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10.29.81
NYT



A crewman on a launch from the cutter Chase approaching a sailboat, the Exoribe, loaded with Haitian refugees. U.S. Coast Guard / Robert Jones

U.S. Aides Defend Interdiction of Haitians at Sea

By STUART TAYLOR Jr.

Special to The New York Times

WASHINGTON, Oct. 28 — Officials of the Reagan Administration today defended their policy of intercepting would-be Haitian immigrants at sea and returning them to Haiti without any administrative or judicial review.

"Interdiction at sea is an appropriate and necessary means" of keeping illegal aliens out of the United States, Alan C. Nelson, Deputy Commissioner of the Immigration and Naturalization Service, told the House Immigration Subcommittee.

He said that multiple layers of review of decisions to deny Haitians asylum as political refugees had "bogged the whole thing down" and prevented or delayed expulsion of thousands of Haitians who have landed illegally in Florida.

But John Shattuck, head of the American Civil Liberties Union's Washington office, testified that "many bona fide refugees are likely to be returned to Haiti for persecution, imprisonment without charge and even death" under the interdiction-at-sea policy.

The policy also drew strong criticism from immigration lawyers who testified at the hearings. They seconded Mr. Shattuck's assertions that it makes a mockery of fairness in the process of determining who qualifies for political refugee status, and singles out Haitians, who are black, from other groups seeking entry in a fashion that invites suspicions of racial discrimination.

In other testimony, Mr. Nelson said reports that 33 Haitians who drowned Tuesday morning off a Florida beach after their small boat capsized had been smuggled to that point in a larger "mother ship" appeared to be accurate. He said the immigration service was investigating the reports.

The Administration has had a Coast Guard cutter on patrol in international waters near Haiti since Oct. 9, under an executive agreement with Haiti providing for the boarding of Haitian flag vessels as well as American vessels and the detention and forced return of people fleeing Haiti.

The only boat boarded so far was on the verge of sinking, Rear Adm. D. C.

Thompson, the Coast Guard's Chief of Operations, testified today. He said that 56 Haitians were saved from probable drowning, "returned to Port-Au-Prince, and very courteously received on return."

Immigration officers on board the cutter determined that none of the Haitians qualified for asylum, he said.

Haitians questioned by immigration officers at sea were not asked whether they wanted political asylum in the United States, David Hiller, a special assistant to Attorney General William French Smith, said in an interview. Mr. Hiller said that, in interviews lasting a few minutes each, they were asked such things as whether they were afraid to go back.

Mr. Hiller said that the Haitian Government had promised that it would not prosecute Haitians who were returned for illegal flight. He said the International Red Cross and the American Embassy in Haiti would monitor what happens to those who are returned.

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THE WHITE HOUSE
WASHINGTON

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Date 1.11.82

Suspense Date 1.14.82

MEMORANDUM FOR:

Michael

FROM:

DIANNA G. HOLLAND

ACTION

Approved

X _____

Please ~~handle~~/review

For your information

For your recommendation

For the files

Please see me

Please prepare response for
_____ signature

As we discussed

Return to me for filing

COMMENT



U.S. Department of Justice

Assistant Attorney General
Legislative Affairs

January 11, 1982

TO: State, HHS, NSC, and Labor

FR: Yolanda Branche
OLA (633-2111)

RE: January 14 Testimony
for Clearance

To coordinate clearance, contact
Maurice White, OMB, (395-3856)
by today.

JAN 11 1982

**IMPORTANT
AND URGENT**

GPO 16-64000-1

✓cc: Fred Fielding

DRAFT

TESTIMONY

OF

RUDOLPH W. GIULIANI
ASSOCIATE ATTORNEY GENERAL

BEFORE THE

COMMITTEE ON MERCHANT MARINE AND FISHERIES
SUBCOMMITTEE ON COAST GUARD AND NAVIGATION
HOUSE OF REPRESENTATIVES

CONCERNING

COAST GUARD INTERDICTION OF HAITIAN IMMIGRATION

Miami, Florida
January 14, 1981

Mr. Chairman, and members of the Subcommittee, I am pleased to be here today to discuss with you the Department of Justice's assessment of the Coast Guard's participation in the President's program to curb the flow of illegal migrants to the United States.

The interdiction program which was initiated by the Coast Guard last October 10 at the request of the President is one of many parts of the President's program which is geared to reform and increase the effectiveness of our country's immigration laws. The President's initiatives are interrelated and designed to work together as a comprehensive whole. They will effect comprehensive and sorely needed changes in our immigration policy and laws.

The need for such change is demonstrated by the dramatic and unanticipated increases in immigration we have experienced in recent years. Historically, persons desiring to emigrate to the United States, including refugees, have been screened and processed overseas. Thus the overwhelming majority of individuals who arrived on our shores had been adjudged eligible for admission prior to arrival. Applications for asylum by persons already in the United States were, in the past, relatively few in number and generally clear-cut in nature.

This picture has changed dramatically. Beginning with the Haitian influx in the late 1970's and the outpouring of Cubans from Mariel harbor in 1980, there are now as many as 200,000 persons in the United States whose arrival has been unauthorized and who seek permanent asylum in this country as persons fleeing political persecution. Our policies and procedures, which have been generous and deliberate, have proven inadequate to deal with these overwhelming numbers.

The 808,000 immigrants and refugees that legally arrived here in 1980, the latest year for which complete figures are available, represent the greatest influx since 1914. The total number of immigrants and refugees legally and illegally entering the United States in that year represents a greater number of immigrants than ever entered the country in any year, even during the great unrestricted tides of immigration between 1880 and 1921. Surely, it is not necessary to emphasize the vast difference in the economy of this country in the early part of this century as compared to today.

The American people recognize and respect their heritage as a land of immigrants, as a beacon of hope in a vastly troubled world, and have no desire to see that tradition or hope destroyed. Nevertheless, they rightfully expect their

government to control the way in which people enter this country. I believe that the proposals announced by the Administration will do much to fulfill that expectation.

The breadth and depth of the proposals are impressive. They are intended to deal with the problem of illegal aliens by bringing the productive members of this underground population out into the open; by encouraging the others who do not wish to abide by our laws and contribute to our society to leave; and by deterring further illegal entries and channelling more would-be entrants into legal paths of immigration.

Among the major illegal immigrant groups which must be considered in such a comprehensive plan are those who have been arriving by sea. The plight of the Haitians is particularly tragic. In their homeland they face poverty and hunger. Haiti is the poorest country in the Western Hemisphere with an annual per capita income of \$300.00. Agricultural productivity is low and declining, and rural Haitians (80% of the population) suffer from high unemployment, lack of social services, illiteracy and grinding poverty. The State Department has advised us that the vast majority of Haitians who leave the country do so in search of improved

economic conditions elsewhere. The United States, understandably, represents for many of these people a concrete hope for a better life. Last year's Mariel boatlift, coupled during the life of the past Administration with an overall indecisive United States government response to illegal immigration by sea, greatly encouraged this illegal flow. While only 2,522 Haitians are known to have reached Florida illegally in 1979, that number jumped to 15,093 in 1980.

While our legal immigration program is generous and provides a partial answer to this problem, it is slow and allows only a small percentage of would-be immigrants to enter the United States.

The United States unfortunately cannot throw open its doors to all the poor of Haiti, any more than it can open its doors to all the poor of the world who would seek a better life. America simply cannot take all those who would choose to come here. That has been so since 1921 when we first established strict quotas for foreign countries. With the state of our economy and our own responsibilities to the unemployed in the United States, these quotas are as important, probably more important than ever before.

The line presently drawn by our laws is a rational and workable one. All those who can show that they fled their country due to a well-founded fear of persecution based on political beliefs, race or religion, or who fear such persecution if they return, qualify for asylee status and may enter or stay in the United States. The door to bona fide refugees must and will remain open and every asylum application will be reviewed carefully on its own individual facts. But those who seek only economic betterment do not qualify as refugees or asylees. They are admissible only to the extent that they qualify within existing quotas and eligibility requirements. This is not some new rule applied only to this problem or group of people. This is the basic rationale that has governed immigration since 1921 and applied to all groups from many different nations since then.

While many of those who now reach our shores from Haiti do not qualify under these standards, they continue to come because they have not been sufficiently discouraged from doing so. The motivation to attempt to reach the United States from Haiti is exceedingly strong. Only a decisive United States policy, which sends clear signals back to Haiti, will overcome it. Such a policy has been sorely lacking.

Our lack of consistent enforcement of our immigration laws against those who would come here illegally leaves a wide gap which the unscrupulous and greedy have quickly filled. Profiteers and unscrupulous smugglers continue to build thriving illicit businesses which traffic in human beings. They recruit Haitians for trips to the United States knowing that our laws against such efforts are not sufficiently strong. There are those in this country who are also profiting from exploitation of these immigrants when they arrive here illegally. And there are those who, out of a misguided sense of helping these people, encourage them to come in blatant disregard for our laws.

By failing to sufficiently discourage this traffic we disserve not only the communities in South Florida and elsewhere which must absorb the impact, but also the Haitian immigrants themselves. The trip they make across 500 miles of open sea to the United States is an extremely perilous one. While a motorized vessel can make this trip in three days, it takes the typical Haitian sailing vessel from two to six weeks. These vessels are often unseaworthy and dangerously overloaded. They carry inadequate supplies of water and food and inadequate means of refrigeration. In addition, they are often manned by people who lack required

sailing and navigation skills, and worse, there is evidence to suggest that some who man these vessels may commit atrocities on those they transport.

While no figures are available, we must assume that many of these vessels are lost at sea with all aboard. The tragedy of the 34 Haitians who drowned off the coast of Florida last fall brought home to the American public the realization of how dangerous a trip this is. These tragic deaths have shocked and saddened our country. Our response must be two-fold: firm enforcement of our laws as well as decent and humane treatment for these people when they are here. We must not lose sight of the fact that all those who attempt this sea journey are gambling with their lives, and those who encourage them to do so for good or bad motives, are needlessly endangering human life. The 34 recent deaths serve to remind us of these perils, but the true extent of the tragedy may never be known.

On July 30, 1981, the Administration announced a package of reforms designed to allow the United States to regain control of its borders. It is a comprehensive plan for the entire nation. It contains proposals which will curtail illegal immigration, prevent future mass immigration of the

type that occurred from Cuba, reform legal immigration, and deal realistically and fairly with the illegal aliens who are already here.

It is important that we find some practical way of dealing with the millions of illegal aliens who now reside in the United States. It is both more cost-effective and more humane to concentrate our law enforcement resources on stopping the future flow -- rather than searching out, rounding up, and deporting millions of people, including the Haitians now in this country illegally, who have become, in effect, members of the community. We have neither the resources, the capability, nor the motivation to uproot and deport those who have demonstrated that they are law-abiding and willing to contribute in a productive way to our society.

The comprehensive immigration reform bill developed by the Administration would, for the first time, illegalize the vast majority of illegal Haitian aliens. In addition, in recognition of the special treatment Congress has accorded to Cubans and Haitians who arrived during the time of the 1980 boatlift, they are accorded special benefits, in two significant respects, under the legalization proposal as well. Under the proposal, all illegal aliens would be eligible to participate in the program if they were present

in the United States prior to January 1, 1980, while Cubans and Haitians could also participate if they were present in the United States and known to INS prior to January 1, 1981. In this way Haitians who were encouraged to come by our government's vacillating response to the Cuban boatlift will be eligible. In addition, participating aliens of other nationalities could apply for permanent resident status after 10 years of residence in the United States, while Cuban and Haitian participants could apply after only five years of residence. We estimate that over 33,500 illegal Haitian aliens could directly benefit from this program.

The Administration has attached substantial conditions to legalization both to ensure the sincerity of participants and to send a clear signal to others: this is a one-time procedure that will not be repeated. It is part of the overall plan to deter illegal immigration more effectively in the future and must be coupled with firm enforcement measures.

Therefore, at the same time the legalization proposal was announced, the Administration also announced proposals which will, for the first time, discourage the continuing tragedy of illegal immigration by sea. The Administration has determined that in order to do this a clear message must

be sent to those who are ineligible for admission: that attempts to reach our shores are futile, and even if they survive the dangerous voyage they will be sent home.

First, and most important, the Administration proposes to expedite the exclusionary and asylum proceedings for determining the eligibility of undocumented aliens to enter the country. The procedures now in place are neither rational nor fair in view of the unanticipated and overwhelming increase in the number of asylum applications filed. As recently as Fiscal Year 1978 fewer than 3,800 asylum applications were received. But in Fiscal Year 1980, 31,579 applications for asylum were received, and the number of pending applications reached over 67,000 during the 1981 fiscal year, not including the approximately 125,000 applications filed by Cubans.

Under the Administration's proposal, applications for asylum will be heard by specially trained asylum officers with discretionary review by the Attorney General. The proceedings will be administrative with one full hearing and an appeal if appropriate. The present state of the law and procedures in these matters is almost as subject to unnecessary delays and innumerable burdens as is the criminal

justice system. Just because one system is virtually sinking of its own weight, we cannot let another do so. In proposing reforms for both systems this Administration will be guided by the same principle -- that full and fair due process can be achieved in this country as it is in the rest of the civilized world, without endless, repetitious consideration of the same issues. One full hearing is fair to the applicant and to the national interest.

The President has also proposed that legislation be enacted to strengthen, and close any loopholes in, existing laws against the smuggling of undocumented aliens into this country -- including a strengthening of the authority for seizure and forfeiture of vessels used for that purpose. Those who seek to profit from this trade must be firmly dealt with and the vessels they use and re-use must be removed from circulation.

In addition, the Administration has determined that the statutory mandate to detain excludable aliens must be obeyed. Until their eligibility for admission can be expeditiously but adequately determined, those who arrive without documents should be detained -- not let loose in the community never to be heard from again. Although our government has made clear its opposition to continuing illegal migration by sea, Haitians have continued to come. Of the 8,069 Haitians

known to have arrived illegally in 1981, 5,552 have been temporarily paroled, while 2,174 remained in detention as of January 4, 1982. By detaining such persons in adequate facilities pending admission or return, we can assure that they will be processed under the law, deter future arrivals and avoid any repeat of the unconscionable effects experienced disproportionately in recent years by the city of Miami and some other state and local governments.

We have, therefore, asked Congress for additional funds to be used for construction of a permanent detention facility and have begun preliminary work on a site which meets our needs. In addition, we have been seeking an interim facility which, pending completion of the permanent facility, could be used when our current facilities become overcrowded. The facilities now in use are suitable for short-term processing. Because of the burdensome procedures now in place which are subject to delaying tactics and manipulation, and the protracted litigation brought on their behalf, Haitians have been forced to remain in detention longer than expected. It should be emphasized that we hope to see the need for detention ended. We hope to see illegal arrivals stop or slow to a mere trickle. Those who remain in detention are

free to leave and return to their country. But they entered this country illegally, and if they wish to test their right to remain they must be legally processed. The delay in processing their cases has been, in large part, occasioned by the lawsuit filed on their behalf. At the request of their lawyers, for example, the court, for some time, restrained even the return to Haiti of those who wanted and requested to go voluntarily to be reunited with their families.

While the Department of Justice is doing everything it can, with the help of the Court and the Dade County Bar Association, to expedite these cases, we recognize that the facilities now in use have proven inadequate because processing is taking months, instead of weeks. We are, therefore, undertaking needed renovations and instituting program innovations to improve and upgrade these facilities. Changes required will be made.

Finally, to deter the continuing unauthorized traffic to our shores, legislation is being sought to strengthen the Coast Guard's authority to interdict vessels bringing passengers not entitled to enter this country. In addition, as

you know, the President, on September 29, 1981, ordered implementation of an interdiction program under existing authority. The ample legal basis for this program was described by the Justice Department in its testimony before this Subcommittee on September 17, 1981. A 90-day trial program began on October 10, 1981, pursuant to a bilateral agreement between the governments of the United States and Haiti which was signed on September 23, 1981.

Coast Guard operations under the program have centered on use of a USCH High Endurance Cutter positioned off the Northwest Coast of Haiti. Surveillance flights are staged out of Guantanamo Bay on a daily basis. When suspicious vessels are located, a Coast Guard boarding party is dispatched to establish the registry, condition and destination of the vessel.

Specially trained INS personnel -- two officers and two Creole interpreters -- are responsible for determining the status of people on board interdicted vessels and whether there is any basis for a claim of asylum. Immigration officers ask each adult and unaccompanied minor several questions designed to elicit information upon which an asylum claim might be based. If there is an indication of a colorable claim of asylum, the individual is to be brought

to the United States where a formal application for asylum would be filed. These procedures meet our international treaty obligations and will prevent the return of any person with a well-founded fear of persecution. In addition, we have received, through the State Department, unqualified assurances from the Government of Haiti that returned migrants will not be prosecuted for their departure or otherwise harassed and the State Department has instituted a monitoring procedure to follow-up on returnees.

The fears of those who believed this program would be dangerous have been proven groundless. It has been handled by the Coast Guard in a highly professional, competent, and sensitive manner. More than 70 suspect vessels have been boarded and checked without incident. One vessel, the *Exorde*, was intercepted on October 25, 1981 and found to have 57 illegal Haitian migrants on board who were travelling to the United States. Although they had been at sea five days, they had travelled only 120 miles from the coast of Haiti and their water supply was already running low. With almost 400 miles of the journey lying ahead at the time of the interception, the Haitian vessel was leaking and the weather was worsening. Shortly after the Haitians were safely transferred to the Coast Guard cutter, their boat

capsized. The Coast Guard has informed us that those on board were relieved that they had been discovered and that the vessel would not have made it through the night. Under established procedures, all those from the Haitian vessel were interviewed by experienced INS officers and later returned to Haiti. This action by the Coast Guard, we believe, directly averted a tragedy at sea.

In addition, after 69 days of operation, the Coast Guard had intercepted five smuggling vessels containing over 30 tons of various drugs (a 300% increase in drug interdiction in the Windward Passage). Thirty alien crew members were arrested for drug smuggling and are to be tried in United States courts. After sentences are served, these persons will be deported.

The results of the interdiction efforts have been dramatic. We have seen, in the few months of the program's operation, a significant decrease in the number of Haitians headed to the United States illegally. While 15,093 Haitians are known to have arrived illegally in 1980, 8,069 arrived in 1981. Before the start of interdiction, large numbers were arriving illegally each month; 1,507 in June 1981, 1,717 in July. The President's program was announced on July

30 and in August there were 978 known arrivals and 629 known arrivals in September. Interdiction began on October 10, 1981. That month, there were 305 arrivals, while during the same month in 1980 there were 2,280. More significantly, in November, 1981, the first full month of the interdiction program, only 47 undocumented aliens are known to have reached Florida whereas more than 1,000 did in November of 1980. Similarly, in December 1980 there were 543 known arrivals, while in 1981, the number for that month was 46. While several boats carrying undocumented Haitian aliens have arrived at the Florida coast in recent months, it appears that these people departed Haiti prior to the commencement of the interdiction program and stopped at other ports before reaching the United States.

The interdiction program is an important part of the President's integrated immigration plan and an important mission for the Coast Guard. The Department of Justice believes that the 90-day trial project has been an unqualified success. In conjunction with the detention policy, it has deterred many from seeking to enter this country illegally. It has resulted in the rescue of one boatload of migrants from extremely perilous circumstances and undoubtedly will

result in saving more lives by discouraging illegal traffic at sea. Moreover, the Coast Guard has demonstrated that its other missions, such as drug interdiction, can be accomplished at the same time.

The Department of Justice, therefore, believes that the project should be continued at least through the end of the current fiscal year. Discontinuance at this time is likely to result in a renewed influx of undocumented Haitians by sea, while continuance of the project will permit us to test its effectiveness during the May to September period in which, historically, most boat movements occur.

In addition, the Coast Guard has informed us that the Haitian Government requires approximately nine more months of preparation before it is capable of carrying out a similar program of its own. Our continuation of the program in the interim will let the Government of Haiti know that our commitment to halt the illegal flow is firm and that we will continue to cooperate with them in this matter.

While continuation of the program will require supplemental funds for the Coast Guard, we believe the expenditure is justified by the program's success and offset by the savings resulting from the decreased illegal flow. It is

a cost effective program that has proven its worth during its brief 90-day trial. In the past, when our policies have been weak and fluctuating the numbers of persons entering our country illegally have substantially increased. Now, as we embark upon a comprehensive effort to regain control of our borders, is not the time to show a weakening resolve. Had some of these decisions been made and enforced without vacillation in the past, Miami may well have been spared the difficulties, including soaring crime rates, that it faces today. If Congress will act quickly to pass the needed laws proposed, we may, finally, be able to start solving the problems that plague our immigration system.

We must teach those of the world who seek to cross our borders illegally that we have laws and regular procedures which must be followed. Over 1,106,000 people are now waiting in their countries of origin for immigrant visas to the United States. The gate crashers must not, in fairness to the people of our own country and those in other lands who seek to come here lawfully, be allowed to succeed in thwarting our laws.

The President's immigration package represents neither avoidance of nor overreaction to the problem. A moratorium on all refugee admissions, as proposed by some, is neither

humane nor in keeping with our national traditions. It is an extreme overreaction which could cause serious damage to the American tradition. This Administration's efforts are guided by the twin goals of continuing the tradition of America as a land of opportunity for all but within equitable quotas and principles for determining the status of those who claim to be refugees under United States law. We must regain control of the way people enter this country and cease to reward and encourage those who would illegally enter. To preserve the generous spirit of our country and its heritage as a land of immigrants, we must stop the uncontrolled flow of the uninvited. I believe the program the President has developed, of which interdiction is but one part, is fair and realistic and can accomplish these goals.

MEMORANDUM

THE WHITE HOUSE

WASHINGTON

January 22, 1982

MEMORANDUM FOR THE FILES

FROM: J. MICHAEL LUTTIG

SUBJECT: Executive Order on Cuban and Haitian Entrants

At 5:00 p.m., Thursday, January 21, I was given the referenced Executive Order to review. I was in a meeting when I received it. I was told by Suzi Dietz that it had to be reviewed immediately, that the President wanted to sign it immediately. Within seconds after receiving the call in my office from Suzi, Jim Cicconi called me. He said that Darman was waiting to take the Order into the Oval Office for signature and that he was waiting for Counsel's Office to sign-off on the Order.

H.P. and I went to the library and quickly reviewed all citations and the logic of the revocations provided for in the Order. All seemed fine. We were concerned about whether actions taken pursuant to E.O. 12251 could remain in effect as provided in § 3 of the new Order. In addition, we were uncertain of the effect of an E.O. revoking an E.O. that had revoked a prior E.O. We called Ted Olson. Neither he nor Larry Simms was available. We spoke to Steve Wilkinson and Carol Williams instead. They were familiar with the Order. They told H.P. and me that legally, the Order was very routine, and that although the questions we raised (noted above) were legitimate, each issue was fully in keeping with Department of Justice procedure, etc.

I called Sara Emery at 5:25 to tell her we had no legal objection to the E.O.

THE WHITE HOUSE
WASHINGTON

Date 1.21.82

Suspense Date _____

MEMORANDUM FOR: Michael

FROM: DIANNA G. HOLLAND

ACTION

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COMMENT

*Jim Baker wants this to
go to the President today.*



U.S. Department of Justice

Office of Legal Counsel

Office of the
Assistant Attorney General

Washington, D.C. 20530

15 JAN 1962

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Cuban and Haitian Entrants".

This proposed order was prepared by the Office of Management and Budget and has been forwarded for the consideration of this Department as to form and legality by that Office with the approval of the Director.

The proposed Executive order is approved as to form and legality.

Respectfully,

A handwritten signature in dark ink, appearing to read "Theodore B. Olson", with a large, stylized flourish at the end.

Theodore B. Olson
Assistant Attorney General
Office of Legal Counsel



Office of the
Assistant Attorney General

Washington, D.C. 20530

15 JAN 1982

MEMORANDUM

Re: Proposed Executive order entitled "Cuban and Haitian Entrants"

The attached proposed Executive order was prepared by the Office of Management and Budget and has been forwarded for the consideration of this Department as to form, and legality by that Office with the approval of the Director.

The proposed order would ^{30 USC § 301} ~~delegate~~ the functions and authorities vested in the President by § 501(a) and (b) of the Refugee Education Assistance Act of 1980 (the Act), Pub. L. 96-422, § 501(a) and (b), 8 U.S.C.A. § 1522 note (1981 Supp.) to the Secretary of Health and Human Services. His function under § 501(c) of the Act would be delegated to the Attorney General, who would be required to ensure that actions are taken to provide such assistance to Cuban and Haitian entrants as provided for by that subsection. Section 501(a) authorizes the President to administer and provide or fund, in accordance with the terms of Chapter 2 of Title IV of the Immigration and Nationality Act (INA), as amended by § 311, 94 Stat. 111, certain assistance to Cuban and Haitian entrants (as defined in § 501(e) of the Act). Section 501(b) allows the President, by regulation, to provide that benefits granted under any law of the United States (except the INA) with respect to individuals admitted under § 207(c) of the INA shall be granted likewise to Cuban and Haitian entrants. Section 501(c) empowers the President to direct the provision of assistance by Federal agencies for the processing, care, maintenance, security, transportation, and initial reception and placement in the United States of Cuban and Haitian

The proposed Executive Order would revoke and replace Executive Order No. 12251 of November 15, 1980, by which the President's functions under all three of the described subsections of § 501 were delegated to the Secretary of Health

and Human Services. The proposed order would continue in effect actions taken under Executive Order No. 12251, until superceded by actions taken under it.

The proposed Executive order is acceptable as to form and legality.

Theodore B. Olson
Assistant Attorney General
Office of Legal Counsel

EXECUTIVE ORDER

CUBAN AND HAITIAN ENTRANTS

By the authority vested in me as President of the United States of America by Section 501 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) and Section 301 of Title 3 of the United States Code, and to reassign some responsibilities for providing assistance to Cuban and Haitian entrants, it is hereby ordered as follows:

Section 1. The functions vested in the President by Sections 501(a) and (b) of the Refugee Education Assistance Act of 1980, hereinafter referred to as the Act (8 U.S.C. 1522 note), are delegated to the Secretary of Health and Human Services.

Sec. 2. The Attorney General shall ensure that actions are taken to provide such assistance to Cuban and Haitian entrants as provided for by Section 501(c) of the Act. To that end, the functions vested in the President by Section 501(c) of the Act are delegated to the Attorney General.

Sec. 3. All actions taken pursuant to Executive Order No. 12251 shall continue in effect until superseded by actions under this Order.

*1000
3/2/81*

Sec. 4. Executive Order No. 12251 of November 15, 1980, is revoked.

THE WHITE HOUSE

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

January 22, 1982

EXECUTIVE ORDER

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CUBAN AND HAITIAN ENTRANTS

By the authority vested in me as President of the United States of America by Section 501 of the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) and Section 301 of Title 3 of the United States Code, and to reassign some responsibilities for providing assistance to Cuban and Haitian entrants, it is hereby ordered as follows:

Section 1. The functions vested in the President by Sections 501(a) and (b) of the Refugee Education Assistance Act of 1980, hereinafter referred to as the Act (8 U.S.C. 1522 note), are delegated to the Secretary of Health and Human Services.

Sec. 2. The Attorney General shall ensure that actions are taken to provide such assistance to Cuban and Haitian entrants as provided for by Section 501(c) of the Act. To that end, the functions vested in the President by Section 501(c) of the Act are delegated to the Attorney General.

Sec. 3. All actions taken pursuant to Executive Order No. 12251 shall continue in effect until superseded by actions under this Order.

Sec. 4. Executive Order No. 12251 of November 15, 1980, is revoked.

RONALD REAGAN

THE WHITE HOUSE,

January 21, 1982.

#