

U.S. Department
of Transportation

United States
Coast Guard



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Final

Department of Transportation

Statement of Rear Admiral Richard A. Appelbaum

Chief, Office of Law Enforcement and Defense Operations

U. S. Coast Guard

on Alien Smuggling

Before the

Subcommittee on Immigration

Committee on the Judiciary

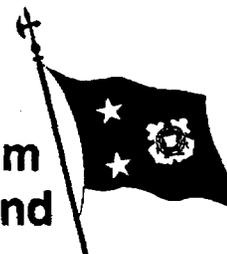
U.S. House of Representatives

Washington, D.C.

June 30 1993



**Rear Admiral Richard A. Appelbaum
Chief, Office of Law Enforcement and
Defense Operations
United States Coast Guard**



Rear Admiral Richard A. Appelbaum became Chief, Office of Law Enforcement and Defense Operations, U.S. Coast Guard Headquarters, Washington, DC, in June 1992. Rear Admiral Appelbaum directs several Coast Guard programs, including: enforcement of laws and treaties; operational and military readiness; ocean operations; intelligence; and investigative and security activities. He also directs programs regarding the allocation, distribution, functional assignment and status of Coast Guard aircraft (fixed wing and helicopters) and ships (high and medium endurance cutters and patrol boats).

Prior to his present assignment, Rear Admiral Appelbaum served as Commander, National Pollution Funds Center, located in Ballston, VA. He was the first officer to hold that position. He was responsible for managing the billion-dollar Oil Spill Liability Trust Fund established by the Oil Pollution Act of 1990.



Rear Admiral Appelbaum's other flag assignments were as Chief, Office of Navigation Safety and Waterway Services, at Coast Guard Headquarters, Washington, DC, and as Commander, Ninth Coast Guard District and Maritime Defense Zone Sector Nine, headquartered in Cleveland, OH.

Rear Admiral Appelbaum received a Bachelor of Science Degree, in 1961, from the Coast Guard Academy in New London, CT, and a law degree, in 1970, from George Washington University.

Rear Admiral Appelbaum, as a Coast Guard law specialist, has served as: Legal Officer of the Seventh District (Miami, FL) and the Eleventh District (Long Beach, CA); the Service's General Court-Martial Military Judge; and the Head of the Law Faculty at the Coast Guard Academy.

Other shore assignments included command of the Long Range Navigation (LORAN) Station at Hokkaido, Japan, and Chief of Intelligence and Law Enforcement and Chief of Operations at the Seventh District.

Rear Admiral Appelbaum's seagoing assignments included command of the cutters CAPE YORK (Pascagoula, MS), CAPE FLORIDA (Anacortes, WA), and VIGOROUS (New London, CT). He also served on the cutter SALVIA (Mobile, AL), and as Executive Officer of the cutters PAPA W (Charleston, SC), EAGLE (the Academy's training barque), and WESTWIND (Milwaukee, WI).

Rear Admiral Appelbaum has received the Legion of Merit (two awards), the Meritorious Service Medal and four Coast Guard Commendation Medals.

A native of Chicago, Illinois, Rear Admiral Appelbaum has called Miami, Florida, his home since 1950. He is married to the former Maureen Eddy Carr of Nashville, Tennessee. The Appelbaums have three sons: Kevin, Paul and David.

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Good morning, Mr. Chairman and distinguished members of the Subcommittee. It is a pleasure to appear before you today to represent the Commandant, Admiral J. William Kime, and discuss the Coast Guard's migrant interdiction program, and our efforts in alien smuggling cases.

The Coast Guard is our nation's primary Federal maritime law enforcement agency. Coast Guard alien interdiction operations are a result of the Presidential Proclamation of September 29, 1981, which suspended the entry of undocumented aliens into the United States by the sea, and Executive Order 12807 of May 24, 1992, which authorized the Coast Guard to directly repatriate undocumented aliens intercepted on the high seas to their point of origin or another country. The Executive Order also tasked the Coast Guard with enforcing the suspended entry of undocumented aliens by sea by interdicting "defined" vessels carrying undocumented aliens. Defined vessels include U.S. registered, stateless, and those of nations with which the United States has special arrangements to take such actions.

In enforcing the Executive Order, the Coast Guard stops and boards "defined vessels" when there is reason to believe such vessels are engaged in the transportation of undocumented aliens. Vessel and passengers are returned to their point of origin when there is reason to believe there has been a violation of either United States or foreign immigration laws.

Alien migration interdiction is a humanitarian effort as well as a law enforcement operation, and is sometimes a difficult mission for our people to carry out. The sailors on our cutters who assist the undocumented aliens often face psychological and emotional difficulties knowing that it is their duty to uphold U.S. law, while at the same time wanting to assist the less fortunate.

Since 1981, the Coast Guard has interdicted over 80,200 undocumented aliens. The vast majority, over 65,900, have been Haitian; however, recent trends have shown a dramatic increase in undocumented aliens from the Peoples Republic of China, Dominican Republic, and Cuba.

Currently, Haiti is the only nation with whom the U.S. has a standing migrant interdiction agreement. The Haitian interdiction agreement, which was signed on September 23, 1981, allows the Coast Guard to conduct boardings and inquiries of Haitian flagged vessels on the high seas when U.S. authorities have reason to believe the vessel may be involved in the

irregular carriage of passengers outbound from Haiti. To date, the coup of 1991 has not had an effect on the bilateral agreement. The agreement confers consent by the Government of Haiti to detain the vessel and passengers, pending their return to Haiti. In accordance with a directive from the President, the Coast Guard and the State Department have implemented a range of measures designed to provide meaningful and safe alternatives to boat departures for bona fide refugees.

Operation ABLE MANNER, the Coast Guard's operation to deter illegal migrants from taking to sea from Haiti in unseaworthy vessels, has been very effective in stemming the flow of illegal Haitian migrants. The success of ABLE MANNER is attributed to a large presence of U.S. Coast Guard and U.S. Navy vessels offshore. At its peak, the Coast Guard had 17 cutters and 13 aircraft deployed while the U.S. Navy had 5 ships and 6 aircraft deployed to ABLE MANNER. The President's continuance of Executive Order 12807 of May 24, 1992 was a critical factor in preventing the outflow of economic migrants. These two factors saved the lives of Haitians who would have perished at sea had they not been deterred from going to sea in typically unseaworthy vessels. The Supreme Court recently upheld the legality of Presidential Executive Order 12807 to directly repatriate undocumented aliens. The action by the Supreme Court has added strength to a policy that has prevented human tragedy by averting a large boat exodus. Since ABLE MANNER began to the best of our knowledge, there have been no lives lost at sea resulting from undocumented Haitian aliens taking to sea in unseaworthy boats.

When dealing with countries with which the United States does not have a standing agreement, the United States enters into ad hoc agreements to facilitate repatriation of undocumented aliens.

The United States' greatest new potential illegal migration risk lies with economic migrants from the Peoples Republic of China (PRC). Currently, the United States and the PRC do not have a standing migrant interdiction agreement. The distance separating the United States from the PRC, compounded by the absence of obvious choke points or obvious navigational way points to patrol, presents a significant interdiction problem for the Coast Guard. Vessels carrying undocumented Chinese from China and other Asian ports transit many different routes to reach the United States. Many transit directly across the Pacific Ocean to either Hawaii or the West Coast of the United States, some transit the Pacific Ocean to Central and South America countries where the undocumented aliens begin a land journey to the United States, and others transit the Indian Ocean around South Africa to the Atlantic Ocean to either Caribbean or U.S. ports. The vessels carrying the undocumented aliens are not configured to carry passengers and are unsafe, overcrowded, and unhealthy. An example of this is the recent tragedy off of Long Island, in which seven undocumented Chinese aliens drowned after their vessel, the Golden Venture, ran aground. The conditions on board the Golden Venture were deplorable - food and potable water

were not available in acceptable quantities, and unhealthy sanitary conditions made the vessel a hazard to humans. Additionally, there is evidence that Chinese organized criminal activities are behind the PRC smuggling activities.

The number of undocumented aliens attempting to enter the United States from the Dominican Republic is increasing as well. The United States does not have a migrant interdiction agreement with the Dominican Republic. In the past two years, there have been increasing numbers of undocumented aliens from the Dominican Republic attempting to cross the Mona Passage to reach Puerto Rico. Coast Guard cutters and aircraft operating in this area routinely encounter small Dominican vessels which are often unseaworthy and overloaded with undocumented aliens. The Coast Guard has made ad hoc agreements with the Dominican Republic for repatriation of these aliens. To date, the Dominican Republic has been responsive in arranging for prompt return of those undocumented aliens.

The number of Cubans reaching or attempting to reach Florida by sea has dramatically increased over the past ten years. When we interdict Cubans enroute to the United States, our procedure is to deliver them to an appropriate United States port and turn them over to the INS for further processing. This calendar year we have picked up 972 Cubans to date. This is more than the number of Cubans intercepted at sea in the same period last year. Each year, since 1981, the number of Cubans intercepted has grown

significantly. This increase in migration is generally attributed to the deteriorating conditions in Cuba. We are able to intercept a large percentage of these migrants due to the close proximity of Cuba to Florida. Cubans attempt the trip in boats ranging in size from small fishing boats to state owned tug boats. Additionally, many others attempt the perilous transit on rafts, inner tubes, and other makeshift conveyances. The individuals making such transits are at the mercy of the wind and sea currents, which are particularly strong in the Straits of Florida. Many of these people suffer from dehydration, exposure, and shark attack. Considering the physical state of many of the Cubans we intercept, it is likely that many others perish in their attempts to reach the United States.

As I stated before, the Coast Guard alien interdiction operation is very much a humanitarian as well as a law enforcement mission. Undocumented aliens take great risks and endure significant hardships in their attempts to reach the United States. In most cases, vessels interdicted at sea with undocumented aliens are overloaded, unseaworthy, lacking basic safety equipment, and operated by inexperienced sailors. The vessels invariably lack sufficient food and water. These realities underscore the necessity of approaching alien interdiction as a potential search and rescue case first, leaving the issue of status and disposition of passengers to be resolved later.

The Coast Guard will continue to interdict undocumented aliens of all nationalities who attempt to pass illegally into the United States by sea. Each person is treated with proper respect and care. The safety of everyone involved in the high seas operation is always of great concern to the Coast Guard.

Thank you Mr. Chairman. I would be happy to answer any questions.