

THE WHITE HOUSE
WASHINGTON

Partial Text
of
PDD 9

June 18, 1993

SUBJECT: Alien Smuggling

The recent increase in Asian criminal syndicate smuggling of Chinese nationals illegally into the U.S. by air, sea and across land borders is a matter of serious concern. At least until completion of the tasks set forth below, I direct that criminal-syndicate alien smuggling be dealt with in the following fashion:

Policy

The U.S. government will take the necessary measures to preempt, interdict and deter alien smuggling into the U.S. Our efforts will focus on disrupting and dismantling the criminal networks which traffic in illegal aliens. We will deal with the problem at its source, in transit, at our borders and within the U.S. We will attempt to interdict and hold smuggled aliens as far as possible from the U.S. border and to repatriate them when appropriate. We will seek tougher criminal penalties both at home and abroad for alien smugglers. We will seek to process smuggled aliens as quickly as possible.

At the same time, we will also attempt to ensure that smuggled aliens detained as a result of U.S. enforcement actions, whether in the U.S. or abroad, are fairly assessed and/or screened by appropriate authorities to ensure protection of bonafide refugees.

The following represents U.S. Government organization and tasks for dealing with alien smuggling:

Organization

- Justice and INS will be responsible for criminal enforcement and all U.S. prosecutions and for conducting law enforcement operations and investigations outside the U.S. under existing interagency arrangements.
- State will be responsible for international policy and relations with foreign governments and international organizations.
- Transportation and Coast Guard will be responsible for interdiction at sea with appropriate support by Defense, under existing interagency arrangements.

- The Director of Central Intelligence will be responsible for foreign intelligence in support of interdiction efforts by INS and Coast Guard in accordance with existing authorities.
- The Border Security Working Group will be responsible for coordinating the interagency effort overall.

Efforts at the Source

- State will approach source nations whose nationals, businesses and/or infrastructure provide assistance to alien smuggling and to develop common policies to prevent the departure of criminal-sponsored, non-refugee and undocumented aliens.
- State will make efforts to ensure that repatriated migrants are not unfairly or unlawfully penalized simply for seeking to emigrate without authorization. Such efforts may include monitoring returnees and information exchanges with host government officials on post-return status of returnees.
- USIA will coordinate information programs to discourage economic migrants from dealing with alien smugglers.

Efforts in Transit

- State will approach flag states of vessels engaging in alien smuggling to seek their cooperation to:
 - monitor suspects and deny flagging to ships and licensing to captains involved in alien smuggling;
 - criminalize alien smuggling, including asset seizure and other financial penalties as well as restitution by vessel owners for enforcement costs;
 - allow the Coast Guard to stop, board and determine the status of suspect vessels and their cargo on the high seas, either in advance or upon request; and
 - receive ships and smuggled aliens apprehended on the high seas for disposition in accordance with standards that ensure protection of bonafide refugees and safe treatment for all migrants.
- The Coast Guard will direct U.S. interdiction efforts at sea with appropriate DoD support if necessary and will board suspect vessels when authorized. It will direct/escort them to flag states or the nearest non-U.S. port if practical and assuming host nation concurrence.

- The Intelligence Community, in support of our interdiction and law enforcement efforts, will collect and disseminate foreign intelligence to help locate and track smuggling vessels in international waters and foreign ports.

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- State and INS will work with the UN High Commissioner for Refugees (UNHCR) and the International organization for Migration (IOM) to develop procedures to ensure that migrants landed outside the U.S. are fairly and appropriately treated in accordance with standards that ensure protection of bonafide refugees.
- State and INS will work with air carriers to preempt attempts to use commercial air to gain entry to the U.S. for illegal aliens, e.g., the pre-screening Carrier Consultant Program works with Embassies and air carriers to detect fraudulent documents and prevent boarding before departure to the U.S. These measures will be undertaken subject to safeguards for those genuinely fleeing persecution.

Efforts at the Border and within the U.S.

- Within available physical and fiscal resources, INS will detain illegal aliens entering the US with the assistance of criminal syndicates. Absent a credible claim for asylum, smuggled aliens will remain in detention pending final determination of asylum status so as to ensure repatriation if asylum status is denied. To the extent possible, smuggled aliens will have priority in processing for asylum or removal.
- Defense will study and recommend which of its facilities could be made available to INS for back-up detention of illegal aliens and the cost to INS of the use of such facilities (including costs of any services provided by Defense).
- Justice will review criminal and civil authorities and penalties for alien smuggling and recommend alternative prosecution strategies or penalty increases if appropriate. Justice will determine whether U.S. Attorneys should be instructed to prioritize prosecution of alien smuggling cases in light of limited penalties. Justice will also consider including alien smuggling as a RICO predicate, expansion of authorities to seize property and money and whether wiretapping should be permitted as an investigative tool.

- Justice will review and make recommendations concerning Executive Order 12711, the interim rule published January 29, 1990, the proposed Final Rule, administrative decisions of the Board of Immigration Appeals and INS field directives pertaining to eligibility for asylum based on coercive family planning practices..
- The Border Security Working Group will complete its review of expedited asylum and exclusion legislation and related asylum reform efforts. The review will include draft legislation and recommendations to improve and expedite administrative hearings, administrative procedures and regulatory measures.

Funding

- Justice and INS will review and recommend appropriate action on the use of the Immigration Emergency Fund for funding international repatriation, domestic detention and processing illegal migrants.
- OMB will determine funding alternatives to the Immigration Emergency Fund.
- Except as otherwise indicated, agencies will pay for their own regular operating expenses.
- State, in consultation with Justice, should review the special repatriation fund, administered by our Embassy in Mexico City, to determine adequacy and alternatives, including funding sources.

Implementation

This policy guidance should be considered ad interim, pending completion of the tasks assigned above. The assigned tasks, studies and reviews should be completed within two weeks with recommendations submitted to the Border Security Working Group.

/s/ William J. Clinton