



DEPARTMENT OF STATE  
ACTION MEMORANDUM

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July 17, 1976

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*letter &*

TO: The Secretary  
FROM: ARA - Harry W. Shlaudeman  
D/HA - J.M. Wilson, Jr.  
SCA - Leonard F. Walentynowicz

Expanded Parole Authority for Chilean and Other Refugees

The Problem

The United Nations High Commissioner for Refugees (UNHCR) has sent an urgent appeal to the United States and to 33 other countries requesting they provide immediate resettlement opportunities for at least 1,000 refugees now in Argentina, as well as "for larger numbers in the foreseeable longer term" (Tab 2). The Argentine Government (GOA) has also formally asked the U.S. and several other governments to assist in the resettlement of refugees in Argentina. There is also need for resettlement opportunities for a small number of Chilean detainees in Chile over and above the 400 cases we have already processed. Congressional and public pressure is developing in support of an expanded parole program in view of the situation in Argentina.

The problem is how to respond effectively to these real needs within the limits of our immigration law and the proposed revision thereof relating to refugees, while being mindful of the concerns in many parts of Congress and the public about the continued and expanding use of the parole authority to bring refugees into this country. Since this is the first occasion for us to consider the use of parole in this manner since the introduction of new legislation on refugees (H.R. 14386), we should assure that our decision here reflects our position on the proposed legislation.

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Chile Project (#S199900006)  
U.S. Department of State  
Release  Excise  Deny  De-  
Exemption(s)

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Background/Analysis

The Chile Program

Within the next few days, the 400th head of family to be approved under our current program for Chilean refugees and detainees will receive authority from the Immigration and Naturalization Service to be admitted to the United States. Our understanding with Congress limits us to 400 principals under this program. While much remains to be done before all principals and dependents arrive here, we have reached the numerical limit of approvals which essentially prevents entertaining new applications. (A total of approximately 1220 people will eventually be admitted.)

In view of the continued difficult Chilean human rights situation, there is sentiment in substantial segments of the public, press and Congress to permit a limited number of additional persons in Chile to come here under the parole program. Moreover, there has been Congressional and other criticism of our slow progress (e.g. the program took almost eight months to get started and now, after more than a year, only 159 principals and their families have actually arrived). Senator Kennedy and Congressmen Fraser and Koch, supported by others on the Hill, are urging that we move quickly to expand the present program.

Argentine Situation

At least 10,000 persons are registered as refugees with the UNHCR in Argentina and there are perhaps 5,000 more unregistered. Buenos Aires Embassy estimates that 80% of these refugees are Chileans and the bulk of the remainder, Uruguayans.

Since the March 24 coup, Argentine security forces have sought to put down the guerrilla and terrorist movements that have plagued the country for years. Government forces have arrested some 5,000 Argentines and foreigners. Hundreds have been killed in what is approaching a virtual civil war environment. Terrorists from the right and left are involved in shoot-outs that government officials appear incapable of stopping or understanding. In its appeal, the UNHCR noted that on June 9 lists and files concerning 2,000 refugees were stolen from one of the voluntary agencies and on July 11, 24 refugees were abducted from their hotel by forty armed men and subjected to severe torture before being subsequently released. Fear is widespread in the refugee community.

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The UNHCR has appealed urgently to the USG and 33 other governments for immediate resettlement opportunities initially for at least 1,000 of these refugees who they believe are in immediate serious danger. This may, of course, be the precursor of further appeals. Voluntary agencies, humanitarian groups plus segments of the press have reflected increasing concern that our failure to act quickly will result in needless deaths. As is usual in such matters, other countries are watching for the U.S. lead.

### Congressional and Other Considerations

Congressional interest in the Argentine situation is now at least as great, if not greater, than in that of Chile. Kennedy, Fraser, Koch and others are pushing hard for us to undertake a new program to admit Chilean, Uruguayan and Bolivian refugees from Argentina. This sentiment is active and vocal.

There is also, however, substantial Congressional opposition (e.g., Senator Eastland) to such use of the Attorney General's parole authority, and, we understand, INS opposes -- admitting more Chilean refugees. Some of this opposition is based on principle (i.e., under the law the parole authority was intended for individual, temporary emergencies). Some of it is also based on concern about the leftist political opinions of many of the refugees in and from Chile, some of whom have been identified as Communist party members (approximately 93 principals have been rejected in the Chilean program to date on this ground).

Congress now has under consideration a bill (H.R. 14336) that would significantly revise the current law and procedures for the admission of refugees. This bill would broaden the definition of refugees in the Immigration and Naturalization Act to make it consistent with the UN Refugee protocol to which we are a party. It would provide for admission of 20,000 "regular flow refugees" per year from all parts of the world. The current law provides for 10,200 from certain parts of the Eastern Hemisphere only (Middle East and those fleeing from Communist domination). The proposed law would also permit the admission of up to 20,000 additional refugees in emergency situations and under certain conditions. This bill would not eliminate the restrictions contained in Section 212(a) including Communist party membership.

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The introduction of this proposed legislation is indicative of the growing concern in the Congress over what some consider to be abuse of the parole authority (e.g., admission of 140,000 refugees from Southeast Asia), as well as the increasing frequency of situations that are creating or have the potential of creating significant numbers of refugees (e.g., Lebanese, Rhodesians, Kurds, Soviet Trigras, Armenians, Assyrians, etc.). It is also indicative of dissatisfaction with both the narrow scope and the discriminatory nature of the refugee provisions of the existing law.

Under existing law we are able to be reasonably responsive to some refugee needs because it provides for admission of Eastern Hemisphere refugees from communism or the Middle East. But the fact remains that under present law there is no other method than use of the parole authority to admit numbers of Western Hemisphere refugees promptly.

#### The Options

1. Decline to accept any refugees beyond our original Chile commitment. This would please those opposed to use of the parole authority to admit refugees, including some parts of Congress. It would not be responsive to UNHCR and GOA appeals, would possibly jeopardize lives and would subject the Department to some strong Congressional and other criticism.

2. Develop a separate parole program for Argentina, similar to that for Chile. This would be responsive to the UNHCR and GOA appeals and the urging of Senator Kennedy and others. However, it would not only displease those opposed to such use of the parole authority but be time-consuming, in light of the existing Chile program.

3. Expand the present Chilean parole program so as to permit the entry of a limited number of Chileans from Chile, and Chileans, Uruguavans and Bolivians from Argentina. This would enable us to maintain our humanitarian commitment to the plight of detainees in Chile, accept our fair share of the refugees in Argentina, and make a meaningful and significant response to the UNHCR's appeal. Requesting the Attorney General to expand the present Chile parole program from the present 400 to 600 heads of household (i.e., an increase of about 200 principals or 600 people) would also be consistent with the provisions of H.R. 14638. We estimate that this number would be divided between Chile and Argentina, and

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would include some Uruguayan and Bolivian refugees in Argentina as well as Chilean. This, of course, would be opposed by those who would see it as yet another abuse of the parole authority. Those admitted would be carefully screened and would represent a very modest increase in the number already authorized admission under the Chile program, thus making it an appropriate response given all of the circumstances. (ARA, D/HA, SCA and L all support this option.)

Recommendation

That you sign the attached letter to the Attorney General requesting his concurrence in an expansion of the Chile parole program to include up to 200 additional principal refugees, plus dependents, to be admitted to the U.S. from Chile and Argentina.

Attachments:

- Tab 1 - Proposed letter to Attorney General
- Tab 2 - Message from UNHCR

Concurrence:

L/SCA - Mr. Dalton (draft) *HP*

Drafted:

ARA:FSmith/SCA:LFWalenty<sup>22</sup>nowicz  
7/16/76 x22575

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