

Unclassified

The

SUBJECT: INDOCHINESE REFUGEES: CONSOLIDATED PROCESSING
GUIDELINES FOR UNACCOMPANIED MINORS - PRIORITIES 2 AND 4

REF: A) SINGAPORE 0010; B) 84 SINGAPORE 4300;
C) 84 MANILA 27881; D) 84 STATE 370214; E) 84 STATE
381027; F) 84 STATE 388682; G) 82 STATE 88833

1. THIS IS A JOINT STATE/IRS MESSAGE.

2. SUMMARY: AFTER REEXAMINING THE ISSUE OF U.S. LINKS FOR UNACCOMPANIED MINORS (U.M.) AND THE GUIDANCE CONTAINED IN REF B, THE DEPARTMENT AND IRS HAVE DETERMINED THAT THOSE U.M. WHOSE PARENTS WOULD QUALIFY, OR WOULD HAVE QUALIFIED, FOR P-2 OR P-4 STATUS ARE TO BE CONSIDERED U.S. LINKED. U.M. RESCUED AT SEA BY FOREIGN FLAG VESSELS MAY BE EXEMPTED FROM INTERNATIONALIZATION IF THEY HAVE U.S. LINKS AS DEFINED BY P-3 OR P-5, OR AS A RESULT OF A P-2 OR P-4 STATUS. ALL OTHER U.M. ARE TO BE INTERNATIONALIZED, WITH THE U.S. TAKING HALF OF THEIR END SUMMARY.

3. IN REFS A AND B REFCORD SINGAPORE REQUESTED CLARIFICATION OF REF B, WHICH STATED, IN RESPONSE TO AN INQUIRY FROM REFCORD MANILA CONTAINED IN REF C, THAT U.M. WHOSE PARENTS WOULD QUALIFY FOR P-2 AND P-4 ARE REGARDED AS HAVING LINKS TO THE U.S. BY VIRTUE OF NOTE 8 OF 82 STATE 88833 (NOTE: IN ADDITION TO REQUESTING CLARIFICATION OF REF B, REFCORD SINGAPORE NOTED THAT THIS GUIDANCE WOULD RESULT IN THE UNITED STATES ACCEPTING U.M. WHO DERIVED THEIR STATUS FROM THEIR ADULT P-4C PARENTS BUT, AT THE SAME TIME, WOULD RESULT IN REJECTING ADULT INDIVIDUALS WHO PRESENTED STRONG P-4C CASES AND WHO MAY EVEN HAVE BEEN ON THE SAME BOAT AS THE U.M.).

4. REFCORD SINGAPORE WAS CORRECT TO QUESTION THE GUIDANCE CONTAINED IN REF B. THE CONSOLIDATED PROCESSING GUIDELINES FOR U.M. CONTAINED IN REF E, PARAS 6 (2) AND 12

AS WELL AS THE GUIDANCE CONTAINED IN REF F, PARA 7, WHICH WAS NOT SUPERCEDED BY REF E, INDICATE THAT THE ONLY U.M. HAVING U.S. LINKS ARE THOSE U.M. WHO WOULD FALL WITHIN THE SPECIFICATIONS OF PRIORITIES 3 AND 5. THE CONSOLIDATED PROCESSING GUIDELINES ALSO EMPHASIZE, IN PARAS 4 (1) AND 6 (2), THAT THE NORMAL PROCESSING PRIORITIES DO NOT APPLY TO U.M. EXCEPT IN SO FAR AS A U.S. LINK IS REFINED BY REFERENCE TO PRIORITIES 3 AND 5. CONSEQUENTLY, NOTE 8 OF REF B DID NOT AFFECT THE DEFINITION OF WHAT CONSTITUTES A U.S. LINK FOR PURPOSES OF PROCESSING U.M. NOTE 8 STATES THAT U.M. WHOSE PARENTS WOULD HAVE QUALIFIED UNDER PRIORITIES 2 AND 4 HAD THEY SURVIVED OR ESCAPED SHOULD BE INCLUDED IN THE SAME PRIORITY IN WHICH THEIR PARENTS WOULD HAVE BEEN PLACED.)

5. HOWEVER, THE DEPARTMENT AND IRS HAVE NOW DECIDED THAT, HENCEFORTH, U.M. ARE ALSO TO BE CONSIDERED LINKED TO THE U.S. THROUGH PARENTS WHO WOULD QUALIFY, OR WOULD HAVE QUALIFIED, FOR P-2 OR P-4 STATUS. THUS, U.M. RESCUED AT SEA WHO HAVE U.S. LINKS, AS DEFINED BY P-3 OR P-5, OR AS A RESULT OF A PARENT WHO WOULD QUALIFY OR WOULD HAVE QUALIFIED FOR P-2 OR P-4 STATUS, SHOULD BE ACCEPTED INTO THE U.S. PROGRAM. ALL OTHERS WOULD BE INCLUDED IN THE 50 PERCENT OF THE NON-U.S. LINKED OVERALL CASELOAD OF U.M. WHICH WE HAVE AGREED TO ACCEPT IN ACCORDANCE WITH REF E, PARA 12. THIS POLICY HAS BEEN ESTABLISHED BECAUSE OF OUR PROFOUND HUMANITARIAN CONCERN FOR U.M.

6. ADULTS, HOWEVER, ARE TREATED DIFFERENTLY WHEN RESCUED AT SEA. CONSISTENT WITH THE CONSOLIDATED PROCESSING GUIDELINES FOR U.M. AND NOTE F OF REF E, THE ADULT P-4C INDIVIDUALS WHO DISEMBARKED FROM THE FOREIGN-FLAG VESSEL ON DECEMBER 17, 1984, SHOULD BE INTERNATIONALIZED.

SMB/12

3/85

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16

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CI 84 MANILA 27881; DI 84 STATE 370214; EI 84 STATE 201007; FI 83 STATE 350682; GU 82 STATE 60033

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SCHULTZ