

19 JULY 1994



Law

**HANDLING REQUESTS FOR POLITICAL
ASYLUM AND TEMPORARY REFUGE**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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Supersedes AFR 110-26, 30 May 1980.

Pages: 11

Distribution: F

This instruction implements Air Force Policy Directive 51-7, *International Law*, and DoD Directive 2000.11, 3 March 1972, by providing guidance and procedures for handling requests by foreign nationals for political asylum or temporary refuge. It applies to Air Force installations and aircraft worldwide. It does not apply to prisoners of war or members of an enemy force during an armed conflict. For information on handling defectors, see DIAM 5813, Vol I, II, III, DoD Humint Management System, 28 March 1988.

SUMMARY OF REVISIONS

This is the initial publication of AFI 51-704.

1. Responding to Requests for Political Asylum. Air Force members may receive requests for political asylum from foreign nationals who are within US territorial jurisdiction (the continental United States, Alaska, Hawaii, Puerto Rico, the Virgin Islands, other US territories) or on or over the high seas or other place not within any nation's territorial jurisdiction. If you receive such requests, do not release the foreign nationals against their wills until the proper US authorities consider their requests.

1.1. Handling Requests for Political Asylum Within US Territorial Jurisdiction. When the senior Air Force commander or a member of the commander's staff at an installation within US territorial jurisdiction, or the aircraft commander of a USAF aircraft, receives a request for political asylum from a foreign national (or an indication that such a request is imminent), the commander must:

- Notify the servicing Air Force Office of Special Investigations (AFOSI).
- Notify the nearest office of the US Immigration and Naturalization Service (INS), as listed in **Attachment 3**.

- Protect the foreign national, pending transfer to the US Immigration and Naturalization Service. This protection is subject to superior authority of a local, state, or federal law enforcement agency, if any. Upon transfer, a foreign national who is stationed at the installation must receive reasonable time to conclude personal and administrative matters.
- Inform immediately the Air Force Operations Support Center as described in paragraph 3. and send information copies as specified in paragraph 3.2. Provide a copy of the message to INS.

1.2. Handling Requests for Political Asylum at an Installation or On Board USAF Aircraft in Territory Under Foreign Jurisdiction. If a foreign national in these circumstances asks an Air Force official for help in requesting political asylum in the United States, the official must:

- Notify the servicing AFOSI.
- Advise the foreign national to apply in person at the nearest American embassy or consulate.
- Provide temporary refuge if requested and authorized under paragraph 2. of this instruction.

1.2.1. If an Air Force member or employee who is serving under a chief of a diplomatic mission receives the request, handle it according to instructions issued by that mission.

1.2.2. If the chief of the diplomatic mission issues no contrary instructions, the Air Force official who receives the request must communicate it by IMMEDIATE precedence message or by telephone to the Air Force Operations Support Center (paragraph 3.) and send information copies (paragraph 3.2.).

2. Granting Requests for Temporary Refuge. The United States will grant temporary refuge in a foreign country to nationals of that country or of a third state, and to the nationals of any country while on or over the high seas, or other area outside the territorial jurisdiction of any nation, if there is an apparent need to protect them from imminent danger to life or safety. However, do not grant temporary refuge to persons who are fleeing from duly constituted law enforcement authorities of the foreign country.

2.1. Handling Requests for Temporary Refuge at an Installation or on Board USAF Aircraft in Territory Under Foreign Jurisdiction. Under the above conditions, the senior Air Force commander or a designated representative may grant temporary refuge to a foreign national for humanitarian reasons, on request. The commander or designated representative sets procedures for granting temporary refuge and for determining when such refuge should be granted. The commander who grants temporary refuge must:

- Notify the servicing AFOSI.
- Protect the foreign national.
- Inform immediately the Air Force Operations Support Center as described in paragraph 3., and send information copies as specified in paragraph 3.2.

2.2. The commander will terminate temporary refuge when directed by higher authorities through the Air Force Operations Support Center.

3. Reporting Requests for Political Asylum or Temporary Refuge. (RCS: DD-POL (AR) 1161).

Send an IMMEDIATE precedence message to the Air Force Operations Support Center containing as much of the information requested in **Attachment 2** as possible. Do not delay the notification to get addi-

tional information, but send any additional information in later messages. Air Force Operations Support Center addresses:

- Electrical message address: AF OPS SPT CTR WASHINGTON DC
- Mail address: HQ USAF XOOOOC, 1480 AIR FORCE PENTAGON, Rm BD927, WASHINGTON DC 20330-1480
- Telephone: Major commands: direct line COPAN circuit; Installations: DSN 227-6103 or commercial (703) 697-6103

3.1. Confirm telephone calls with an IMMEDIATE precedence message as soon as possible.

3.2. At the same time you notify the Air Force Operations Support Center, send information copies of the message to:

- The Office of The Judge Advocate General, International and Operations Law Division (HQ USAF/JAI). [HQ USAF WASH DC//JAI//]
- If in CONUS, to the Secretary of State. If overseas, to the appropriate American embassy or consular office.
- The unified command, the major command, and each intermediate command.
- HQ 696 Intelligence Group [HQ 696IG ANDREWS AFB MD//DO//].
- HQ USAF Ground Team Collection, Processing & Disseminating (HQ USAF/INXYC) [HQ USAF WASH DC//INXYC//]

4. Air Force Operations Support Center Actions. When the Center receives a communication concerning request for political asylum, it must immediately notify the following by the fastest means possible:

- The Operations Officer, Operations Center, Department of State.
- SAF/IA.
- HQ AFSAC/INO.
- Deputy Director for Operations of the National Military Command Center.

5. Releasing Information. Do not release information concerning requests for political asylum or temporary refuge (or that a request has been made) to the public or to the media without the approval of the Assistant Secretary of Defense for Public Affairs. Refer all requests for information received by Air Force personnel through command channels. Should any news release or public statement be authorized, send a verbatim text of the release to all addressees in paragraph 3.2.

NOLAN SKLUTE, Maj General, USAF
The Judge Advocate General

Attachment 1

GLOSSARY OF TERMS

Terms

Political Asylum—Protection and sanctuary granted by the United States Government within its territorial jurisdiction or on the high seas or other place not within any nation’s territorial jurisdiction to a foreign national who applies for such protection, asserting persecution or fear of persecution because of race, religion, nationality, membership in a particular social group, or political opinion.

Temporary Refuge—Protection afforded for humanitarian reasons to a foreign national in a Department of Defense (DoD) shore installation, facility, or military vessel or aircraft 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.

Attachment 2

REPORTING DATA ON REQUESTS FOR POLITICAL ASYLUM AND TEMPORARY REFUGEE

Relay as available. Do not delay a report of initial request as you develop data.

1. Name and nationality of individual seeking asylum or temporary refuge.
2. Date, place of birth, and occupation (if applicable).
3. Description of any documentation in his/her possession.
4. What foreign authorities are aware of the request for asylum or temporary refuge; whether any foreign authorities will be notified of the request.
5. Circumstances surrounding the request.
6. Exact location. If aboard vessel or aircraft, ETA at next intended port or airport.
7. Reason for claiming asylum or temporary refuge.
8. Description of any criminal charges known or alleged to be pending against the requester. Indicate also if any piracy at sea, air piracy, or hijacking is involved.
9. Any affiliation with a subversive organization and any government office now held or previously occupied.
10. If applicable, whether a field office of the US Immigration and Naturalization Service (INS) has been notified and if arrangements have been made to transfer case to INS.
11. Any other pertinent information.

Attachment 3

US IMMIGRATION & NATURALIZATION SERVICE REGIONAL AND DISTRICT OFFICE LOCATIONS

Regional Offices

Eastern Region (BUR)	Burlington, VT 05401 Federal Building	Northern Region (TWC)	Twin Cities, MN 55111 Federal Building Fort Snelling
Southern Region (DLS)	Dallas, TX 75270 First International Bldg. 1201 Elm St., Rm. 2300	Western Region (SPD)	San Pedro, CA 90731 Terminal Island

District Offices

32 (ANC)	Anchorage, AK 99513 New Federal Building 701 C Street, Rm. D229	26 (ATL)	Atlanta, GA 30309 1430 W. Peachtree St., N.W.
5 (BAL)	Baltimore, MD 21201 E. A. Garmatz Federal Bldg. 100 South Hanover Street	2 (BOS)	Boston, MA 02203 John F. Kennedy Federal Bldg., Government Center
7 (BUF)	Buffalo, NY 14202 68 Court Street	9 (CHI)	Chicago, IL 60604 Dirksen Federal Office Bldg. 219 South Dearborn St.
24 (CLE)	Cleveland, OH 44199 Rm. 1917, Anthony J. Celebreeze Federal Office Building 1240 East 9th Street	20 (DAL)	Dallas, TX 75242 Rm. 6A21, Federal Bldg. 1100 Commerce Street
19 (DEN)	Denver, CO 80202 17027 Federal Office Bldg.	8 (DET)	Detroit, MI 48207 Federal Building

			333 Mt. Elliott Street
15 (ELP)	El Paso, TX 79984 343 U.S. Courthouse P. O. Box 9398	40 (HLG)	Harlingen, TX 78550 719 Grimes Avenue
23 (HAR)	Hartford, CT 06105 900 Asylum Avenue	30 (HEL)	Helena, MT 59601 Federal Bldg., Room 512 301 S. Park, Drawer 10036
17 (HHW)	Honolulu, HI 96809 P.O. Box 461 595 Ala Moana Blvd.	38 (HOU)	Houston, TX 77208 Federal Building U.S. Courthouse 515 Rusk Ave. P.O. Box 61630
11 (KAN)	Kansas City, MO 64106 Suite 1100 324 E. Eleventh Street	16 (LOS)	Los Angeles, CA 90012 300 N. Los Angeles Street
6 (MIA)	Miami, FL 33130 Room 1324, Federal Bldg. 51 S.W. First Avenue	21 (NEW)	Newark, NJ 07102 Federal Building 970 Broad Street
28 (NOL)	New Orleans, LA 70113 Postal Service Bldg. 701 Loyola Avenue	3 (NYC)	New York, NY 10007 26 Federal Plaza
29 (OMA)	Omaha, NE 68102 106 S. 15th St., Rm. 1008	4 (PHI)	Philadelphia, PA 19106 Rm. 1321, U.S. Courthouse Independence Mall West 601 Market Street
18 (PHO)	Phoenix, AZ 85025 Federal Building 230 N. First Avenue	22 (POM)	Portland, ME 04112 76 Pearl Street

31 (POO)	Portland, OR 97209 Federal Office Bldg. 511 N.W. Broadway	1 (STA)	St. Albans, VT 05478 Federal Building P.O. Box 591
10 (STM)	St. Paul, MN 55101 932 New Post Office Bldg. 180 E. Kellogg Blvd.	14 (SNA)	San Antonio, TX 78206 U.S. Federal Building 727 East Durango Suite A301
39 (SND)	San Diego, CA 92188 880 Front Street	13 (SFR)	San Francisco, CA 94111 Appraisers Building 630 Sansome Street
27 (SAJ)	San Juan, PR 00936 GPO Box 5068 San Juan, P. R.	12 (SEA)	Seattle, WA 98134 815 Airport Way S.
25 (WAS)	Washington, DC 20638 1025 Vermont Avenue, N.W.		

District Offices in Foreign Countries

33 (HKC)	Hong Kong, B.C.C. District Director U.S. Immigration and Naturalization Service c/o American Consulate Gen. Box 30 FPO San Francisco, CA 96659 <u>Street Address (NOT FOR MAIL)</u> St. John's Bldg., Room 39 Garden Road, Hong Kong, B.C.C.	35 (MEX)	Mexico City, Mexico District Director U.S. Immigration and Naturalization Service c/o American Embassy Aparato Postal 88 BIS Mexico 5, D.F., Mexico
37 (RIT)	Rome, Italy U.S. Immigration and Naturalization Service c/o American Embassy		

APO New York, NY 09794
Street Address (NOT FOR MAIL)
Via V. Veneto 119

Attachment 4

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

17 (AGA)	Agena, GU 96910 U.S. Immigration and Naturalization Service 801 Pacific News Bldg. P.O. Box DX	7 (ALB)	Albany, NY 12207 Rm. 220, U.S. Post Office & Courthouse 445 Broadway
26 (CLT)	Charlotte, NC 28231 Charles R. Jones Federal Bldg. 401 W. Trade Street P.O. Box 31247	24 (CIN)	Cincinnati, OH 45201 U.S. Post Office and Courthouse
9 (HMM)	Hammond, IN 46320 102 Federal Bldg., 507 State Street	13 (LVG)	Las Vegas, NV 89101 Federal Bldg.,
28 (MEM)	Memphis, TN 38103 814 Federal Office Bldg. 167 North Main Street	9 (MIL)	Milwaukee, WI 53202 Rm. 186, Federal Bldg. 517 E. Wisconsin Avenue
25 (NOR)	Norfolk, VA 23510 Norfolk Federal Bldg. 200 Granby Mall	4 (PIT)	Pittsburgh, PA 15222 2130 Federal Building
2 (PRO)	Providence, RI 02903 Federal Bldg., U.S. Post Office Exchange Terrace	13 (REN)	Reno, NV 89506 Federal Bldg., U.S. Courthouse
11 (STL)	St.Louis, MO 63101 Room 423 U.S. Courthouse and Customhouse	19 (SLC)	Salt Lake City, UT 84138 125 S. State Street

1114 Market Street

12 Spokane, WA 99201
(SPO) 691 U.S. Courthouse Bldg.