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PRESIDENTIAL REVIEW DIRECTIVE/NSC-46

- MEMORANDUM FOR THE VICE PRESIDENT
- THE SECRETARY OF STATE
- THE SECRETARY OF DEFENSE
- THE ATTORNEY GENERAL
- THE SECRETARY OF LABOR
- THE SECRETARY OF TRANSPORTATION
- THE SECRETARY OF HEALTH AND HUMAN SERVICES
- THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET
- ASSISTANT TO THE PRESIDENT FOR DOMESTIC POLICY
- DIRECTOR OF CENTRAL INTELLIGENCE
- THE WHITE HOUSE COUNSEL
- CHAIRMAN OF THE JOINT CHIEFS OF STAFF
- ADMINISTRATOR OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT
- COMMANDANT OF THE COAST GUARD

SUBJECT: U.S. Policy Toward International Migration and Refugee Affairs (U)

As we approach the 21st century, refugee and migration issues have become the focus of far greater attention and concern in the United States and other industrialized countries. The end of the Cold War has brought an acceleration of refugee and migration outflows as the outbreak of multiple conflicts has forced people to flee and as restrictions on emigration have been eased. At the same time, the end of Cold War has provided opportunities to develop durable solutions to the plight of refugees, as reflected in large-scale repatriations of former refugees to Cambodia. (U)

A prominent feature of the post-Cold War world has been the humanitarian role played by the United Nations, including its assistance agencies, in conflict situations. The United States has a strong interest in ensuring that the UN and other international organizations are organized and equipped adequately to deal with large refugee and migration movements. Third country resettlement, while an important option in some cases, cannot be a durable solution for the large majority of the world's 18 million refugees. Thus, refugee and migration problems now must be treated increasingly at the source with preventive measures in countries of first asylum through provision of adequate assistance and measures designed to help people repatriate in dignity and safety. (U)

Increased migration has reached unprecedented levels of asylum-seekers in Europe and North America in recent years. The asylum process is costly and time-consuming, and there is a widespread perception in Europe and North America that asylum systems are being abused. The United States has pursued discussions with European countries as well as Canada and Mexico to develop common approaches to this challenge, which has been reflected starkly in incidents involving the smuggling of boat loads of migrants. The Administration has proposed to Congress legislation on expedited procedures at ports of entry designed to enhance our ability to return non-refugees while maintaining a system that protects those who fear persecution. (U)

Refugee protection and resettlement are traditional and fundamental elements of the U.S. humanitarian agenda. Our task is to develop policies which reaffirm this commitment at a time of diminished resources and continuing challenges to effective enforcement of our immigration laws. (U)

The new issues we confront in this area call for a comprehensive assessment of U.S. international refugee and migration policy and programs. The review should take into account previous policy decisions that implicate refugees and migration, especially PDD-25 (Peacekeeping), PDD-9 (Alien Smuggling) and proposed legislation on expedited exclusion. (U)

The review process should be coordinated closely with and contribute to the work of the DPC/INS-chaired interagency group on immigration. The review should also consider carefully the work being completed on international migration issues by the U.S. Commission on Immigration Reform. Finally, the review should include consultation with Members of Congress, regional and international institutions and non-governmental organizations involved in refugee assistance, protection and resettlement issues. (U)

Although agencies with lead drafting responsibilities are designated in parenthesis, all agencies will contribute to those sections of the PRD that relate to issues of their agency's concern. (U)

#### I. Background (U)

- Describe the origin and the operation of U.S. refugee programs, including overseas assistance and resettlement. (State) (U)
- Funding: What funds have been devoted to refugee assistance and resettlement? Include DOD support. (OMB) (U)
- How do U.S. programs -- and in particular levels of assistance and resettlement per capita -- compare to other industrialized democracies? (Include asylees as well as refugees resettled through overseas resettlement programs.) (State) (U)

II. Refugee Assistance and Refugee Protection (U)

- Evaluate USG decision-making on overseas refugee assistance. Is the magnitude of our assistance adequate, and how is such a measurement made? Do the current funding categories, and the relative distribution between the Migration and Refugee Assistance and the Emergency Migration and Refugee Assistance Accounts, provide for most effective use of funds? Describe and assess interagency coordination on humanitarian assistance involving refugees, including emergency responses. What changes, if any, would you recommend? (State) (U)
- Assess the capacity of international agencies in general and the UNHCR in particular to meet new refugee assistance and protection challenges, such as internally displaced persons, large-scale repatriation and protection in the context of mass migration. In the UN system (and in USG policy), what are the means for managing the transition from refugee relief to repatriation to long-term development assistance? For ensuring protection in increasingly hostile environments for refugees? Where are the critical gaps and what changes would you recommend? For example, is the UN adequately equipped to manage demining operations in the context of repatriation? (State) (U)
- Describe and assess U.S. policy toward return of economic migrants and return of refugees to their country of origin. Address issues involving refugees from Haiti, Cuba and Vietnam. As a matter of law and of policy, what should be USG positions on these issues and what procedures should we employ as we attempt to implement policy? What are the benefits of consistency? Is this feasible? (State) (U)
- What procedures are adequate to determine that an individual has no claim to refugee status? (Justice) Is a UNHCR determination adequate? Should the procedures of the Comprehensive Plan of Action for Indochinese Refugees serve as a model? (State) (U)
- What role should the military play in refugee assistance and protection issues and how should that be coordinated within the interagency arena and with international and non-governmental organizations? (DOD) (U)
- Provide an assessment of our in-country refugee processing programs. What factors should influence our decision-making on establishment of such programs? With respect to the processing procedures, what measures should be taken to ensure maximum protection in an inherently threatening environment? Are we doing enough in this respect? (State) (U)

II. International Migration Issues (U)

How should the USG engage in ongoing, high-profile discussions on migration issues, both bilaterally and multilaterally? In addition, what should be our positions toward the following

issues that have characterized such discussions and which characterize our own domestic policy debate:

- new regional and/or international institutions dealing with migration issues (State);
- migration and institution-building in Eastern Europe and the former Soviet Union (State);
- "safe country" of transit and origin (State);
- provision of temporary asylum outside of standard processing channels (Justice);
- EU and North American harmonization of asylum policies (Justice);
- repatriation of rejected asylum-seekers (Justice);
- tolerance and integration policies for migrants (HHS);
- new adjudicative guidelines for refugee determination relating to women, sexual preference and other criteria (Justice).
- efforts to control undocumented migration, including alien smuggling. (State) (U)

In several fora, the UNHCR and others have urged efforts to address root causes of population movements, including human rights abuses, population pressures, failure of economic development and the mistreatment of ethnic minorities.

In the short-term, how can we better equip USG agencies and international organizations to anticipate refugee flows and thereby preempt them if possible? Over the long term, how can migration issues be better incorporated into policy making on human rights, development and treatment of minorities? (U)

### III. Immigration Emergencies (U)

How should the USG be organized to deal with the foreign affairs dimensions of a mass immigration emergency? What roles should the various agencies of government play and what options, in addition to admission and processing in the United States, should be available to policy makers? State, in coordination with INS, DOD, Coast Guard, HHS and other concerned agencies should develop options to deal with the most likely scenarios. State should link its effort to the Justice Department's draft immigration emergency plan. State should focus primarily on actions and activities outside the United States, including admissions policy measures designed to encourage orderly departure, statements and actions directed at the country of origin in advance of and during an emergency, public information and measures directed at U.S. citizens who might seek to encourage boat departures and options for dealing with migrants in transit. These studies should supplement and not supplant work that is already underway

in the Administration on immigration emergency planning with respect to Cuba. (State) ~~(S)~~

IV. Refugee Admissions and Resettlement (U)

- What level and regional distribution of annual refugee admissions to the United States fulfills our international responsibilities as a resettlement country while maintaining an affordable domestic program? On what basis do we make such a determination? To what extent should practices of other countries play a role? Should we abandon or modify current admissions processing priorities? Should we involve the UNHCR to a greater extent in the U.S. refugee admissions program? If so, how? (State) (U)
- Is it realistic to assume that decreases in refugee admissions funding might permit increases in the overseas assistance accounts? If so, is that desirable? (State) (U)
- At what point and by what methods should we adjust the admissions levels from Vietnam and the former Soviet Union, from which the majority of refugees have been resettled in recent years. (State) (U)
- How do the federal agencies coordinate budget submissions on refugee admissions and how could coordination be improved? (OMB) (U)
- How can the benefits of refugee admissions and a multi-ethnic/multiracial population be more effectively "marketed" to the general population? (HHS) (U)
- How can we build into the refugee resettlement program the flexibility envisioned by its founders to increase or decrease levels substantially from one year to the next, or on shorter notice, in response to dramatic shifts in resettlement needs? (State) (U)
- How should we deal with the medical exclusion issue as it affects refugee admissions? (HHS) (U)

V. Study Process

Lead agencies indicated above should prepare their sections after discussion with other concerned agencies in the IWG established in the PRD. Subsequently all concerned agencies should review and provide written comments on these sections. State will then prepare a summary paper that presents major conclusions as well as issues for decision on which consensus has not been reached. This will be an actionable document that will be made available to the Deputies Committee by July 15. (U)

While this study is being conducted, operational decisions about migration and refugee issues will be coordinated through an IWG on International Migration and Refugee Affairs co-chaired by the Department of State and the NSC. Subsequent to completion and

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approval of this study, the IWG on Migration and Refugee Affairs will coordinate policy implementation on these issues. (U)



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