



Department of Defense

INSTRUCTION

NUMBER 2000.11

May 13, 2010

Incorporating Change 1, May 23, 2017

USD(P)

SUBJECT: Procedures for Handling Requests for Asylum and Temporary Refuge

- References:
- (a) DoD Directive 2000.11, subject as above, March 3, 1972 (hereby cancelled)
 - (b) DoD Directive 5111.1, "Under Secretary of Defense for Policy (USD(P)),
December 8, 1999
 - (c) Deputy Secretary of Defense Memorandum, "Delegations of Authority,"
November 30, 2006
 - (d) Sections 227-229, "Department of State Foreign Affairs Manual," Volume 2,
current edition
 - (e) DoD Instruction 5240.10, ~~"Counterintelligence Support to the Combatant
Commands and the Defense Agencies," May 14, 2004~~ *"Counterintelligence
(CI) in the Combatant Commands and Other DoD Components," October 5,
2011, as amended*

1. **PURPOSE.** This Instruction reissues Reference (a) as a DoD Instruction in accordance with the authority in References (b) and (c) to establish policy and assign responsibilities for DoD handling of requests for asylum and temporary refuge in accordance with Reference (d).

2. **APPLICABILITY.** This Instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the "DoD Components").

3. **DEFINITIONS.** These terms and their definitions are for the purpose of this Instruction.

a. **asylum.** Protection granted by the U.S. Government within the United States to a foreign national who, due to persecution or a well-founded fear of persecution on account of his or her race, religion, nationality, membership in a particular social group, or political opinion, is unable or unwilling to avail himself or herself of the protection of his or her country of nationality (or, if stateless, of last habitual residence).

b. temporary refuge. Protection afforded for humanitarian reasons to a foreign national in a DoD shore installation, facility, or military vessel within the territorial jurisdiction of a foreign nation or in international waters, under conditions of urgency in order to secure the life or safety of that person against imminent danger, such as pursuit by a mob.

4. POLICY. It is DoD policy to handle requests from foreign nationals for asylum or temporary refuge as follows:

a. If the foreign national requesting asylum is physically present in the territory of the United States, which includes the 50 States, the District of Columbia, the commonwealth of Puerto Rico, the U.S. Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, the application for asylum will be adjudicated by the U.S. Citizenship and Immigration Services, Department of Homeland Security, or if the applicant is in removal proceedings, by an Immigration Judge of the Executive Office for Immigration Review, Department of Justice.

b. In all other areas (including territorial seas and international waters):

(1) Temporary Refuge

(a) The senior official present at the DoD Component shore installation or facility or on board any military vessel may grant temporary refuge to a foreign national, upon his or her request. When deciding which measures may be prudently taken to provide temporary refuge, the safety of U.S. personnel and security of the unit must be taken into consideration.

(b) Temporary refuge will be terminated only when directed by the Head of the affected DoD Component, or higher authority, in coordination with relevant U.S. entities.

(c) Persons whose temporary refuge is terminated will be released to the protection of the authorities designated in the message authorizing release.

(2) Asylum

(a) Although asylum, according to paragraph 3.a., by definition can only be sought and granted within U.S. territory, foreign nationals may in fact request “asylum” or otherwise seek protection in other areas, including territorial seas and international waters; the procedures in this Instruction have been developed to address such requests. Foreign nationals (including third country nationals) seeking asylum should be referred, as applicable, to the local representative of the United Nations High Commissioner for Refugees or, if outside the individual’s country of nationality or if the individual fears harm from host country officials, to the appropriate officials in the host country, foreign territory, or foreign possession, if any, for assistance in being recognized as a refugee or submitting a request for asylum under that country’s domestic laws and procedures.

(b) Requests for asylum received by Defense Attaché personnel and other military personnel serving under the direction of a Chief of Diplomatic Mission will be governed by the appropriate instructions applicable to the diplomatic mission.

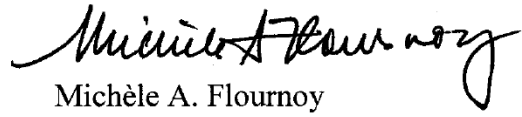
(c) DoD personnel shall neither directly nor indirectly invite persons to seek asylum or temporary refuge.

(d) If it is clear from the facts and circumstances that the requestor is in fact seeking temporary refuge but has improperly used the word “asylum,” the request should be treated as a request for temporary refuge and the requestor so informed.

5. RESPONSIBILITIES. See Enclosure.

6. RELEASABILITY. ~~UNLIMITED~~. *Cleared for public release*. This Instruction is *approved for public release and is* available on ~~the Internet from~~ the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

7. EFFECTIVE DATE. This Instruction is effective ~~immediately~~ *May 13, 2010*.


Michèle A. Flournoy
Under Secretary of Defense for Policy

Enclosure
Responsibilities

ENCLOSURE

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR POLICY (USD(P)). The USD(P) shall oversee implementation of this Instruction.

2. HEADS OF THE DoD COMPONENTS. The Heads of the DoD Components shall:

a. Designate an agent to exercise staff supervision of the implementation of this Instruction with respect to cases arising within their respective Components.

b. Establish a point of contact and appropriate channels and procedures for the expeditious processing and disposition of requests for asylum or temporary refuge that are made to organizational elements under their jurisdiction.

c. Coordinate with the Heads of the Department of State, the Department of Homeland Security (U.S. Citizenship and Immigration Services), and the Department of Justice to ensure the proper redirection of individual cases arising within their areas of jurisdiction.

d. Develop and implement guidance consistent with the provisions of this Instruction as appropriate.

e. Ensure the lead counterintelligence agency serving a DoD Component Head screens person(s) requesting asylum and seeking temporary refuge for intelligence, counterintelligence, and international terrorist information, and conducts local agency checks in accordance with DoD Instruction 5240.10 (Reference (e)). Information contained in or pertaining to asylum applications is protected against disclosure to third parties.

3. SECRETARY OF THE ARMY. In addition to the responsibilities in section 2 of this enclosure, the Secretary of the Army shall develop guidance for use by personnel of the Military Departments in handling requests for asylum and temporary refuge made by foreign nationals within areas under U.S. exclusive jurisdiction or U.S. administration.

4. COMMANDERS OF THE GEOGRAPHIC COMBATANT COMMANDS. In addition to the responsibilities in section 2 of this enclosure, the Commanders of the geographic Combatant Commands shall:

a. Develop and coordinate guidance for use by personnel of the DoD Components within each Combatant Commander's area of responsibility on handling requests for temporary refuge made by foreign nationals within foreign areas under U.S. jurisdiction or U.S. military control.

- b. Supervise and monitor compliance with this Instruction with respect to cases arising in foreign countries.
- c. Designate, as appropriate, a coordinating authority, with respect to policies, procedures, and guidance applicable in foreign countries.
- d. Coordinate procedures and the special guidance applicable in particular foreign countries, or because of exceptional circumstances.