of the President with regard to those categories as indicated below.

The Department of State and the Immigration and Naturalization Service have begun consultations with the House and Senate Judiciary Subcommittees with respect to some of these categories.

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. Congress would probably also have little problem with the parole of small numbers of South Vietnamese subjects who are relatives and dependents

DECLASSIFIED
E.O. 12358 Sec. 3.6

State Dept. Guidelines

by KBH NARA, dco 6/3/97

of American citizens and South Vietnamese persons who are resident aliens of the United States 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 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.

Congressional and public controversy grows as the numbers of potential parolees increase, as they will if we propose to parole large numbers of relatives of citizens and permanent residents, or if we propose to parole large numbers of South Vietnamese subsequent to an evacuation of any scale of South Vietnamese, even though the people may be in a high-risk category. Therefore, assistance for the resettlement of Indochinese refugees in third country is vital. We have already obtained the agreement of the United Nations High Commissioner (UNHCR) and the Intergovernmental Committee for European Migration (ICEM) for such assistance to Cambodians. Our Mission in Geneva is being asked to approach the UNHCR and ICEM on a confidential



also roughly estimated at 5,000. Justice does not wish to authorize entry at this time of either of these categories into the United States, in view of the responsibility of the United Nations High Commissioner for Refugees to arrange for the relocation of refugees throughout the world. State disagrees.

~~Under certain circumstances, this figure could be much larger but~~ there is no clear indication of just how great the number might be. Every effort will be made to involve third countries, through international mechanisms such as the UNHCR and the International Committee for European Refugees, and directly. Nevertheless, it is apparent that a large number will wish to come to the United States. If they are to do so, it ^{will} ~~would~~ require the Attorney General's use of parole.

^{INS}
The State and ~~Justice~~ Departments are agreed ~~on~~ that parole should be exercised to some extent for ^{such} Vietnamese who have left their country under such programs as the President may have authorized for their safety, but differ sharply as to numbers.

^{INS}
The ~~Justice~~ Department would limit the use of parole to a maximum of 50,000, including families, or 40% of the total number of refugees, whichever is less. This view stems from (1) the domestic impacts on our economy and society of admitting very large numbers of aliens into the United States, and (2) the Cuban experience wherein the President offered to admit all Cubans who could exit Cuba; 675,000 did and entered the United States. The Justice Department believes a limited number should be decided



upon and if this becomes necessary, at the appropriate time, it should be decided whether to publicly announce the limit in order to prevent a mass exodus based on false hopes.

The State Department believes that we should take our fair share of the residual refugees unable to be resettled elsewhere.

This matter will require a decision of the President at a later time when the facts are clearer.

Philip Habib
Assistant Secretary
Bureau of East Asian Affairs

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

April 17, 1975



MEMORANDUM FOR: THE PRESIDENT
FROM: PHILIP W. BUCHEN

Section 212(d)(5) of the Immigration and Nationality Act 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...."

A history of use of this authority is provided at Tab A.

From April 3 through April 15 a total of 1703 orphans have been flown out of Vietnam/Cambodia. The parole process has been applied in these cases. An updated report of this action is attached at Tab B.

On April 13, authorization for movement of families accompanying U.S. citizens returning from Vietnam was given. Parole is being used in this action. The telegraphic instructions are attached at Tab C. It is estimated that between 3000 and 5000 persons are involved.

It is now timely to consider two additional actions involving the use of 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.

The number involved in this category is currently estimated to be "as high as 75,000" by State and INS. Estimates at higher levels have also been discussed but State is convinced that 75,000 is a maximum estimate.

Your authorization is urgently needed to permit consultation with appropriate Congressional leadership prior to making a decision to use the parole authority in these additional categories. State and INS are ready to move promptly on consultation and State strongly emphasizes the urgency in light of changing circumstances.

Approve consultation with Congress _____

Disapprove consultation with Congress _____

Subject to Congressional consultation being favorable, it is recommended that the attached dispatches (Tab D) be released.

Yes _____ No _____

If Congressional consultation is unfavorable or mixed it is recommended that it be evaluated and that a decision to proceed or not be made in that light.



The next decision level is most difficult. It has been described as the removal of "high risk" Vietnamese citizens. The numerical estimates in this area have ranged from two hundred thousand to over one million. With respect to this category of endangered foreign nationals, it is imperative that you determine how many of these persons the U.S. has a commitment to, and that you define what that U.S. commitment will be.

We are advised that State's planning calls for evacuation of 200,000 persons in this category when the level of Americans in South Vietnam reaches 1200. Military support will presumably be introduced at or before this point.

Assuming no settlement is made in Vietnam to facilitate this decision, we need to reach agreement with Congress on authorizing legislation currently under consideration. This must be accomplished while still seeking military aid. Therefore, this is a most delicate and awkward political decision.

Your Saturday deadline for the Congress in this matter further underscores the critical need for decisions with respect to evacuation and this legislation.

The timing in relation to the Vietnamese military effort and Vietnamese tolerance of implementation adds to the complications. The logistics of withdrawal from vulnerable airfields or by helicopter under various scenarios is being addressed by Defense, but even these revolve around a decision on which persons are to be evacuated.

In the face of these complex factors, you have a firm proposal with recommendations and rationale from INS (Tab E).

- 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.

- 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.

An alternative proposal has been made by State (Tab F):

In the event of a large-scale evacuation of South Vietnam, it is possible that as many as 211,000 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 United Nations Commission on Human Rights, 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.

At this point it should be noted that operational feasibility has not been a major consideration and Defense planning factors have not been fully available to State or INS. Your decision on the following options are needed:

1. Go with INS recommendation _____
2. Go with State recommendation _____
3. Direct Secretary of Defense and Labor to resolve the issue in conjunction with the Attorney General and Secretary of State by 5:00 PM of April 17th.



Finally, I recommend that you direct establishment of a small full-time task force with necessary authority to improve your decision making base and advise you in regard to this emergency.

Approve _____

Disapprove _____

Enclosures



A

HISTORY OF THE USE OF PAROLE

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.

The first express statutory authorization for parole appeared in the Immigration and Nationality Act which became effective December 24, 1952. 1/ The statute provides that the Attorney General in his discretion may parole any alien seeking admission for emergent reasons or for reasons deemed strictly in the public interest.

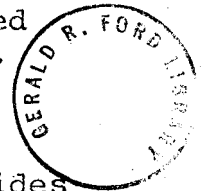
Before 1952, parole was utilized as an administrative expedient. 2/ It's peculiar status was recognized by the Supreme Court 50 years ago in the case of Kaplan v. Tod. 3/

There has never been any question concerning the authority to parole individual aliens. However, questions have been raised by the Congress concerning authority to parole groups of aliens. For example, a question was raised after 224 Russian Orthodox Old Believers were paroled into the United States in June 1963. In the House Report on the 1965 Amendments, which established permanent Legislation for the conditional entry of refugees, the following statement was made: "The parole provisions were designed to authorize the Attorney General to act only in emergent, individual and isolated situations, such as the case of an alien who requires immediate medical attention, and not for the immigration of classes or groups outside of the limit of the law." 4/

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.

Over 600,000 refugees from Cuba who began to come to the United States in an almost unbroken stream for more than a decade after the Castro 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.)

15,000 Chinese refugees from Hong Kong, by direction of President Kennedy in 1962.

6,500 Czechoslovak refugees after the Soviet invasion of that country in 1968, at the urging of Congress.

Several hundred Soviet Jews and other minorities in the U.S.S.R., at the urging of Congress in 1971.

1,000 stateless Ugandan-Asians, authorized in 1972, at the urgent request of the State Department.



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.

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.

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B

16 April 1975

Point Paper for the Special Assistant to the Secretary and
Deputy Secretary of Defense

SUBJECT: Orphan Evacuation Program - Vietnam/Cambodia

MAIN THRUST OF POINT PAPER

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 - Possible - 80 (Vietnam) Rumors of 500 to 5000 more. Tracking this.
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 - This has caused considerable confusion and resulted in less than desirable service for the orphans.
 - News reporters covering commercial arrivals at San Francisco and Seattle (outside the State/AID/DOD system) cited health problems with orphans on these flights.
- Current funding status (funded by State/AID):
 - Airlift \$1,156,772
 - Medical 166,938
 - Support 71,916
 - Total obligated as of 15 Apr - \$1,395,626

Prepared by: MGEN M.F. Casey, USAF
DOD Orphan Lift Coordinator
OX 74121





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

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;

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KBH 6/2/97

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.

E) EVERY EFFORT SHOULD BE MADE TO ASCERTAIN THAT APPLICANTS ARE MEDICALLY QUALIFIED, OR IF THEY HAVE A CLASS A CONDITION THAT IT IS WAIVEABLE. APPROPRIATE TRANSPORTATION ARRANGEMENTS SHOULD BE MADE FOR APPLICANTS WITH CONTAGIOUS CONDITIONS, SUCH AS ACTIVE PULMONARY TUBERCULOSIS. ANY PERSONS WITH SERIOUS MEDICAL PROBLEMS, INCLUDING WOMEN ABOUT TO GIVE BIRTH, SHOULD BE RETAINED AT CLARK AFB OR OTHER INTERMEDIATE MILITARY STOP FOR APPROPRIATE MEDICAL TREATMENT AND CLEARANCE AND/OR APPROPRIATE TRANSPORTATION (I.E., MEDEVAC).

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.

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4. THE AMERICAN CITIZEN WHO IS IN THE STATED FAMILY RELATIONSHIP SHOULD BE AWARE THAT HE IS RESPONSIBLE FOR SUCH PAROLEES INCLUDING THE COST OF TRANSPORTATION, CARE, MAINTENANCE AND RESETTLEMENT, ETC.

5. IN ORDER TO MAXIMIZE MANPOWER AND SPACE SUGGEST THAT PERSONNEL FROM CONGENS CAN THO AND BIEN HOA BE PRESSED INTO SERVICE AS A SECOND SHIFT TO THE EXTENT SAIGON CURFEW REGULATIONS PERMIT. YOU SHOULD ALSO ASK FOR ADDITIONAL EMBASSY STAFF, PARTICULARLY LANGUAGE OFFICERS IF NECESSARY.

6. IN CASE OF VISA APPLICANTS WHO ARE CLAIMED BY FOREIGN SERVICE EMPLOYEES AS DEPENDENTS, PLEASE COORDINATE WITH EMBASSY PERSONNEL OFFICE OR PERSONNEL OFFICES OF OTHER AGENCIES. THESE OFFICES CAN ASSIST EMPLOYEES IN PREPARING AND SUBMITTING NECESSARY FORMS (FOR STATE DEPT A JF-20) FOR LISTING BONA FIDE DEPENDENTS.

7. FINALLY, WOULD ALSO APPRECIATE IT IF YOU WOULD GIVE US AS ACCURATE FIGURES AS POSSIBLE ON NUMBER OF ALIEN DEPENDENTS IN CATEGORIES ENUMERATED ABOVE WHO WILL REQUIRE ENTRY INTO THE UNITED STATES. WE HAVE EXPERIENCED SOME DIFFICULTY IN RATIONALIZING THE FIGURES GIVEN IN PARA 2, REFTEL B WITH DAILY STATISTICAL READOUT.

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

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KSH 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.

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 and 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.

9. Department quite concerned about possible medical problems among parolees. Appropriate special travel arrangements must be made for any parolees 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.

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KSH 6/3/97

ACTION: IMMEDIATE CAMBODIA

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

EO 11652:GDS

Tags: CVIS; SRZF; 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 (25) 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., MEDEVAC).




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

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, ^{1/} 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 MWA OAS 6/3/97

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

These 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

himself of several hundred thousand of his undesirables, 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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- e. Housing, food, clothing, jobs - voluntary agencies, HEW, 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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f. If the foregoing, or some modification, are approved, the several governmental departments be directed to commence planning accordingly.

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NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Presidential Libraries Withdrawal Sheet

WITHDRAWAL ID 01963

REASON FOR WITHDRAWAL National security restriction
TYPE OF MATERIAL Memorandum
DESCRIPTION re program for parole of refugees from
Vietnam
CREATION DATE 04/1975?
VOLUME 5 pages
COLLECTION/SERIES/FOLDER ID . 016400102
COLLECTION TITLE Theodore C. Marrs Files
BOX NUMBER 10
FOLDER TITLE Indochina Refugees - Parole Authority
(1)-(2)
DATE WITHDRAWN 12/21/1989
WITHDRAWING ARCHIVIST WHM

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