



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
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SECNAVINST 5710.22A
N3/N5
29 December 2005

SECNAV INSTRUCTION 5710.22A

From: Secretary of the Navy

Subj: POLITICAL ASYLUM AND TEMPORARY REFUGE

Ref: (a) DOD Directive 2000.11

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

2. Cancellation. SECNAVINST 5710.22.

3. Scope. This instruction applies to all Naval commands and activities. Where Combatant Commanders have established guidance, in accordance with reference (a), for handling requests for political asylum and temporary refuge in foreign countries within areas under U.S. exclusive jurisdiction or U.S. administration, that guidance will be followed; however, U.S. vessels shall follow the guidance below.

4. Definitions

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

b. Temporary Refuge. Protection afforded for humanitarian reasons to a foreign national in a Department of Defense shore installation, facility, or military aircraft or vessel within the territorial jurisdiction of a foreign nation or on 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.

5. Procedures for Asylum and Temporary Refuge

a. If an official of the Department of the Navy (DON) is requested to provide asylum or temporary refuge, the following procedures shall apply:

(1) On international waters (defined as all parts of the seas not included in the territorial seas or internal waters of a State) or in territories under exclusive U.S. jurisdiction (including territorial seas, the Commonwealth of Puerto Rico, territories under United States administration and possessions):

(a) 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.

(b) Under no circumstances shall the person seeking asylum be surrendered to foreign jurisdiction or control, unless at the personal direction of the Secretary of the Navy or higher authority. Persons seeking political asylum should be afforded every reasonable care and protection permitted by the circumstances.

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

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

(b) A request by foreign authorities for return of custody of a person under the protection of temporary refuge will be reported to the Chief of Naval Operations (CNO) or the Commandant of the Marine Corps (CMC). The requesting foreign authorities will be informed that the case has been referred to higher authorities for instructions.

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

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

(e) Foreign nationals who request assistance in forwarding requests for political 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 at the personal direction of the Secretary of the Navy or higher authority.

(3) The CNO or CMC, as appropriate, will be informed by the most expeditious means of all action taken pursuant to subparagraphs 5a(1)-(2) 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, information to the Secretary of State (for actions taken pursuant to subparagraphs 5a(2)(a) and 5a(2)(e), also make the appropriate American Embassy or Consular Office an information addressee). If communication by telephone or voice is not possible, notification will be effected by an immediate precedence message, as described above. The CNO or the CMC will cause the Secretary of the Navy and the Deputy Director for Operations of the National Military Command Center to be notified without delay.

b. 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 (Code A&I), 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), Secretary of the Navy, and the Joint Staff (and other U.S. governmental agencies as directed by the Joint Staff) to respond to a request for political asylum and/or temporary refuge.



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