

DEPARTMENT OF STATE  
BRIEFING PAPER

Rescue of Refugees at Sea (IMCO Role)

Tradition provides that ship captains shall rescue individuals in distress at sea and bring them to the closest port for disembarkation. Thousands of refugees have been rescued on the high seas, but in some cases vessels have reportedly ignored distress signals. In December 1978, the UN High Commission for Refugees and the Inter-governmental Maritime Consultative Organization issued a joint appeal to governments, shipowners and ship masters to continue the rescue of refugees on the high seas. Three times since mid-1978 the United States Government has reminded American line operators and their captains of their obligations in this regard and has also provided a guarantee of resettlement for refugees rescued by US-owned or US-registered vessels if those refugees are not accepted by another country.

Major maritime nations have for the most part stated that they have instructed their carriers to rescue refugees at sea. The major problem appears to lie with carriers operating under flags of convenience. Ship masters are coming under additional pressure as a result of stiffing resistance among the ports of the region to the landing of refugees without guarantees of resettlement.

US Objective

We wish to encourage the rescue of refugees at sea. It may be appropriate to call on IMCO and the UNHCR to renew their joint call on member states and ship captains to rescue people in distress. We would also be prepared to support the convening of a meeting of the parties with a major maritime interest in Southeast Asia in order to further emphasize the importance of the problem.

(Such a meeting could be convened under IMCO/UNHCR auspices, although this need not be the case.)

It would be useful if means could be developed to identify any ship ignoring distress calls.

#### Talking Points

--The US has called on US-registered and US-owned vessels to rescue refugees, and has guaranteed the resettlement to the United States if necessary of any refugee rescued by such a vessel.

--We understand that most of the major maritime nations have instructed their ships to rescue refugees in distress, and that for the most part the problem lies with carriers operating under flags of convenience.

--It may be appropriate to call on IMCO and the UNHCR to renew their call for the rescue of refugees in distress.

--We are prepared to support and participate in another meeting of parties with a major interest in Southeast Asia to emphasize the importance of finding solutions to the problem.

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THE LAND REFUGEES

By the end of June, there were about 165,000 refugees from Cambodia and Laos (including Vietnamese from Laos) registered with the UNHCR in Thai camps. In addition, there were over 40,000 Khmer refugees in temporary camps not registered with the UNHCR. Most of these were Pol Pot troops, their families, and some civilians under their control.

Registered refugees include over 15,000 Khmer, most of whom fled from the Pol Pot regime from 1975 through 1978. The remaining refugees from Laos include over 70,000 Hmong and other hill tribe members, 75,000 lowland Lao, and about 1,500 Vietnamese.

Escape rates from Laos have averaged about 6,000 a month for the past several years. In the first five months of 1979, about 90,000 Khmer entered Thailand to flee the fighting and hunger in Cambodia. The Thai forcibly repatriated about half of these but have since permitted some of the group to return on the guarantee that the US and France would accept them for resettlement quickly.

The US for most of this year has been accepting about 2,000 land refugees a month, but we have started to increase this rate, both because of the President's announcement that we would accept 14,000 Indochinese a month and also because of the urgency to move Cambodians threatened with repatriation out of Thailand as fast as possible so the Thai would allow more to return and not repatriate others. We will probably move to the US over 4,000 land refugees in July. Other countries are now resettling over 1,000 a month. Thus the resettlement rate is still not up to the arrival rate, and the camp population continues to grow by at least several thousand a month.

The land refugees are scattered in 14 camps along the borders of Thailand. Conditions in the camps are generally better than those in the boat refugee camps in Malaysia and Indonesia, particularly because many of the land camps have

relatively more space and have been in operation for several years, and because a number of voluntary agencies are permitted by the Thai to provide some food, medicine, and other assistance to the camps. The UNHCR spends only \$.20 a day per refugee to feed those in the Thai camps, the lowest cost anywhere in the region. There is supposed to be enough to provide the minimum food required by the refugees but is probably inadequate. The Thai, however, insisted on the low rate since they argued that the refugees should not be better fed than their own villagers. As a result, many refugees have to buy extra food with funds obtained in some instances by working or else from remittances from relatives in the US or elsewhere.

Many of the land refugees have been in the camps for four years. Except for the recent Khmer refugees whom we had to accept in a short time to save them from repatriation and possible death, the US generally can only take land refugees after they have been in camp for at least one year because of the large number of land refugees who qualify under U.S. program criteria.

INTERIM SOLUTIONS SHORT OF PERMANENT RESETTLEMENT:  
PRE-IDENTIFICATION OF USG PROGRAM ELIGIBLES WITHIN THE SRV

Essential Factors

One method of dealing with the excess of persons wishing and able to leave the SRV over current absorption rates in resettlement countries would be an agreement for the identification of such individuals by the resettlement countries as eventually eligible for admission for permanent resettlement. The current agreement between the UNHCR and the SRV for the exchange of lists between the SRV and the resettlement countries could serve this purpose. Persons appearing on both lists could be considered as eligible for eventual resettlement abroad. Some preliminary processing by the resettlement country might then be desirable in order to clarify their status as a intending emigrant.

Such a system would require decisions on criteria for persons to be accepted in the U. S. program in this manner. Such criteria might go beyond those applying to legal immigration. Some U. S. Government personnel would be needed and procedures would also have to be established for such pre-clearance activity within the SRV. In this manner, substantial numbers of persons beyond those which could be taken over the near term would be precleared, with an agreement by the SRV to allow such persons to wait as much as two to three years in the SRV until resettlement opportunities were available.

The SRV might well not be prepared to wait for such a period of time nor to leave such individuals in peace during that period. Even if they were, it seems highly unlikely that guarantees could be found among resettlement nations sufficient to cover the very large population which the SRV seems bent on expelling. Thus, it is probable even if such arrangements could be made, that expulsion by way of the boat refugee outflow would continue at significant levels. Nevertheless, such a proposal, if accepted and sufficiently implemented, could at least have the effect of moderating the outflow by boat.

U. S. Objective:

To moderate the outflow of refugees; thus, reducing the excess of new arrivals over permanent resettlements.

To encourage the SRV to allow persons, expected eventually to leave, to remain in Vietnam without harassment while waiting for resettlement.

SRV Objectives:

To expel its ethnic Chinese population and others who do not fit the new system.

To avoid unacceptable levels of public condemnation.

To prevent dissidents from presenting security risks.

Points to be Made:

-- The current level of boat refugees cannot be absorbed in a timely fashion.

-- The boat refugees are subjected to great peril and many lost at sea.

-- While awaiting resettlement in Asian camps, their conditions are extremely difficult and, in some cases, life-threatening.

-- Thus, it would be highly desirable to provide arrangements whereby they could await normal and regularized departure from the SRV.

-- It would be essential, however, that once identified as eligible for departure in such a manner, the SRV would not subject them to any special harassment during the waiting period which could extend for several years.

-- Identification for such programs might initially come about through the exchange of list procedure outlined in the recent UNHCR/SRV seven point agreement.

-- Once identified as tentatively eligible because of their appearance on both the SRV list and that of a resettlement country, some further processing might be required to formally certify the individual as qualified for eventual resettlement abroad.

-- The UNHCR should have continued access to such individuals.

-- Such a system could meet the desires of the SRV to rid itself of certain elements of its population while protecting the human rights of those individuals and allowing the resettlement countries to absorb such a transfer of population at a more reasonable rate.

-- Even if, as is probably the case, such a procedure would not totally solve the problem, its effective implementation might serve as one of a number of measures contributing to such a solution.

Strategy:

-- The UNHCR should be made aware that we could consider such a system if satisfactory guarantees can be worked out to protect the refugee during the waiting period.

-- The UNHCR should be left initially to deal with the SRV on this question for all potential receiving nations.

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US PAROLE PROGRAM FOR INDOCHINESE REFUGEES

The Attorney General first authorized the parole of Indochinese refugees in 1975 and authorized additional parole program in 1976, 1977, and 1978 (on three occasions). On April 12, 1979, he authorized the parole of an additional 40,000, with 5,000 of that number to be used if funds were made available. The total number authorized parole or conditional entry (the refugee provision in normal immigration under U.S. law) since 1975 is almost 260,000. Altogether about 215,000 of the 260,000 Indochinese refugees have actually entered the US so far, and the remainder will arrive during the next three months as the U.S. program quickens.

Generally when a boat refugee arrives in a country of temporary asylum, he is interviewed in a camp by a UNHCR representative who prepares a brief biography. The biographies of refugees who claim to have close relatives in the US or to have worked for the US government previously (Category I and II respectively under the parole program criteria) are given by the UNHCR to US voluntary agency (VOLAG) personnel who then obtain additional biographic data from interviews with these refugees.

The volag personnel then work with US refugee affairs or consular officers to send required information from this biographic data to the US in official cables. First, for every refugee over 14 (including those in Categories III and IV as explained below), brief biographic information is sent to five US government agencies to conduct a security name check. If the agencies do not report that they have found any adverse information within a few weeks, the refugee is considered cleared.

For each refugee claiming to have a close relative in the US, information provided by the refugee on himself and his relative is sent to the American Red Cross headquarters which asks its local chapter wherever the relative lives, to verify the relationship. The Red Cross then sends a cable to the post informing it whether or not the refugee's claim to have a close relative in the US is verified. Only if this is the case, can a refugee be included in Category I which gives him the highest priority for parole into the US.



For each refugee who claims to have worked for the US government, a cable is sent to the agency which he said employed him to verify whether or not that was the case. The agency will then cable the post to inform it whether or not his employment was verified. Only if it is verified can he be included in Category II, the second highest priority for parole into the US. All of these clearance and verification procedures can proceed simultaneously.

Refugees in Category III are those who were otherwise formerly associated with the US such as by education, employment by Americans but not by the US government, or civilian or military service with one of the former governments of Indochina so that they were closely identified with the US. Those in Category IV include married siblings of persons in the US and all other refugees by date of registration with the UNHCR.

Refugees in Categories III or IV will only be accepted by the US if they are not offered resettlement by another country. Since most refugees want to come to the US, and we do not have enough parole numbers to take all who do, we have to urge other countries to take as many as possible. Therefore we have established this criterion to encourage Category III or IV refugees to accept an offer of resettlement from another country, since we will not accept any in those categories who refuse such an offer.

Thus our volag personnel only proceed with the processing of refugees in Categories III and IV if other countries, which have an active program in that location and have had a chance to offer them resettlement, have not done so.

From this point, processing is the same for all security cleared refugees, whether they have been verified to be in Categories I or II or are in Categories III or IV. The dossier containing biographic information prepared by volag personnel and the security clearance and relative or employment verification, if there is any, is reviewed by US refugee affairs or consular personnel. The fully documented case is then presented to an INS officer to interview the refugee.

If the INS officer approves the parole of the refugee, the volag personnel send biographic information to the American Council of Voluntary Agencies in the US. An individual voluntary agency will then obtain the biographic information and begin searching for a sponsor for the refugees. Often the biographic information states that the refugee has a relative or sponsor in the US so the volag will have to contact that person to verify whether he or someone else in that location will sponsor the refugee.

The Volag then informs the post that the sponsorship is assured. The post instructs the representative of the Intergovernmental Committee for European Migration (ICEM) to move the refugee from the camp to the transit center, arranges for a medical exam, and arranges air transportation. If the refugee passes his medical, he will depart for the US as soon as a seat is available. If not, he will remain in the asylum country until he passes the medical for admission to the US.



REF/300  
11 June 1979

18/6

MEMORANDUM OF UNDERSTANDING REACHED BETWEEN UNHCR  
AND SOCIALIST REPUBLIC OF VIET NAM

(Reproduced as received from UNHCR, Geneva.)

The United Nations High Commissioner for Refugees (UNHCR) Poul Hartling, today released the text of a Memorandum of Understanding between his office and the Government of the Socialist Republic of Viet Nam concerning the orderly departure of persons who wish to leave Viet Nam for countries of new residence.

The Memorandum of Understanding was agreed on following discussion held in Hanoi from 25 May to 30 May 1979, between representatives of the Vietnamese Government and a UNHCR delegation led by Dale de Haan, the Deputy High Commissioner for Refugees.

Memorandum of understanding between the Government of the Socialist Republic of Viet Nam and the Office of the United Nations High Commissioner for Refugees (UNHCR) concerning the departure of persons from the Socialist Republic of Viet Nam:

Following discussion held in Hanoi between representatives of the Government of the Socialist Republic of Viet Nam and a delegation of the Office of the United Nations High Commissioner for Refugees (UNHCR) from 26 February to 5 March and from 25 May to 30 May 1979, it is agreed that UNHCR will facilitate the implementation of the 12 January announcement by the Vietnamese Government to permit the orderly departure of persons who wish to leave Viet Nam for countries of new residence. Regarding the programme to implement such orderly departure, it is understood that:

1. Authorized exit of those people who wish to leave Viet Nam and settle in foreign countries -- family reunion and other humanitarian cases -- will be carried out as soon as possible and to the maximum extent. The number of such people will depend both on the volume of applications for exit from Viet Nam and on receiving countries' ability to issue entry visas.

(more)

2. The selection of those people authorized to go abroad under this programme will, whenever possible, be made on the basis of the lists prepared by the Vietnamese Government and the lists prepared by the receiving countries. Those persons whose names appear on both lists will qualify for exit. As for those persons whose names appear on only one list, their cases will be subject to discussions between UNHCR and the Vietnamese Government or the Governments of the receiving countries, as appropriate.

3. UNHCR will make every effort to enlist support for this programme amongst potential receiving countries.

4. The Vietnamese Government and UNHCR will each appoint personnel who will closely co-operate in the implementation of this programme.

5. This personnel will be authorized to operate in Hanoi and Ho Chi Minh City and, as necessary, to go to other places to promote exit operations.

6. Exit operations will be effected at regular intervals by appropriate means of transport.

7. The Vietnamese Government will, subject to relevant Vietnamese laws, provide UNHCR and the receiving countries with every facility to implement this programme.

\* \* \* \* \*

## Current Status of Legislation and Appropriations Requests for Refugee Assistance

### Current Legislation

--The Refugee Act of 1979 has been approved unanimously by the Senate Judiciary Committee and has been reported to the floor. Action is expected following the conclusion of the Geneva Conference. In the House, the Subcommittee on Immigration, Refugees and International Law of the Judiciary Committee has had an extensive series of hearings on the bill. The legislation is still awaiting final subcommittee action and markup by the full committee. Following action by the Judiciary Committee, the bill will be consecutively referred to the House Foreign Affairs Committee where prompt action has been promised.

Despite repeated promises of speedy action, it appears more likely that the bill will not be passed in time for it to go into effect on October 1. This means that the entire system of domestic support to refugees from Indochina will end due to the lack of statutory authorization. If this happens, the Administration will be forced to seek the enactment of emergency authorizing legislation.

### Current Appropriations

--FY-1979 Supplemental will provide to the Department of State approximately \$126 million for refugee assistance. Of this amount \$78 million, at a minimum, will be required for assistance to refugees from Indochina. Additional amounts are also included for HEW's program of domestic assistance to refugees.

--In the case of the Department of State, only \$21.2 of this amount will be available until the authorization bill for FY-80 and 81 (which also includes additional authorization for FY-79) is enacted. Should the authorization bill not be passed before the August recess, the entire United States program of refugee assistance will be imperiled.

### FY-1980 Funding Issues:

--At present the Administration is requesting \$330 million for international refugee assistance in Fiscal Year 1980. Of this amount \$41.5 million will go to the UNHCR for its program in Southeast Asia and \$97 million more will go to resettle refugees to the United States.

--In addition the Administration is completing its preparation of a second funding request for refugee assistance for FY-80. This increase may total \$250 million with \$230 million of that increase slated to assist refugees who are either in Southeast Asia or who are to be resettled to the United States.

--Domestic assistance costs for refugees are very significant. The Department of Health, Education and Welfare is requesting nearly \$150 million to assist in Fiscal Year 1980 Indochinese refugees already in this country or the 84,000 resettlements initially planned for that year. This amount may increase by nearly \$100 million to provide assistance to the additional 84,000 who will be resettled to the United States in that year.

--The Department of Justice is requesting \$4.9 million in the FY-80 appropriation bill to support INS inspectors who will perform overseas refugee processing. The Administration may also forward an amendment to that pending request to meet the additional requirement related to the recent decision on admissions rates.

#### Major Future Legislative Needs:

--The Department of State will require a second authorization bill for Fiscal Year 1980. Quick action will be needed on this bill so that the bill is enacted before the Congress adjourns for the year.

--The Department of State will require an amendment to the pending Foreign Assistance Appropriation Act to reflect new decisions on FY-80 funding. We would hope that the Senate could amend the bill in Committee. This would allow the funds to be provided when the FY-1980 bill is enacted. It would be absolutely impossible to wait for a supplemental.

--No funds are included in the Labor/HEW Appropriations bill for the continuation of the Indochinese Refugee Assistance Program beyond the end of this fiscal year. The funds were struck by the House Appropriations Committee because the authorization for the program will expire on September 30. In addition to passing the Refugee Act of 1979, which will authorize permanent assistance to Indochinese refugees, the Department also requires either an amendment to this pending appropriations bill so that the program is funded for FY-80 or the inclusion of continuing resolution-type language.

--Also required are revisions to the second concurrent

resolution for Fiscal Year 1980 to reflect the additional costs of refugee assistance both internationally and domestically.

Draft:

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Clearance:

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HEW/ORR D. Gallagher (phone)

7/17/79  
3:00 PM

UNITED STATES STATEMENT FOR GENEVA MEETING  
ON INDOCHINESE REFUGEES

Mr. Secretary General (or Mr. High Commissioner)  
and Delegates,

President Carter has asked me to extend his greetings and his firm belief that this meeting will make a concrete contribution to the refugee crisis in Southeast Asia. 41 years ago a few miles from here, across the lake at Evin, a similar conference was held to determine what the world would do to absorb refugees from Nazi Germany. This conference failed and millions of people perished. This is a error we must not repeat.

The refugee situation we face today in Southeast Asia is of enormous magnitude. Hundreds of thousands of lives are in danger. The peace and security of the region are threatened. Unless we act promptly and effectively now, the world will reap the tragic consequences.

We can best deal with the underlying political issues in those international bodies like the UN Security Council which are charged with that responsibility. Those of us gathered here must take immediate steps to alleviate the human tragedy in Southeast Asia.

We all have a part to play. The United States is willing to do its share, as we have done for generations of refugees from all over the world. I am proud of the assistance my nation has given to the Indochinese refugees. Americans from all walks of life have joined in welcoming over 210,000 Indochinese -- finding them



new homes and new jobs, and helping them to build new lives. We are preparing to admit another 168,000 Indochinese refugees in the coming year. The presence in our delegation of two governors and ten members of Congress is an indication of the concern and commitment of the American people.

Other nations have borne an enormous burden. In particular, the ASEAN states and Hong Kong have provided safety and asylum to some 500,000 refugees from Vietnam, Laos and Kampuchea since 1975; others have shared some of our collective burdens.

Despite all that has been done so far, however, the growing exodus from Indochina outstrips international relief efforts. Unless we work together -- unless we all do more -- the suffering will mount, the stability of Southeast Asia will erode, and the peace of the world will be threatened.

It is a time for action, not words.

Let me outline seven areas where action is needed.

First and foremost, primary responsibility must rest with the authorities of Indochina, particularly the government of Socialist Republic of Vietnam. That government is failing to ensure the human rights of its people and is pursuing policies that compel those people to foresake everything and risk their lives to flee. The international community cannot tolerate forced expulsion of entire population groups

for whatever reason. All governments should allow normal free emigration and family reunification. My government supports efforts to negotiate a program of orderly direct departures from Vietnam -- but not at the expense of those in camps elsewhere in Southeast Asia already awaiting resettlement.

Second, I urge the countries of first asylum to continue to provide temporary safe haven to all refugees. The compassion and responsibility they have shown in the past has earned them the respect and admiration of the world community. While we should not expect these nations to shoulder this burden alone, I call on them to act in a spirit of humanity and thereby permit our common effort to proceed.

Third, the rest of us must provide assurances to the first-asylum countries that the refugees will find new homes within a reasonable period of time.

To meet this objective, we call on all nations to double their resettlement commitment as the U.S. has already done. Moreover, we should all be prepared to commit ourselves to multi-year resettlement programs for the problem will not quickly be solved. The United States government is now seeking such authority.

Fourth, each of us must make a greater contribution to the relief efforts of the United Nations High Commissioner for Refugees. The UNHCR will need increased resources now and in the coming years to care for growing refugee populations and to improve camp facilities and conditions. The UNHCR may require as much as \$400 million for its Indochina programs in 1980. Based on this estimate, my government will request that the United States Congress allocate \$105 million for our share of this effort.\* We have also informed the UN High Commissioner of our offer to assign highly qualified Peace Corps volunteers to work in the camps in Southeast Asia. We urge other nations to undertake similar programs of support.

Fifth, it is essential that we relieve pressures on existing camps and create a network of new transit centers for refugees destined for permanent resettlement elsewhere. Given the magnitude of the refugee population, such centers

\*Presidential approval is being sought.

must accommodate at least 250,000 refugees. My government has endorsed the initiative of the ASEAN states for UN-sponsored refugee processing centers. Today I am pleased to announce that we are requesting \$60 million from the Congress to finance our share of such new UNHCR facilities.\*

11?

To provide immediate relief, we will open a temporary center in the United States which will accommodate 20,000 of the Indochinese refugees. We plan to admit over the next year. We expect the first refugees to move from camps in Southeast Asia to this center in the United States before September 1. During the period of July, August, and September we plan to move a total of 59,000 Indochinese refugees to the U.S.

Sixth, we must extend refugee resettlement to nations who are ready to receive them but do not have the resources to do so. The United States proposes the creation of an International Refugee Resettlement Fund. We will ask the United States Congress for contributions to the Fund totalling \$60 million over the next three years.\* We recommend that the Fund be capitalized at \$200 million. This fund could, for example, endow an international corporation which could help developing countries prepare their planning and secure additional resources for this high humanitarian purpose.

Seventh and finally, we must protect the lives of those at sea who have not yet found safety and asylum.

I have personally appealed to the U.S. private shipping industry to rescue refugees in distress at sea. The President has ordered U.S. naval vessels to transit more frequently waters where refugees are most often encountered and strengthen their standing orders to render all necessary aid to rescue and relieve distress of refugees at sea.\* We appeal to other governments to do the same and to follow the lead of several key maritime states in accepting for resettlement all those who are picked up. Our government ~~has also~~ <sup>is</sup> ordered U.S. <sup>is</sup> Navy to dispatch four ships from the military sealift command to the South China Sea where they will be available for the critical period starting next month to move tens of thousands of refugees out of present camps to the new refugee processing centers.\*

\* \* \* \*

Mr. Chairman, fellow delegates, the problem we are facing here is serious.

We are running out of time.

We must all make a greater commitment.

We must work together for solutions, for history will hold us accountable if we fail.

This is a time when no one can legitimately say "this problem is not mine."

6. We also ~~need to deal with the challenge today posed~~ <sup>must keep attention focused on</sup> ~~by Vietnam~~ <sup>responsibilities for</sup> on the refugee problem. We do not believe

<sup>is making</sup> Vietnam made any adequate attempt ~~prior~~ to deal with the problem. <sup>It seems clear they have a policy of expulsi</sup> Their promises <sup>are vague</sup> are vague.

7. <sup>7.</sup> ~~8.~~ Believe we must make clear that ~~they must deal with~~ <sup>the main responsibility is Vietnam.</sup> it. We will support the calling of <sup>an immediate</sup> moratorium on the boats. We will also urge redoubling of efforts to reaching a political solution in Kampuchea.

8. Nevertheless we must all still deal with real problems. This requires greater resettlement, more money, a few processing centers. We believe the conference has achieved this. We obviously want to build further on this.

Of course the US could  
not participate in what would  
be seen as a Vietnamese  
concentration camp.  
But we are prepared to participate  
in any reasonable arrangement  
such as an office for the orderly  
processing of Vietnamese immigrants  
in Vietnam.



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