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SECNAVINST 5710.22B
DUSN (Policy)
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SECNAV INSTRUCTION 5710.22B

From: Secretary of the Navy

Subj: ASYLUM AND TEMPORARY REFUGE

Ref: (a) DoD Instruction 2000.11 of 13 May 2010

1. Purpose. This instruction implements reference (a) and designates an agent and/or point of contact for processing of requests for asylum and temporary refuge. This instruction has been administratively revised and should be reviewed in its entirety.

2. Cancellation. SECNAVINST 5710.22A.

3. Definitions

a. Asylum. Protection granted by the U.S. Government within the United States to a foreign national who, due to persecution or 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 Department of Defense 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 a pursuit by a mob.

4. Applicability. This Instruction applies to the Office of the Secretary of the Navy (SECNAV), the Chief of Naval Operations (CNO), the Commandant of the Marine Corps (CMC), all U.S. Navy, U.S. Marine Corps installations, commands, activities, field offices, and all other organizational entities within the Department of the Navy (DON). Where combatant commanders have established guidance, per reference (a), for handling requests for asylum and temporary refuge in

foreign countries within areas under exclusive U.S. jurisdiction or U.S. administration, that guidance will be followed. However, U.S. vessels shall follow the guidance in this instruction.

5. Policy. It is the SECNAV's policy to handle requests from foreign nationals for asylum or temporary refuge as follows:

a. On international waters or in territories under exclusive U.S. jurisdiction (including territorial seas, the Commonwealth of Puerto Rico, territories under U.S. administration and possessions):

(1) At his or her request, an applicant for asylum will be received on board any naval aircraft or waterborne craft, Navy or Marine Corps activity or station.

(2) Under no circumstances shall the person seeking asylum be surrendered to foreign jurisdiction or control, unless directed by the SECNAV or higher authority. Persons seeking asylum should be afforded every reasonable care and protection permitted by the circumstances.

b. In territories under foreign jurisdiction (including foreign territorial seas, territories and possessions):

(1) Temporary refuge shall be granted for humanitarian reasons on board any naval aircraft or waterborne craft or Navy or Marine Corps activity or station only in extreme or exceptional circumstances where life or safety of a person is put in imminent danger. When temporary refuge is granted, such protection will be terminated only when directed by the SECNAV or higher authority.

(2) A request by foreign authorities for return of custody of a person under the protection of temporary refuge will be reported to the CNO or the CMC. The requesting foreign authorities will be informed that the case has been referred to higher authorities for instructions. Cognizant authorities within the Office of the CNO and Headquarters, U.S. Marine Corps will notify the Deputy Under Secretary of the Navy for Policy (DUSN (Policy)).

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

(4) While temporary refuge can be granted in the circumstances set forth above, permanent asylum will not be granted.

(5) Foreign nationals who request assistance in forwarding requests for asylum in the U.S. will not be received on board, but will be advised to apply in person at the nearest American Embassy or Consulate. If a foreign national is already on board; however, such person will not be surrendered to foreign jurisdiction or control unless directed to by the SECNAV or higher authority.

c. The CNO or CMC, as appropriate, will be informed by the most expeditious means of all action taken pursuant to subparagraphs 5a and 5b above, as well as the attendant circumstances. Telephone or voice communications will be used where possible, but must be confirmed as soon as possible with an immediate precedence message providing information to the Secretary of State.

(1) For actions taken pursuant to subparagraphs 5b(1) and 5b(5), make the appropriate American Embassy or Consular Office an information addressee.

(2) Personnel of the DON shall neither directly nor indirectly invite persons to seek asylum or temporary refuge.

6. Responsibilities. Deputy CNO (Information, Plans, and Strategy) (N3/N5) or CMC (Deputy Commandant for Plans, Policy and Operations), as appropriate, will supervise implementation of reference (a). In addition, they will act as the point of contact to coordinate with the CNO or CMC (as appropriate), SECNAV, Judge Advocate General, and the Joint Staff (and other U.S. governmental agencies as directed by the Joint Staff) to respond to a request for asylum and/or temporary refuge. DUSN (Policy) will oversee the execution of these responsibilities.

7. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per SECNAV Manual 5210.1 of January 2012.

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