

Army Regulation 550-1

Foreign Countries and Nationals

Processing Requests for Political Asylum and Temporary Refuge

**Headquarters
Department of the Army
Washington, DC
21 June 2004**

UNCLASSIFIED

SUMMARY of CHANGE

AR 550-1

Processing Requests for Political Asylum and Temporary Refuge

This revision, dated 21 June 2004--

- o Updates references and makes administrative changes throughout.
- o Adds the glossary.
- o Revises memorandum acknowledging receipt of asylum seeker (fig 2-1).

Effective 21 July 2004

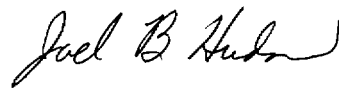
Foreign Countries and Nationals

Processing Requests for Political Asylum and Temporary Refuge

By order of the Secretary of the Army:

PETER J. SCHOOMAKER
General, United States Army
Chief of Staff

Official:



JOEL B. HUDSON
Administrative Assistant to the
Secretary of the Army

History. This publication is a rapid action revision. The portions affected by this revision are listed in the summary of change.

Summary. This regulation covers the procedures for implementing political asylum and temporary refuge; it is to be used with Department of Defense Directive 2000.11. This regulation provides information on national policy and procedure; instructions for report of request for political asylum and temporary refuge; and public release of information.

Applicability. This regulation applies to the Active Army, the Army National Guard of the United States and the United

States Army Reserve, except for (1) the Army National Guard under State control; (2) Army elements operating as part of a diplomatic mission; and (3) Army elements located within the geographic area of a unified or specified command, and not subject to direct Embassy control.

Proponent and exception authority.

The proponent of this regulation is the Deputy Chief of Staff, G-3. The Deputy Chief of Staff, G-3 has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The Deputy Chief of Staff, G-3 may delegate this approval authority, in writing, to a division chief within the proponent agency or a direct reporting unit or field operating agency of the proponent agency in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25-30 for specific guidance.

Army management control process.

This regulation contains management control provisions in accordance with AR 11-2, but does not identify key management controls that must be evaluated.

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without approval of the Deputy Chief of Staff, G-3, ATTN: DAMO-SSI, 400 Army Pentagon, Washington, DC 20310-0400.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Deputy Chief of Staff, G-3, ATTN: DAMO-SSI, 400 Army Pentagon, Washington, DC 20310-0400.

Distribution. This publication is available in electronic media only and is intended for command levels C for the Active Army and D for the U.S. Army Reserves.

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*This regulation supersedes AR 550-1, dated 1 October 1981.

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Glossary

Chapter 1 Introduction

1–1. Purpose

This regulation establishes uniform policies and procedures for Department of the Army (DA) responsibilities for handling requests by foreign nationals for political asylum or temporary refuge.

1–2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

1–3. Explanation of terms

Abbreviations and terms used in this publication are explained in the glossary.

1–4. Responsibilities

a. The Deputy Chief of Staff, G-3 (DCS, G-3) has overall responsibility for political asylum and temporary refuge cases within the DA. The DCS, G-3 will notify and coordinate these matters with the following:

- (1) The Department of State.
- (2) The Citizenship and Immigration Service, Department of Homeland Security (CIS, DHS).
- (3) The Assistant Secretary of Defense (International Security Affairs).
- (4) Other interested DA agencies.

b. All elements of DA that receive a request for political asylum or temporary refuge are responsible for submitting a report thereon, as specified in paragraph 2–3.

Chapter 2 Policies and Procedures

2–1. National policy

a. Political asylum.

(1) The United States will give foreign nationals full opportunity to have their requests for political asylum considered on their merits.

(2) Persons seeking political asylum will not be surrendered to a foreign jurisdiction except as directed by the Secretary of the Army.

(3) The United States will not grant political asylum at its installations or facilities located within the territorial jurisdiction of a foreign country or while in foreign territorial waters. This applies whether the person requesting asylum is a national of the host country or a third country. Requests for asylum received from third country nationals (nationals of other than the host country) normally are matters within the rights and responsibilities of the host country. These cases will be coordinated with the host country through the appropriate American Embassy or consulate, in accordance with procedures established by the Chief of the U.S. Diplomatic Mission.

b. Temporary refuge. The United States, in appropriate cases, will grant temporary refuge in a foreign country or on the high seas to nationals of any country.

2–2. Procedures

Army elements will handle requests for political asylum or temporary refuge as follows:

a. In territories under exclusive U.S. jurisdiction and on the high seas (including U.S. territorial seas, the Commonwealth of Puerto Rico, U.S. possessions, and territories under administration).

(1) *General.*

(*a*) Persons requesting political asylum or temporary refuge will be received in a DA facility or on board DA vessels. They will be afforded every reasonable care and protection permitted by the circumstances (see paras 2–3*a* and *b* for reporting procedures).

(*b*) In no case will a person requesting political asylum or temporary refuge be surrendered to a foreign jurisdiction without Headquarters DA approval.

(*c*) The CIS, DHS has primary responsibility for processing requests for political asylum within the United States, the Commonwealth of Puerto Rico, and U.S. possessions. Arrangements to transfer the individual to the CIS should be made as soon as possible. Transfers may be arranged locally; they need not await DA approval. Addresses of field offices are available at www.uscis.gov. The DA component will request acknowledgment in writing from the appropriate receiving CIS field office or the CIS Headquarters upon turnover of the asylum seeker to the CIS (see figure 2–1 for sample format). Such acknowledgment will be retained in the files of the DA component for 12 months prior to routine record disposal action.

(date)

(Army Component Letterhead)

United States Army XYZ Command

MEMORANDUM FOR: Record

SUBJECT: Acknowledgement of Receipt of Asylum Seeker by Citizenship and Naturalization
Service

This is to certify that (First, Middle, Last)

Identification document number (123 456 789)

Date of Birth (Month, Day, Year)

Place of Birth (City, Country)

was presented to (note the appropriate CIS regional, district or headquarters office):

(Regional Office, State)

for processing for political asylum on (Date)

by U.S. person escorting asylum seeker (First, Last)
(Signature)

Typed or printed name (First, Last)

Rank, SSN (Captain, 123 45 6789)

ACKNOWLEDGEMENT BY CIS OFFICIAL:

Signature (First, Last)

Typed or printed name of Immigration Official (First, Last)

Office designation (Director, Regional Office)

Figure 2-1. Sample memorandum acknowledging receipt of asylum seeker

(2) *Protection.* The DA element concerned will protect the individual requesting asylum or temporary refuge, pending transfer to the CIS and subject to the following:

(a) Primary responsibility for providing protection rests with the civilian or military law enforcement or security agency having exclusive or concurrent jurisdiction.

(b) If there is any indication of an attempt to abduct or otherwise harm the person requesting asylum, the appropriate law enforcement or security agency should be asked to provide security.

(c) Interim measures will be taken to ensure the safety of the person against attempts at forcible repatriation, but no greater force will be used than necessary to protect the individual.

(d) Inquiries from foreign authorities will be addressed by the senior Army official present with a response that the case has been referred to higher authorities for instructions.

b. In territories under foreign jurisdiction (including foreign territorial seas).

(1) *General.*

(a) Political asylum may not be granted in any Army shore installation or facility or on board any Army aircraft or vessel within the territorial jurisdiction of a foreign country. Requests for political asylum that also meet the definition of a request for temporary refuge will be treated as a request for temporary refuge (for procedures, see paras 2–3a and b).

(b) Foreign nationals who seek help in forwarding requests for political asylum in the United States will be advised to apply in person at the nearest American Embassy or consulate.

(c) Army personnel serving under a Chief of Diplomatic Mission will be governed by the instructions applicable to the Mission in handling requests for political asylum.

(d) The senior officer present at an Army shore installation or facility or on board an Army vessel within foreign territorial waters may grant temporary refuge in cases as defined in paragraph 2–3b.

(2) *Protection.*

(a) The DA element concerned will protect persons seeking temporary refuge during their stay within the Army installation, facility, or vessel.

(b) Temporary refuge will end only when directed by higher authority, through the Secretary of the Army. Any person whose temporary refuge is ended will be released to the authorities designated in the message authorizing release.

2–3. Report of request for political asylum and temporary refuge

a. General. The initial report will not be delayed pending complete development of data. Information in (1) through (11) below will be reported as soon as it becomes available:

(1) Name and nationality of the person requesting asylum (or temporary refuge).

(2) Date, place of birth, and occupation.

(3) Description of any documentation in his or her possession.

(4) List of foreign authorities that are aware of the request. Also state whether any foreign authorities will be notified of the request.

(5) Circumstances surrounding the request.

(6) Exact location. If aboard a vessel or aircraft, give the estimated time of arrival at next port or airport.

(7) Reason for requesting asylum or temporary refuge.

(8) Description of any criminal charges known or alleged to be pending against the person requesting asylum. Indicate also if any terrorism, piracy at sea, air piracy, or hijacking background.

(9) Any Communist Party affiliation or affiliation with other political parties. Also list any government office now held or previously occupied.

(10) If applicable, whether a field office of CIS has been notified and if arrangements have been made to transfer the case to CIS.

(11) Other pertinent information.

b. In territories under exclusive U.S. jurisdiction or on the high seas.

(1) Immediately upon receipt of a request from a foreign national for political asylum or temporary refuge (or an indication that a request is imminent), the DA element concerned will report to the Army Operations Center (AOC) the action already taken and as much of the information required in paragraph 2–3a above as possible. The AOC e-mail addresses are: for nonclassified Internet protocol routing network, armywtch@hqda-aoc.army.pentagon.mil; for secret Internet protocol routing network, armywtch@hqda.army.smil.mil. This report will not be delayed pending complete development of all the information in paragraph 2–3a.

(2) As soon as the additional information required in a above becomes available, it will be transmitted to the AOC.

(3) Telephone or other voice notifications will be confirmed as soon as possible by *immediate* precedence message

to the AOC. An information copy of this message will be sent to the Secretary of State and the National Military Command Center, Washington, DC.

(4) All requests for political asylum, including all known details, will be reported to the nearest field office of CIS.
c. In territories under foreign jurisdiction.

(1) The official granting temporary refuge will report the information required in paragraph 2-3a above by *immediate* precedence message to the AOC. An information copy of this message will be sent to the appropriate American Embassy, the Secretary of State, and the National Military Command Center, Washington, DC.

(2) A request by foreign authorities for custody of a person under the protection of temporary refuge will be reported to the AOC by *immediate* precedence message stating all of the attendant circumstances of and authority asserted for the request. An information copy of the message will be sent to the appropriate American Embassy, the Secretary of State, and the National Military Command Center, Washington, DC. The requesting foreign authorities will be informed that the case has been referred to higher authorities for instructions. A final decision normally will be made on a priority basis within 24 hours.

d. Information copies. Information copies of the above reports may be provided to other interested Army commands through command channels.

2-4. Public release of information

a. The Department of State or the CIS normally will make initial public announcements or discussions of requests for political asylum or temporary refuge.

b. The involved Army element will not release any information to the public or to the media, whether or not the request is granted, without prior HQDA approval.

Appendix A References

Section I Required Publications

DODD 2000.11

Procedures for Handling Requests for Political Asylum and Temporary Refuge, incorporating Change 1 of May 17, 1973. (Available at www.dtic.mil/whs/directives/.)

Section II Related Publications

This section contains no entries.

Section III Prescribed Forms

This section contains no entries.

Section IV Referenced Forms

This section contains no entries.

Glossary

Section I

Abbreviations

AOC

Army Operations Center

CIS

Citizenship and Naturalization Service

DA

Department of the Army

DCS, G-3

Deputy Chief of Staff, G-3

DHS

Department of Homeland Security

Section II

Terms

high seas

Ocean outside territorial limits.

host country

Country in which a U.S. Army element is stationed in accordance with applicable international agreements.

piracy

An illegal act of violence, depredation (for example, plundering, robbing, or pillaging), or detention in or over international waters committed for private ends by the crew or passengers of a private ship or aircraft against another ship or aircraft or against persons or property on board such ship or aircraft.

political asylum

Protection and sanctuary granted by the United States within its territorial jurisdiction or on the high seas to a foreign national who applies for such protection because of persecution for race, religion, nationality, membership in a particular social group, or political opinion.

temporary asylum

Protection given for humanitarian reasons to nationals of any country in an Army shore installation, facility, or vessel within the territorial jurisdiction of a foreign nation under conditions of urgency in order to secure the life or safety of that person against imminent danger (such as pursuit by a mob). Temporary refuge will also be granted, under similar circumstances, on U.S. vessels on the high seas.

terrorism

The calculated use of unlawful violence or threat of unlawful violence to inculcate fear; intended to coerce or to intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological.

third country

Any country other than the United States or the host country in which the an Army element is stationed.

Section III

Special Abbreviations and Terms

This section contains no entries.

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