



Department of Defense

DIRECTIVE

NUMBER 2000.11

March 3, 1972

Incorporating Change 1, May 17, 1973
ASD(ISA)

SUBJECT: Procedures for Handling Requests for Political Asylum and Temporary Refuge

References: (a) Department of State Regulation, "Requests by Foreign Nationals for Political Asylum," January 4, 1972
(b) Relevant portions of the Protocol Relating to the Status of Refugees (T.I.A.S. 6577), "which incorporates by Reference the substantive articles of the 1951 Convention Relating to the Status of Refugees"

1. PURPOSE AND APPLICABILITY

1.1. This Directive implements the provisions of references (a) and (b) within the Department of Defense. It establishes uniform policies and procedures and assigns responsibilities for handling requests by foreign nationals for political asylum in the United States or for temporary refuge.

1.2. The provisions of this Directive apply to all DoD Components (Military Departments, Defense Agencies having field activities within the territorial jurisdiction of a foreign nation, Unified and Specified Commands).

1.3. Its provisions do not modify the special guidance referred to in enclosure 1.

2. DEFINITIONS

2.1. Political Asylum. Protection and sanctuary granted by the United States Government within its territorial jurisdiction or on the high seas to a foreign national who applies for such protection because of persecution or fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.

2.2. Temporary Refuge. Protection afforded for humanitarian reasons to a foreign national in a Department of Defense shore installation, facility, or military vessel within the territorial jurisdiction of a foreign nation or on the high seas, under conditions of urgency in order to secure the life or safety of that person against imminent danger, such as pursuit by a mob.

3. NATIONAL POLICY

3.1. Political Asylum

3.1.1. Article 33 of the Convention Relating to the Status of Refugees, provides:

"1. No Contracting State shall expel or return a refugee in any manner whatsoever to the frontier of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion."

"2. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgment of a particularly serious crime, constitutes a danger to the community of that country"

The Treaty obligation of the United States under the foregoing provision is geographically limited to its territorial jurisdiction and the high seas, and is not applicable to persons seeking political asylum at United States instrumentalities stationed or temporarily located in the territorial jurisdiction of a foreign country.

3.1.2. Foreign nationals within United States territorial jurisdiction or on the high seas who request that they be granted political asylum in the United States shall be given a full opportunity to have their requests considered on their merits.

3.1.3. It is the general policy of the United States not to grant political asylum at its units or installations within the territorial jurisdiction of a foreign country to nationals of that country or nationals of a third state. Requests made in a foreign country by nationals of a third state for political asylum in the United States are normally governed by the principle that the granting of political asylum is the right and responsibility of the government of the country in whose territory the request is made. Coordination with the host government concerning such requests will be effected through the appropriate American Embassy.

3.2. Temporary Refuge. It is the policy of the United States to grant temporary refuge in a foreign country to nationals of that country and nationals of a third state, and on the high seas to the nationals of any country.

4. PROCEDURES

DoD Components will handle requests from foreign nationals for political asylum or temporary refuge as follows:

4.1. In territory under exclusive United States jurisdiction (including territorial seas, the Commonwealth of Puerto Rico, possessions, and territories under United States administrations) and on the high seas:

4.1.1. General

4.1.1.1. An applicant for political asylum will be received in a DoD facility or on board a military vessel.

4.1.1.2. A person seeking political asylum will be surrendered to foreign jurisdiction only at the personal direction of the Secretary of the Military Department or the Director of the Defense Agency concerned. In addition, persons seeking political asylum should be afforded every reasonable care and protection permitted by the circumstances.

4.1.2. Reports

4.1.2.1. Immediately, upon receipt of a request from a foreign national for political asylum or an indication that a request is imminent, the DoD Component concerned will report the incident through appropriate channels by the fastest available means, as follows:

4.1.2.1.1. To the Military Department concerned in accordance with internal instructions, or

4.1.2.1.2. To the Assistant Secretary of Defense (International Security Affairs) (ASD(ISA)) in accordance with Defense Agency instructions.

4.1.2.2. *The Military Departments concerned, or the ASD(ISA) will take immediate action to notify the Deputy Director for Operations of the National Military Command Center.*

4.1.2.3. *The Deputy Director for Operations of the National Military Command Center will take immediate action to notify the Department of State Operations Center and other interested principals/Agencies within the Department of Defense.*

4.1.2.4. Telephone notification should be confirmed as soon as possible with an IMMEDIATE precedence message to the Military Department or the ASD(ISA) as *appropriate, with information copies to the Deputy Director for Operations of the National Military Command Center and to the Secretary of State.*

4.1.2.5. Subsequently, the information specified in enclosure 2 will be forwarded in accordance with procedures prescribed.

4.1.3. Processing Requests. The United States Immigration and Naturalization Service (INS), Department of Justice, has primary responsibility for processing requests for political asylum within the United States, the Commonwealth of Puerto Rico and U.S. possessions.

4.1.3.1. All requests for political asylum will be reported to the nearest field office of the INS (see enclosure 3) including all details known.

4.1.3.2. As soon thereafter as feasible, arrangements should be made with either the field officer or the INS Headquarters, if more convenient to transfer the asylum seeker to the INS.

4.1.4. Protection. The DoD Component concerned will be responsible for the protection of the asylum seeker pending his transfer to the INS subject to the following:

4.1.4.1. The primary responsibility for providing protection rests with a local State or Federal law enforcement or security agency having exclusive or concurrent jurisdiction over the place.

4.1.4.2. If there is any indication of an attempt to abduct or otherwise harm the asylum seeker, an appropriate law enforcement or security agency should be requested to provide security for the individual.

4.1.4.3. Interim measures will be taken to assure the safety of the individual against attempts at forcible repatriation, but no greater force will be used than necessary to protect the individual.

4.1.4.4. Any inquiries from interested foreign authorities will be met by the senior official present with a response that the case has been referred to higher authorities for instruction.

4.1.5. In territories under foreign jurisdiction (including foreign territorial seas):

4.1.5.1. Temporary Refuge

4.1.5.1.1. General

4.1.5.1.1.1. The Senior official present at the DoD Component shore installation or facility or on board any military vessel may grant temporary refuge (see paragraph 2.2., above) to a foreign national, upon his request.

4.1.5.1.1.2. Temporary refuge will be terminated only when directed by higher authority through the Secretary of the Military Department or the Director of the Defense Agency concerned.

4.1.5.1.1.3. Persons whose temporary refuge is terminated will be released to the protection of the authorities designated in the message authorizing release.

4.1.5.2. Reporting

4.1.5.2.1. The official granting temporary refuge will report the circumstances (as specified in enclosure 2) by IMMEDIATE precedence message to the Military Department concerned or, as appropriate to the Assistant Secretary of Defense, International Security Affairs in accordance with Defense Agency Instructions with an information copy to the appropriate American Embassy or Consular office.

4.1.5.2.2. A request by foreign authorities for return of custody of a person under the protection of temporary refuge will be reported to the Military Department concerned, or as appropriate to the Assistant Secretary of Defense, International Security Affairs in accordance with Defense Agency Instructions by IMMEDIATE precedence message (with information copy to the appropriate American Embassy) stating all of the attendant circumstances of, and authority asserted for, the request. The requesting foreign authorities will be informed that the case has been referred to higher authorities for instructions. A final decision will normally be made on a priority basis within 24 hours.

4.2. Political Asylum (See also subparagraph 5.4.4., below.)

4.2.1. General

4.2.1.1. Political asylum may not be granted in any shore installation or facility of a Department of Defense Component or on board any military aircraft or vessel within the territorial jurisdiction of a foreign country.

4.2.1.2. Foreign nationals who request assistance in forwarding requests for political asylum in the United States will be advised to apply in person at the nearest American Embassy or Consulate, subject to the internal procedures published by the Chief of Mission.

4.2.1.3. Requests for political asylum received by Attache personnel and other military personnel serving under the direction of a Chief of Diplomatic Mission will be governed by the appropriate instructions applicable to the diplomatic mission.

4.2.2. Reporting. The official receiving the request for assistance in obtaining asylum will report the circumstances by immediate precedence message to the Military Department concerned or, as appropriate, to the Assistant Secretary of Defense, International Security Affairs in accordance with Defense Agency instructions with an information copy to the appropriate American Embassy or Consular office. This report should include so much of the information specified in enclosure 2 as is available.

4.2.3. Public Release. No information concerning a request for political asylum or temporary refuge will be released to the public or to the media without the prior approval of the Assistant Secretary of Defense for Public Affairs. Immediately upon making a public release or acknowledgement to representatives of the media (with such consent) the DoD Components concerned will report the information to the Operations Center of the Department of State.

5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense (International Security Affairs) is assigned overall responsibility for supervision and coordination of the policies and procedures prescribed herein.

5.2. The Secretaries of the Military Departments and the Directors of Defense Agencies having field activities will:

5.2.1. Designate an agent to exercise staff supervision of the implementation of policies and procedures prescribed herein with respect to cases arising within their respective Departments or Agencies.

5.2.2. Establish a point of contact and appropriate channels and procedures for the expeditious processing and disposition of requests for political asylum or temporary refuge which are made to organizational elements under their jurisdiction (except the Panama Canal, Ryukyu Islands and areas under the jurisdiction of the Unified and Specified Commands. (See subparagraphs 5.2.3. and 5.2.4., below.)

5.2.3. Establish appropriate channels for coordination with the Department of State and the Immigration and Naturalization service (INS), Department of Justice, concerning the expeditious processing and disposition of individual cases arising within their areas of jurisdiction.

5.2.4. Issue implementing regulations which are consistent with the provisions of this Directive.

5.3. The Secretary of the Army will develop and publish uniform DoD-wide guidance for use by personnel of the Military Departments and field offices of Defense Agencies located in the Panama Canal zone and, until reversion, the Ryukyu Islands in handling requests for political asylum and temporary refuge made by foreign nationals within these areas.

5.4. The Commanders of the Unified and Specified Commands will:

5.4.1. Develop, coordinate (see subparagraph 5.4.4., below) and publish uniform DoD-wide guidance for use by personnel of the Military Departments and Defense Agencies with field offices located within the geographical area on handling requests for political asylum and temporary refuge made by foreign nationals within areas under U.S. exclusive jurisdiction or U.S. administration.

5.4.2. Supervise and monitor compliance with the provisions of this Directive with respect to cases arising in foreign countries.

5.4.3. Designate, as appropriate, a coordinating authority, with respect to policies, procedures, and guidance applicable in foreign countries.

5.4.4. Take action to coordinate procedures and the special guidance (see subparagraph 5.4.1.) applicable in particular foreign countries under subparagraph 4.2.2., or because of exceptional circumstances.

6. REPORTING REQUIREMENTS

Record keeping and reporting requirements prescribed herein are assigned Report Control Symbol DD-ISA(AR)1161.

7. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Two copies of implementing instructions shall be forwarded to the Assistant Secretary of Defense (International Security Affairs) within 90 Days.



Deputy Secretary of Defense

Enclosures - 3

- E1. Guidance not Replaced by DoD Directive 2000.11
- E2. Reporting Data to Requests for Political Asylum or Temporary Refuge
- E3. INS Field Offices

E1. ENCLOSURE 1

GUIDANCE NOT REPLACED BY DoD DIRECTIVE 2000.11

E1.1.1. Chapter 10, Part IV, Volume I, DIAM 58-11, 20 Aug 1968 (S),
Subject: Defense Human Resources Intelligence Collection Management Manual (U).

E1.1.2. JOINT STATE/DEFENSE MESSAGE to AMEMBASSY, BONN, U.S.
MISSION, BERLIN, CINCEUR, CINCUSAREUR, No. 046027, 190022Z Mar 1971 (S),
Subject: U.S. Asylum Policy (U).

E1.1.3. SM-876-62, dated 7 Aug 62 (S), Subject: Policy relating to Sino-Soviet
Aircraft Landing on Airfields Where U.S. Military Operational Units are Based (U).

E1.1.4. CNO message 201207Z Aug 1971, Subject: Fence Jumpers (U).

E2. ENCLOSURE 2

REPORTING DATA TO REQUESTS FOR POLITICAL ASYLUM OR TEMPORARY REFUGE

E2.1.1. Relay as available. Report of initial request will not be delayed pending complete development of data.

E2.1.1.1. Name and nationality of the individual seeking asylum (or temporary refuge).

E2.1.1.2. Date, place of birth, and occupation.

E2.1.1.3. Description of any documentation in his possession.

E2.1.1.4. What foreign authorities are aware of his seeking asylum (or temporary refuge); whether any foreign authorities will be notified of the request.

E2.1.1.5. Circumstances surrounding the request for asylum (refuge).

E2.1.1.6. Exact location. If aboard vessel or aircraft, ETA at next intended port or airport.

E2.1.1.7. Reason for claiming asylum or temporary refuge.

E2.1.1.8. Description of any criminal charges known or alleged to be pending against the asylum seeker. Indicate also if any piracy at sea, air piracy or hijacking background.

E2.1.1.9. Any Communist Party affiliation or affiliation with other political party; any government office now held or previously occupied.

E2.1.1.10. If applicable, whether a field office of the U.S. Immigration and Naturalization Service (INS) has been notified and if arrangements have been made to transfer case to the INS.

E2.1.1.11. Other pertinent information.

E3. ENCLOSURE 3

INS FIELD OFFICES

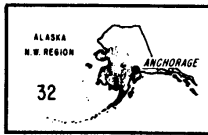
REGIONAL AND DISTRICT OFFICE LOCATIONS

| <u>Regional Offices</u> | | <u>District</u> | <u>District Offices</u> | <u>District</u> | <u>District Offices</u> | <u>District</u> | <u>District Offices</u> |
|-------------------------|--|-----------------|--|-----------------|--|--|--|
| NE Region (BUR) | Burlington, Vermont 05401 Federal Building | 24 (CLE) | Cleveland, Ohio 44199 Rm. 1917 Federal Office Building 1240 East 9th St. | 3 (NYC) | New York, New York 10007 20 West Broadway | 12 (SEA) | Seattle, Washington 98134 815 Airport Way, South |
| NW Region (STP) | Federal Building Fort Snelling Twin Cities, Minn. 55111 | 19 (DEN) | Denver, Colorado 80202 17027 Federal Office Building | 29 (OMA) | Omaha, Nebraska 68102 New Federal Building 215 North 17th Street | 25 (WAS) | Washington, D.C. 20536 1025 Vermont Ave., N.W. |
| SE Region (RIC) | Richmond, Virginia 23240 Federal Bldg., Room 6226 400 North 8th Street | 8 (DET) | Detroit, Michigan 48207 Federal Building 333 Mt. Elliott St. | 4 (PHI) | Philadelphia, Pa. 19102 128 North Broad Street | <u>District Offices in Foreign Countries</u> | |
| SW Region (SPD) | San Pedro, California 90731 Terminal Island | 15 (ELP) | El Paso, Texas 79984 343 U.S. Courthouse | 18 (PHO) | Phoenix, Arizona 85025 230 North First Avenue | 34 (FKG) | Frankfurt, Germany District Director U.S. Immigration and Naturalization Service c/o American Consulate General, Box 12, APO New York, N.Y. 09757 |
| | <u>District Offices</u> | 23 (HAR) | Hartford, Connecticut 06101 135 High Street | 36 (ISB) | Port Isabel, Texas 78566 Route 3 Los Fresnos, Texas | 33 (MAP) | Manila, Philippines District Director U.S. Immigration and Naturalization Service c/o American Embassy, APO San Francisco, California 96528 |
| District | | 30 (HEL) | Helena, Montana 59601 Federal Building | 22 (POM) | Portland, Maine 04112 319 U.S. Courthouse | 35 (MEX) | Mexico City, Mexico District Director U.S. Immigration and Naturalization Service c/o American Embassy, Paseo de La Reforma 305 Mexico, D.F., Mexico |
| 32 (ANC) | Anchorage, Alaska 99501 U.S. Post Office & Courthouse Bldg., Room 143, Box 939 | 17 (HIW) | Honolulu, Hawaii 96809 595 Ala Moana Boulevard | 31 (POO) | Portland, Oregon 97205 333 U.S. Courthouse Broadway & Main Streets | 37 (RIT) | Rome, Italy U.S. Immigration and Naturalization Service c/o American Embassy APO New York, N.Y. 09794 |
| 26 (ATL) | Atlanta, Georgia 30309 Rm. 370, 1280 W. Peachtree St., N.W. | 11 (KAN) | Kansas City, Missouri 64106 819 U.S. Courthouse 811 Grand Avenue | 1 (STA) | St. Albans, Vermont 05478 Federal Bldg., P. O. Box 591 | | |
| 5 (BAL) | Baltimore, Maryland 21201 Room 124 Federal Bldg. 31 Hopkins Plaza | 16 (LOS) | Los Angeles, California 90012 300 North Los Angeles Street | 10 (SPM) | St. Paul, Minnesota 55101 932 New Post Office Bldg. 180 E. Kellogg Blvd. | | |
| 2 (BOS) | Boston, Massachusetts 02203 John Fitzgerald Kennedy Federal Bldg., Government Center | 6 (MIA) | Miami, Florida 33130 Room 1402 Federal Building 51 S.W. First Ave. | 14 (SNA) | San Antonio, Texas 78206 U.S. Post Office & Courthouse | | |
| 7 (BUF) | Buffalo, New York 14202 68 Court Street | 21 (NEW) | Newark, New Jersey 07102 970 Broad Street | 13 (SFR) | San Francisco, Calif. 94111 Appraisers Building 630 Sansome Street | | |
| 9 (CHI) | Chicago, Illinois 60604 Courthouse & Federal Office Bldg. 219 South Dearborn St. | 28 (NOL) | New Orleans, Louisiana 70113 New Federal Building 701 Loyola Avenue | 27 (SAJ) | San Juan, P.R. Pan Am Building 255 Ponce de Leon Corner Bolivia St. Hato Rey, P.R. 00917 | | |

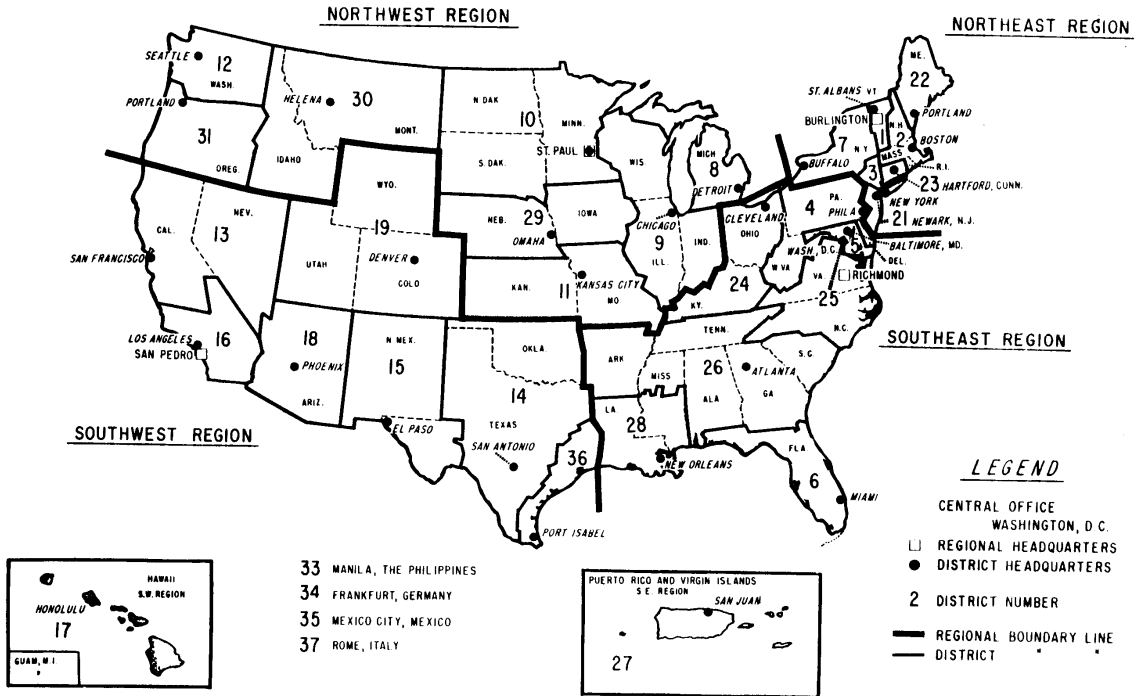
OTHER OFFICES FROM WHICH INFORMATION CONCERNING IMMIGRATION AND NATURALIZATION SERVICE MATTERS MAY BE OBTAINED:

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| Agana, Guam 96910 U.S. Immigration and Naturalization Service | Hammond, Indiana 46320 411 Federal Building 507 State Street | Norfolk, Virginia 23510 426 Post Office Building | St. Louis, Missouri 63101 Room 423, U.S. Courthouse and Customhouse, 1114 Market Street |
| Albany, New York 12201 Room 442, Post Office Bldg. P.O. Box 1619 | Houston, Texas 77061 Federal Building U.S. Courthouse 515 Rusk Avenue, P.O. Box 61630 | Pittsburgh, Pennsylvania 15222 2130 Federal Building 1000 Liberty Avenue | Salt Lake City, Utah 84111 Room 4103 Federal Building 125 South State Street |
| Cincinnati, Ohio 45201 U.S. Post Office and Courthouse P.O. Box 537 | Memphis, Tennessee 38103 814 Federal Office Bldg. 167 North Main Street | Providence, Rhode Island 02903 Federal Building, U.S. Courthouse Exchange Place | San Diego, California 92104 2223 El Cajon Blvd. |
| Dallas, Texas 75201 608 Mayflower Bldg. 411 North Akard Street | Milwaukee, Wisconsin 53202 328 Federal Building 517 East Wisconsin Avenue | Reno, Nevada 89505 Federal Building, U.S. Courthouse Room 1010, 300 Booth Street | Spokane, Washington 99201 691 U.S. Courthouse Bldg. |

G.P.O. 556-649



IMMIGRATION AND NATURALIZATION SERVICE
REGIONAL AND DISTRICT AREAS



M-6 (REV. 12-15-69)