

**BY ORDER OF THE  
SECRETARY OF THE AIR FORCE**

**AIR FORCE INSTRUCTION 51-704**

**9 OCTOBER 2014**



**Law**

**HANDLING REQUESTS FOR ASYLUM AND  
TEMPORARY REFUGE**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

---

**ACCESSIBILITY:** Publications and forms are available on the e-Publishing website at [www.e-Publishing.af.mil](http://www.e-Publishing.af.mil) for downloading or ordering.

**RELEASABILITY:** There are no releasability restrictions on this publication.

---

OPR: AF/JAO

Certified by: AF/JA  
(Maj Gen Jeffrey Rockwell)

Pages: 5

Supersedes: AFI 51-704, 22 November 2011

---

This Instruction implements Air Force Policy Directive 51-7, *International Law*, and Department of Defense Instruction 2000.11, *Procedures for Handling Requests for Asylum and Temporary Refuge*, by providing guidance and procedures for handling requests by foreign nationals for asylum in the United States or temporary refuge at Air Force installations and on Air Force aircraft worldwide. This publication applies to all United States Air Force (USAF), Air Force Reserve (USAFR), and Air National Guard (ANG) military and civilian personnel.

Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Form 847 from the field through appropriate functional chain of command. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS). This publication may be supplemented at any level, but all direct Supplements must be routed to the OPR of this publication for coordination prior to certification and approval. The authorities to waive wing/unit level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through command channels to the publication OPR for consideration/forwarding to DoD for approval. No other waivers may be granted for any part of this publication.

## ***SUMMARY OF CHANGES***

This document has been revised to include required tier waiver approval authority.

**1. Responding to Requests for Asylum Within U. S. Territorial Jurisdiction.** Air Force personnel may receive requests for asylum from foreign nationals. If a foreign national requesting asylum is physically present in the territory of the United States (defined as 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.

1.1. Any request for asylum from a foreign national (or an indication that such a request is imminent) will be referred to the senior Air Force commander or a member of the commander's staff. Upon receiving an asylum request, the commander must: **(T-0)**

1.1.1. Notify as soon as practicable the servicing Air Force Office of Special Investigations (AFOSI).

1.1.2. Notify as soon as practicable the nearest office of the U.S. Citizenship and Immigration Service (USCIS), found at [www.uscis.gov/portal/site/uscis](http://www.uscis.gov/portal/site/uscis).

1.1.3. Notify their Command Post/Center to transmit an operational report (OPREP) to the Air Force Service Watch Cell (AFSWC) in accordance with AFI 10-206, *Operational Reporting*.

1.1.4. Primary responsibility for providing protection to persons requesting asylum rests with the civilian law enforcement or security agency having exclusive or concurrent jurisdiction. In unusual circumstances where it is necessary to protect persons on a temporary basis pending involvement of USCIS, commanders will take interim measures to ensure the safety of the person against attempts at forcible repatriation. Inquiries from foreign authorities will be addressed by the senior Air Force official present with a response that the case has been referred to higher authorities for instructions.

**2. Responding to Requests for Asylum or Temporary Refuge made in all areas not within the Territory of the United States (including international waters and foreign territorial seas)** Air Force personnel shall neither directly nor indirectly invite persons to seek asylum or temporary refuge

2.1. **Temporary Refuge.** Air Force officials may be asked to grant temporary refuge in a foreign country to nationals of that country or of a third state, and to the nationals of any country while within the territorial jurisdiction of any nation. It is the policy of the DoD to handle requests from foreign nationals for temporary refuge as follows:

2.1.1. The senior officer present at an Air Force installation or facility or on board an Air Force aircraft, may grant temporary refuge to a foreign national for humanitarian reasons, upon the foreign national's request. The commander sets procedures for granting temporary refuge and for determining when such refuge should be granted. 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. The commander who grants temporary refuge must:

- 2.1.1.1. Notify the servicing AFOSI. (T-0)
- 2.1.1.2. Protect the foreign national. (T-0)
- 2.1.1.3. Immediately inform the AFSWC as described in paragraph 3.1 and send information as specified in paragraph 3.2 (T-0)
- 2.1.2. Terminate temporary refuge only when directed by the Secretary of the Air Force, or higher authority, in coordination with relevant U.S. agencies. (T-0) Persons whose temporary refuge is terminated will be released to the protection of the authorities designated in the message authorizing release.
- 2.2. **Asylum.** Although asylum, by definition, can only be sought and granted within U.S. territory, foreign nationals may request “asylum” or otherwise seek protection in other locations, including territorial seas and international waters.
  - 2.2.1. 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 will be treated as a request for temporary refuge and the requestor so informed.
  - 2.2.2. Foreign nationals (including third country nationals) seeking asylum will 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 for assistance in being recognized as a refugee or submitting a request for asylum under that country’s domestic laws and procedures.
  - 2.2.3. 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.
  - 2.2.4. If the Chief of the Diplomatic Mission issues no contrary instructions, the Air Force official who receives the request must communicate it to the AFSWC (paragraph 3.1) and send information to the agencies specified in paragraph 3.2.

### 3. Reporting Requests for Asylum or Temporary Refuge.

- 3.1. Commanders will send an OPREP-3 in accordance with AFI 10-206 through the nearest Command Post/Center to the AFSWC. Reports will include as much information in Attachment 2 as possible. (T-0) If OCONUS, Commanders will notify the local embassy or consular office. (T-0).
- 3.2. The AFSWC will immediately notify the following agencies:
  - 3.2.1. SECAF, CSAF, AF/A3/5.
  - 3.2.2. The Office of The Judge Advocate General, Operations and International Law Directorate (AF/JAO).
  - 3.2.3. The combatant command and major command.
  - 3.2.4. The Defense Intelligence Agency (DIA).

3.2.5. The Office of the Deputy Chief of Staff for Intelligence, Surveillance and Reconnaissance (AF/A2).

3.2.6. Secretary of the Air Force Office of Public Affairs (SAF/PA).

3.2.7. Legislative Liaison (for Secretary of State notifications).

**4. Releasing Information.** Do not release information concerning requests for asylum or temporary refuge (or that a request has been made) to the public or to the media without the approval of the Assistant Secretary of Defense for Public Affairs. Refer all requests for information received by Air Force personnel through command channels. Should any news release or public statement be authorized, send a verbatim text of the release to all addressees in paragraph [3.2](#)

CHRISTOPHER F. BURNE  
Lieutenant General, USAF  
The Judge Advocate General

**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFPD 51-7, *International Law*, 5 February 2009

AFI 10-206, *Operational Reporting*, 6 September 2011

AFI 33-360, *Publications and Forms Management*, 25 September 2013

AFMAN 33-363, *Management of Records*, 1 March 2008

DoDI 2000.11, *Procedures for Handling Requests for Asylum and Temporary Refuge*, May 13, 2010

**Adopted Forms:**

AF Form 847, *Recommendation for Change of Publication*, 22 September 2009

***Abbreviations and Acronyms***

**AFOSI**—Air Force Office of Special Investigations

**AFSWC**—Air Force Service Watch Cell

**ANG**—Air National Guard

**DIA**—Defense Intelligence Agency

**DoDI**—Department of Defense Instruction

**OPR**—Office of Primary Responsibility

**OPREP**—Operational Reporting

**RDS**—Records Disposition Schedule

**USAF**—United States Air Force

**USAFR**—United States Air Force Reserve

**USCIS**—U.S. Citizenship and Immigration Service

***Terms***

**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).

**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.