

5410-3

DEPARTMENT OF MANPOWER AND IMMIGRATION
 MINISTÈRE DE LA MAIN-D'OEUVRE ET DE L'IMMIGRATION

SECRET

SUBJECT EXAMINATION - IN TRANSIT
 SUJET U.S. HIJACKERS FROM CUBA

R

R/AB 18-12-72

TO À	FROM DE	DATE	P.A. OR T. CLASSER OU TRANSMETTRE	FROM DE	DATE	B.F. RECORD RENOYER LE DOSSIER	
						TO - À	DATE
DFW	R/AB	16/11/71					
DFC	R/AB	7/12/71	T				
FDM	R/AB	9/12					
DFW	R/AB	10/12/71	T				
FDM	R/AB	4/12					
LEG	FDM	15/12/71	T				
GJK	LEG	15/12/71	T				
JGL	R/AB	16/12	T				
FDM	R/AB	16-12					
AFL	R/AB	6/1/72	T				
LEG	AEL	13-1-72	PA	LEG	14-1-72		
GHK	R/AB	27-9-72	PA	GHL	27-9-72		
CD	R/AB	22-11-72	PA	CD	23/11/72		
FEB	R/AB	1-12-72					
GPG	R/AB	7-12-72					
FDC	GPG	8/12/72					
RMA	FDC	8/12	T				
DM	RC	11/12/72	T				
RMA	DMO'n	12-12-72	T				
DH	R/AB	12-12-72					
GPG	DH	15/12/72	PA	GPG	15/12/72		
MER	DD	12-1-73	PA	MER	9-8-73		
CHS	R/AB	10-7-74					
GEW	CHS	10/7/74	T				
FDM	R/AB	10/7					
NEW	R/AB	1/8/74	T				
TBS	R/AB	2/8					
FDC	TBS	6/8/74	T				
FDM	R/AB	7/8					
FDC	R/AB	8/8/74					

IMPORTANT - IF THIS FILE IS ROUTED TO ANOTHER OFFICE OR PERSON, COMPLETE TRANSFER SLIP AND SEND TO YOUR RECORDS UNIT.
 SI CE DOSSIER EST ADRESSÉ À UN AUTRE BUREAU OU UNE AUTRE PERSONNE, REMPLISSEZ UNE FICHE DE TRANSFERT ET ENVOYEZ-LA À LA SECTION DES DOSSIERS.

EXAMINATION - IN TRANSIT
 U.S. HIJACKERS FROM CUBA

FILE NO. - DOSSIER NO

5410-3

VOLUME

FROM DE

TO

00002

5189-1 Terrorism - General
 5189-2 Terrorism - Activity Report
 5189-3 Terrorism - Lookouts
 5189-4-1 Terrorism - Hijacking & Airport Incidents - General
 5189-4-2 Terrorism - Hijacking & Airport Incidents -
 Conventions
 5410-3 U.S. Hijackers from Cuba in Transit Through -
 Canada
 5400-16-4 Training of Airlines Personnel re: Hijackers etc.

ice is largely
 responsible for its
 person, the file

NATIONAL CIVIL AVIATION SECURITY COMMITTEE - GENERAL FILE
 _____ KEPT WITH A. BUTROID _____

in your absence, they

- DON'T** - place correspondence dealing with more than one subject on a file unless extra copies have been made for relevant files.
- DON'T** - leave files on the floor, window sills or waste baskets - this practice often results in loss or damage.
- DON'T** - change file caption or in any way mutilate file jackets.
- DON'T** - overload "GENERAL FILES". It is difficult to find previous correspondence on a general file.
- DON'T** - remove correspondence from this file without consulting your Records Unit.

AUX USAGERS DU DOSSIER

LA GESTION DES DOSSIERS existe pour vous servir et elle s'acquitte bien de cette fonction dans la mesure où vous renvoyez promptement le dossier. Ce dossier vous est confié et il vous appartient de le renvoyer à son expéditeur, à moins que vous ne donniez instruction à votre SECTION DES DOSSIERS de le transmettre à une autre Direction ou une autre personne; sans cela, le dossier demeure sous votre responsabilité jusqu'à son retour à l'expéditeur.

EXPLICATIONS RELATIVES AUX INDICATIONS À PORTER SUR LA CHEMISE

- Colonne 1 - nom du destinataire
- Colonne 2 - nom de l'expéditeur
- Colonne 3 - date de l'envoi
- Colonne 4 - indication de classer le dossier ou de le transmettre à une autre personne
- Colonne 5 - initiales de l'utilisateur du dossier ou indication que les mesures voulues ont été prises
- Colonne 6 - date de renvoi du dossier
- Colonne 7 - demande de renvoi du dossier à l'utilisateur à une date indiquée
- Colonne 8 - date où le dossier doit être renvoyé

RAPPELS

- NE PAS** - retenir le dossier plus longtemps que nécessaire;
- NE PAS** - mettre les dossiers hors de vue dans votre bureau ou dans vos classeurs s'il y a ris que qu'on ne puisse les trouver en votre absence;
- NE PAS** - mettre la correspondance sur plus d'un sujet dans un seul dossier à moins d'avoir fait faire des copies supplémentaires pour les dossiers en question;
- NE PAS** - laisser les dossiers sur le parquet, les appuis de fenêtre, ou les corbeilles à papiers; une telle pratique entraîne souvent la perte ou l'endommagement des dossiers;
- NE PAS** - changer l'intitulé du dossier ni mutiler la chemise de quelque façon;
- NE PAS** - surcharger les "dossier généraux"; il est difficile de trouver la correspondance antérieure dans un dossier général;
- NE PAS** - enlever de correspondance du dossier sans consulter la Section des dossiers.

AV
 14676

RECO, MANAGEMENT
CHARGE OUT CARD

GESTION DES DOCUMENTS
FICHE DES EMPRUNTS

FILE NO. **410-3**
 RÉFÉRENCE

SUBJECT **EXAMINATION - IN TRANSIT**
 SUJET **U.S. HIJACKERS FROM CUBA**

OUT - SORTIE

IN - ENTRÉE

TO - A	INITIALS INITIALES	DATE
<i>GM</i>	<i>R/AB</i>	<i>16/11/71</i>
<i>GHK</i>	<i>R/AB</i>	<i>27-9-72</i>
<i>CD</i>	<i>R/AB</i>	<i>22-11-72</i>
<i>FEP</i>	<i>R/AB</i>	<i>1-12-72</i>
<i>M.S. Ruff</i>	<i>DD</i>	<i>12-1-73</i>
<i>CHQ</i>	<i>R/AB</i>	<i>10-7-74</i>
<i>LHS</i>	<i>R/AB</i>	<i>15/8/74</i>

SECRET

000004



Power and Immigration Main-d'œuvre et Immigration

Director General, Home Branch
Directeur Général, Direction Intérieure

FDC

①

Please have a look at
this letter and let
me know what you
think.

TBS.

6.8.74

FDC

page 2

revised
as per our
discussion

(after my discussion
with Legal - Chamberland)
Jfr 8/8/74

IMM. 1075 (2-74)

②

TBS

9/8

We have made a
small amend to it.
I agree if
concededly expenses
of our
side

000005

CLOSED
VOLUME



VOLUME
COMPLET

DATED FROM
À COMPTER DU

TO
JUSQU' AU

AFFIX TO TOP OF FILE — À METTRE SUR LE DOSSIER

DO NOT ADD ANY MORE PAPERS — NE PAS AJOUTER DE DOCUMENTS

FOR SUBSEQUENT CORRESPONDENCE SEE — POUR CORRESPONDANCE ULTÉRIEURE VOIR

FILE NO. — DOSSIER N°

VOLUME

Create file under new system 8355 series if required

IMM/HOME
MURPHY/SPENCER/h1

5410-3

CONFIDENTIAL

The Under-Secretary of State
for External Affairs,
OTTAWA, Ontario.

OTTAWA, KIA 0J9
August 9, 1974.

Attention: Mr. Claude Châtillon
Bureau of Consular Affairs

Re: U.S. Hijackers Released by Cuba
Your Files 83-21-2-Cuba
83-21-2-U.S.A.
83-8-10-U.S.A.

This refers to your letter of June 24, 1974 regarding some questions on this subject posed by Mr. R. A. Gaiduk, Consul General of the United States Embassy in Ottawa.

This Department has previously communicated with the U.S. Embassy, Ottawa on this subject and a copy of that exchange of correspondence of December, 1971 was sent to your Security and Intelligence Liaison Division. The applicable Immigration law was explained in that correspondence and the only relevant change since 1971 is that a person who does not have a non-immigrant visa has no right of appeal to the Immigration Appeal Board against a deportation order made against him at a port of entry. Copies of that correspondence are attached for your ready information.

However, I shall try to answer the specific questions raised by Mr. Gaiduk. First, our non-immigrant visa exemptions are based on citizenship rather than on the country the person is coming from. A U.S. citizen coming to Canada from any country does not require a passport or a non-immigrant visa. He need only satisfy the immigration officials that he is a U.S. citizen. A permanent alien resident of the U.S. is exempt from passport requirements only if entering Canada directly from the U.S. If coming from Cuba, he would require an unexpired passport issued to him by the country of which he is a citizen. Depending on his country of citizenship, he may or may not ordinarily require a non-immigrant visa to enter Canada, but, in any event, he would be exempt if only passing through Canada in transit to another country. I think this answers the first two questions.

...2

- 2 -

The third question relates to admission so I must explain that any person who admits to having committed an act of hijacking would be considered to be a person who has committed a crime involving moral turpitude and would therefore be a prohibited person under section 5(d) of the Immigration Act. Such a person showing up without prior special authority at a port of entry would be detained for an Immigration Inquiry which would likely result in a deportation order. He would have no right of appeal to the Immigration Appeal Board against a deportation order unless he held a non-immigrant visa. A non-immigrant visa would not be granted to a confessed U.S. hijacker. Therefore, such a person would be deported or allowed voluntary departure pursuant to section 33 of the Immigration Act which reads:

"33. (1) Subject to subsection (2), a person against whom a deportation order has been issued shall be deported to the place whence he came to Canada or to the country of which he is a national or citizen or to the country of his birth or to such country as may be approved by the Minister under this Act.

(2) Unless otherwise directed by the Minister or an immigration officer in charge, a person against whom a deportation order has been made may be requested or allowed to leave Canada voluntarily."

Under this authority, if a U.S. hijacker released by Cuba is being deported by Canada to the U.S., he is normally turned over to officials of the U.S. Immigration Service at the nearest border port of entry to the U.S.

Notwithstanding the preceding paragraph, if a request for transit privileges through Canada to the U.S. is made to the Canadian Embassy in Cuba, or by the U.S. Embassy in Ottawa on behalf of a U.S. hijacker in Cuba, section 7(2)(b) of the Immigration Act provides that persons passing in transit through Canada under escort or guard may be allowed to enter Canada. We would be prepared to cooperate in such a case provided the entry for transit would not involve any risk to the Canadian public health or safety and that the transit under guard would be effected immediately and directly to the nearest border port of entry to the U.S. where, in accordance with prior assurance, the person would be accepted by officials of the U.S. Immigration Service and admitted into the U.S. We would, of course, require advance notice of such a request so that the necessary arrangements for escort, transportation, etc., could be made.

...3

- 3 -

In summary, this Department is prepared to act on this matter in the two ways explained above, i.e. under the law respecting deportation or in transit under guard. The matter of extradition is a question for the Department of Justice.

Regarding the question of publicity, while we cannot ensure that our actions receive no publicity in these cases, we would not publicize the events. We have a file on each case mentioned in your penultimate paragraph and most of these cases received press coverage but we are not aware of any public reaction.

Yours sincerely,

ORIGINAL SIGNED BY
T. B. Sheehan
A SIGNÉ L'ORIGINAL

T. B. Sheehan,
A/Director General,
Home Branch,
Canada Immigration Division.

Manpower and Immigration Main-d'œuvre et Immigration

Director General, Home Branch
Directeur Général, Direction Intérieure

July 31/74

Mr. Murphy:

Mr. MacIntosh told me
that you were dealing with
this.

h.j.

DEPARTMENT OF MANPOWER AND IMMIGRATION
MINISTÈRE DE LA MAIN-D'OEUVRE ET DE L'IMMIGRATION



MEMORANDUM - MÉMOIRE

Confidential

TO - À: *T.B.S.*

FROM - DE: *W.K.B.*

Hijackers.

*This, I believe, belongs to
you.*

*W.K.B.
3/17/74.*

Department of External Affairs



Canada

Ministère des Affaires extérieures

CONFIDENTIAL

83-21-2-Cuba
83-21-2-USA
83-8-10-USA

Ottawa, July 29, 1974

The Assistant Deputy Minister (Immigration),
Department of Manpower and Immigration,
E.A. Bourque Building,
305 Rideau Street,
Ottawa, K1A 0J9

Attention: Mr. W.K. Bell, Director,
Programs and Procedures Branch.

We refer to our letter of June 24, 1974 concerning information requested by Mr. R.A. Gaiduk, Consul General of the United States Embassy, regarding U.S. hijackers released by Cuban authorities travelling with Cuban documentation.

It would be appreciated if we could have an early reply to the questions raised in that letter.

Claude Châtillon
for Under-Secretary of State
for External Affairs.

Confidential

CIRCULATION LIST
P&P

Date: _____

- J.W. DOBSON----1001
- A.J. FINDLAY---1032
- H.S. JOHNSON---1017
- J.O. SWALES----1029
- A.J. ANDERSON--1019
- G.A. BARNETT---1022
- M.H. BRUSH-----1065
- A.H. CONDER----1013
- A.W. GUNN-----1045A
- R.G. LATIMER---1031
- V. LATOUR-----1018
- J.D. MITCHELL--1021
- G.G. O'LEARY---1030
- C.H. SPENCER---1020
- G. VAN KESSEL--1014A
- R.S. HALL-----1061

- For Action
- For Information
- For Preparation of a Reply for
Signature of W.D. Bell
- For Comment
- To Note and Return
- To Discuss Please

W.D.B.
2/7/74

MURPHY / SPENCER / ST
JULY 10 1974
CONFIDENTIAL

DRAFT

Our 5410-3

JS

The Under-Secretary of State
for External Affairs,
Ottawa, Ontario.

← Attention: Mr. Claude Châtillon
Bureau of Consular Affairs

Re: U.S. Hijackers Released by Cuba

*your files 83-71-2 - Cuba
83-21-2 - U.S.A.
83-8-10 - U.S.A.*

This refers to your letter of June 24, 1974 regarding some questions on this subject posed by Mr. R.A. Gaiduk, Consul General of the United States Embassy in Ottawa.

This Department has previously communicated with the U.S. Embassy, Ottawa on this subject and a copy of that exchange of correspondence of December 1971 was sent to your Security and Intelligence Liaison Division. The applicable Immigration law was explained in that correspondence and the only relevant change since 1971 is that a person who does not have a non-immigrant visa has no right of appeal against a deportation order made against him at a port of entry. *to the Immigration Appeal Board*

to copy of that letter and a copy of the incoming letter of 12 November 1971. Copies of that correspondence are attached for your ready information.

However I shall try to answer the specific questions raised by Mr. Gaiduk. First, our non-immigrant visa exemptions are based on citizenship rather than on the country the person is coming from. A U.S. citizen coming to Canada from any country does not require a passport or a non-immigrant visa. He need only satisfy the immigration officials that he is a U.S. citizen. A permanent alien resident of the U.S. is exempt from passport requirements only if entering Canada directly from the U.S. If coming from Cuba, he would

require an unexpired passport issued to him by the country of which he is a citizen. *Under these circumstances, dependent on his country of citizenship he may or may not ordinarily require a non-immigrant visa. A permanent resident of the U.S. would be exempt the visa requirement only if he is passing through Canada in transit to another country.* I think this answers the first two questions.

The third question relates to admission so I must explain that any person who admits to having committed an act of hijacking would be considered to be a person who has committed a crime involving moral turpitude and would therefore be a prohibited person under section 5(d) of the Immigration Act. Such a person *showing up without prior special authority at a port of entry would be detained* would be detained at the port of arrival for an Immigration Inquiry which *would likely* could result in a deportation order, or voluntary departure. He would have no right of appeal *to the Immigration Appeal Board* against a deportation order unless he held a non-immigrant visa. A non-immigrant visa would not be granted to a confessed U.S. hijacker. Therefore such a person would be deported or allowed voluntary departure pursuant to section 33

of the Immigration Act which reads:

"33. (1) Subject to subsection (2), a person against whom a deportation order has been issued shall be deported to the place whence he came to Canada or to the country of which he is a national or citizen or to the country of his birth or to such country as may be approved by the Minister under this Act.

(2) Unless otherwise directed by the Minister or an immigration officer in charge, a person against whom a deportation order has been made may be requested or allowed to leave Canada voluntarily."

← Under this authority, if a U.S. hijacker released by Cuba is being deported ^{by Canada} to the U.S., he is normally turned over to officials of the U.S. Immigration Service at the nearest border port of entry to the U.S. If he elects to take voluntary departure, he is merely escorted to the Canadian side of the border and allowed to seek entry to the U.S. on his own.

Notwithstanding the preceding paragraph, if a request for transit privileges through Canada to the U.S. is made to the Canadian Embassy in Cuba, or by the U.S. Embassy in Ottawa on behalf of a U.S. hijacker in Cuba, section 7(2)(b) of the Immigration Act provides that persons passing in transit through Canada under escort or guard may be allowed to enter Canada. We would be prepared to cooperate in such a case providing the entry for transit would not involve any risk to the Canadian public health or safety and that the transit under guard would be effected immediately and directly to the nearest border port of entry to the U.S. where the person could be turned over to officials of the U.S. Immigration Service. We would, of course, require advance notice of such a request so that the necessary arrangements for escort, transportation, etc., could be made.

In summary, this Department is prepared to act on this matter in the two ways explained above, i.e. under the law respecting deportation or in transit under guard. The matter of extradition is a question for the Department of Justice.

Regarding the question of publicity, ^{while cannot ensure that our actions} we ~~would not take any measures~~ ^{to} ~~restrict~~ ^{receive no} publicity ~~of our actions~~ in these cases, ~~nor would we~~ ^{would not} publicize ~~our actions in these cases, nor would we publicize~~ the events. We have a file on each case mentioned in your penultimate paragraph and most of these cases received press coverage but we are not aware of any public reaction,

Yours sincerely,

W. K. Bell, *T. B. Sheehan*
Director, *M. Desjardins* 000015
Procedure and Procedures Branch

Department of External Affairs



Canada

Ministère des Affaires extérieures

CONFIDENTIAL

83-21-2-Cuba

83-21-2-USA

83-8-10-USA

OTTAWA, June 24, 1974

The Assistant Deputy Minister (Immigration),
Department of Manpower and Immigration,
E.A. Bourque Building,
305 Rideau Street,
Ottawa, K1A 0J9

Attention: Mr. W.K. Bell, Director,
Programs and Procedures Branch.

... We recently had a visit from Mr. R.A. Gaiduk, Consul General of the United States Embassy in Ottawa, to discuss the subject of U.S. hijackers released by Cuban authorities and travelling with Cuban documentation. Mr. Gaiduk left a list of five questions (copy attached) which he wished to have answered.

As an interim reply to these questions, we orally responded along the following lines:

" In reply to the first question, I said that visas would not be necessary for U.S.A. citizens travelling to Canada in normal circumstances; if they were carrying Cuban documentation they would still, strictly speaking, not require visas but in practice, in conformity with an informal arrangement with the Cuban authorities, we would normally expect persons with Cuban travel documents to have visas obtained from the Canadian Embassy in Havana in order to enter Canada.

In response to question 2, I said that such visas would normally be visitors visas since we do not ordinarily employ transit visas. I said that such visitors visas would normally be valid for 90 days.

I went on to say, however, that if the U.S. hijackers were able to establish to the satisfaction of the Canadian immigration authorities that they were U.S.A. citizens, even though they do not have U.S.A. passports, they would probably

CONFIDENTIAL

be able to enter Canada without any visa or without having to produce their Cuban documentation. This would be particularly true if, for instance, a U.S.A. hijacker arrived on board ship at a Canadian port in eastern Canada, was able to persuade the immigration officer that he was simply trying to reach his home in the United States and would be remaining in Canada only long enough to reach a U.S.A. port of entry.

If, on the other hand, the U.S.A. hijackers were known to be such by the immigration officers at the port of entry, they would not be admissible to Canada as visitors for any purpose, because they would fall within the excluded classes. If they presented themselves for entry as visitors at a Canadian port of entry, they would either be turned back immediately or held by the immigration authorities only long enough to be put on a carrier which would take them back to Cuba. In such circumstances I felt it was almost certain that the Canadian Government would not turn them over to the U.S.A. authorities (see question 4), since hijackers were not covered in our present Extradition Treaty with the U.S.A. and since immigration officers would be careful about taking action of the kind suggested, without proper legal authority. Under those circumstances, the latter part of question 4 and question 5 would not apply."

We promised Mr. Gaiduk to examine the matter and confirm whether or not our preliminary response was correct. Further consultation with interested divisions in this Department revealed that there had been at least four previous cases of American hijackers in transit to the United States from Cuba via Canada. The first was Leonard Bendicks who arrived in Montreal on September 16, 1968 aboard the Cuban Ship La Lima. Alben Truitt arrived at St. John, N.B., on January 2, 1969 aboard '13 De Marzo'. Robert Helmev arrived in Montreal on May 4, 1969 on cargo ship Commandante Camilio Cienfuegos. A group of six persons who arrived in Montreal on November 1, 1969 on cargo vessel Luis Arcos, included Thomas Boynton, Ronald Bohle, Thomas Washington (accompanied by his 4-year old daughter, Jennifer), Robert Sandlin (alias A. Vollis), Joseph Crawford, and Raymond Anthony.
Handwritten notes: SF-C-117, SF-B-120, SF-B-119, SF-W-45, SF-A-52, SFS-154, HQ2-88355, HQ2-95337

Although we believe our answers as given above were basically correct, we would be grateful if you would confirm our assumption, or comment on how our answers should be varied, so that we can give the promised reply to Mr. Gaiduk.

Claude Châtillon

Under-Secretary of State
for External Affairs.

SUBJECT: U.S. HIJACKERS RELEASED BY CUBAN AUTHORITIES AND
TRAVELLING WITH CUBAN DOCUMENTATION

1. Would visas be necessary for released U.S. hijackers were they to travel to Canada?
2. If "yes", what type? Would it be for only direct transit to U.S.?
3. Would admission be only for temporary visit following which traveller would go to yet another country?
4. Would the Canadian Government be willing to take custody of the hijackers and turn them over to U.S. authorities?
If yes, would the host government turn them over to a U.S. federal marshal who would board a flight to the U.S. with the person being turned over to U.S. authorities?
5. Could such a transfer of custody be completed without publicity?

c.c. Director, Information Services. Attn: Mrs. Sly.

c.c. Manager, Admissions Control Section. Attn: Operations Centre.

5410-3

Mr. E. H. Gilmour,
Director General,
Bureau of Consular Affairs,
Department of External Affairs,
OTTAWA, Ontario.
KLA OG2

OTTAWA, KLA OJ9,
December 15, 1972.

Dear Mr. Gilmour:

This refers to your letter of December 1 with attached draft of your proposed statement on the matter of American hijackers in transit to the United States from Cuba via Canada. Mr. Gorman passed it on to me since the case has been handled in our Operations Centre Unit.

As far as we are able to tell from our records on the subject, your Department's involvement in the hijacker affair was indeed minimal. I might mention, however, that the information provided by your people concerning the arrival of a group of six hijackers did enable us to be on the alert to handle the cases smoothly and avoid a crisis situation.

The six who arrived at Montreal on November 1, 1969 aboard the Cuban cargo vessel Luis Arcos were Thomas Boynton, Ronald Bohle, Thomas Washington (accompanied, incidentally, by his four year old daughter Jennifer), Robert Sandlin (alias A. Vollis), Joseph Crawford, and Raymond Anthony. All were accorded 7(2)(b) status under the Immigration Act i.e. "persons passing in transit through Canada under escort or guard". To be legalistic for a moment, paragraph 7(2)(b) must be read in conjunction with section 5 of the Immigration Act. Section 5 says "no person, other than a person referred to in subsection 7(2), shall be admitted to Canada if he is a member of any of the following classes of persons ...". In other words, persons who are normally inadmissible may be admitted under certain conditions. I draw this to your attention to illustrate that none of the six was deported but at the same time it was recognized that they were inadmissible, and they were dealt with under the Immigration Act.

The six were escorted by Immigration officers accompanied by members of the R.C.M. Police to Champlain, New York on the Canada-U.S. border. They were not turned over to U.S. authorities under any provision of the Immigration Act or Regulations since they were in transit to their own country. They were merely escorted to the Canadian side of the international boundary and entered the United States of their own accord as they had requested. This is a small point perhaps, but I want to be sure that it is understood that these six were not "railroaded" into the U.S. without due process of law.

...2

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- 2 -

There were three other similar cases of which we are aware. Leonard Bendicks arrived in Montreal on September 16, 1968 aboard the Cuban ship La Lima. He entered Canada falsely with the status of a visitor or tourist but when he reported to our office in Montreal a few days later to apply for permanent residence he was ordered deported. He did not appeal the deportation order and was returned to the United States on September 24, 1968 under the provision of subsection 33(1) of the Immigration Act. This paragraph reads "... a person against whom a deportation order has been issued shall be deported to the place whence he came to Canada or to the country of which he is a national or citizen or to the country of his birth or to such country as may be approved by the Minister under this Act".

Alben Truitt arrived at St. John, N.B. on the 2nd of January, 1969 aboard the '13 De Marzo' from Cuba and was granted shore leave. He proceeded to Montreal and was ordered deported shortly after he applied for permanent residence. He appealed the order but later withdrew his appeal and was returned to the United States on February 8, 1969 under escort. This deportation was carried out under subsection 33(1) of the Immigration Act.

The final case is that of Robert Helmsy. He arrived in Montreal aboard the Cuban cargo boat "Commandante Camilio Cienfuegos" on May 4, 1969. He requested admission to surrender himself at the U.S. Consulate in Montreal but was ordered deported and returned to the United States under 33(1) on May 5, no appeal having been submitted.

One last thing which you may or may not wish to include in your statement is the fact that Canada along with almost every country in the world is powerless to prevent any person from actually arriving in Canada. The enforcement aspects of the Immigration Act and Regulations are designed to deal with persons who should be removed from Canada, not prevent the arrival of prohibited persons in Canada. I think this is significant since, whether we had negotiated to receive these individuals in Canada or not, there is nothing we could do to prevent their arrival in Canada anyway and the results from an Immigration point of view would have been the same i.e. they would have been removed to a third country.

Yours sincerely,

G. P. Garvin,
Acting Manager,
Admissions Control Section,
Home Services Branch,
Canada Immigration Division.

DH

MEMORANDUM

CLASSIFICATION



*Mallet
Moulin*

TO Assistant Deputy Minister
(Immigration).

YOUR FILE No.
Votre dossier

OUR FILE No. 5410-3
Notre dossier

FROM Director, Home Services Branch.

DATE December 8, 1972.

[Handwritten signature]

FOLD

SUBJECT U.S. Hijackers in Canada
Sujet

1. The media have recently given wide coverage to an article which appeared in the American journal, The Nation, on November 20. The article concerned the return of American hijackers from Cuba to the United States via Canada and was treated as somewhat of a revelation here with implications that a Government "cover-up" of the incident had occurred. This is clearly not the case and the incidents which gave rise to this recent publicity are three years old and were given adequate press coverage when they took place.

2. I might add here that during the resurrection of the 'hijackers in Canada' story, Mr. J. E. Cardwell was acting as Director and made sure that the Minister's Office and the Director, Information Services, were kept fully informed. Unfortunately, since the duration of the publicity was quite brief and since no memorandum was requested by the Minister's Office, you seem to have been bypassed by the information flow.

3. In late October, 1969 we were advised that several American hijackers were enroute to Montreal aboard the Cuban cargo vessel 'Luis Arcos'. On November 1, when the ship docked, Immigration officers accompanied by the R.C.M. Police examined six individuals who freely admitted that they were hijackers. The six, Thomas Boynton, Ronald Bohle, Thomas Washington, Robert Sandlin (alias A. Vollis), Joseph Crawford, and Raymond Anthony were refused admission and reports under Section 23 (now Section 22) of the Immigration Act were issued. All of these individuals requested that they be allowed to proceed immediately to the United States and, after consultation, the Immigration officers involved concluded that this was the best course of action. Further examinations were not held and the group was not ordered deported. All six hijackers, accompanied by four year old Jennifer Washington, Thomas Washington's child, were escorted under guard across the U.S.-Canadian border at Champlain, New York.

4. While there is no formal record of the status accorded these hijackers, it was recognized at the time that they were clearly inadmissible persons. The Director, Legal Services subsequently proffered the opinion that if the status purported to be accorded to these individuals was that of non-immigrants described in Section 7(2)(b), that is, persons passing in transit through Canada under escort or guard, their admission and removal from Canada was quite in order. It is our opinion, that this was the status granted the group, and not the in-transit non-immigrant status described in Section 7(1)(d).

*
*The week of
the National
Conference at
Montreal*

- 2 -

5. There are three other cases of which we are aware of American hijackers in Canada who were subsequently returned to the United States. Leonard Bendicks arrived in Montreal on September 16, 1968 aboard the Cuban ship 'La Lima'. He entered Canada with the status of a visitor or tourist but when he reported to our office in Montreal a few days later to apply for permanent residence he was ordered deported. He did not appeal the deportation order and was returned to the United States on September 24, 1968.

6. The case of Alben Truitt closely parallels that of Mr. Bendicks. He arrived at St. John, N.B. on the 2nd of January, 1969 aboard the '13 De Marzo' and was granted shore leave. He proceeded to Montreal and was ordered deported shortly after he applied for permanent residence. He appealed the order but later withdrew his appeal and was returned to the United States on February 8, 1969, under escort.

7. The final case is that of Robert Helmey. He arrived in Montreal on May 4, 1969 aboard the Cuban cargo boat 'Commandante Camilio Cienfuegos'. Mr. Helmey requested admission to surrender himself at the U.S. Consulate in Montreal. He was ordered deported and returned to the United States on May 5, no appeal having been submitted.

8. At the time of the removal of the group of six hijackers from Canada, the Montreal Gazette ran a complete story of the incident which apparently attracted little attention. Robert Helmey's case was reported in the Globe and Mail one day after his removal from Canada and six months after Alben Truitt was deported, the Globe and Mail, in a report of his trial, mentioned that he had come through Canada.

9. The salient points in all these cases are these. Firstly, there is no way to prevent the arrival in Canada of any person, no matter how undesirable. We are only able to deal with individuals who actually arrive in Canada seeking admission. Secondly, all of the known hijackers who arrived here were removed from Canada as expeditiously as possible without compromising the Immigration Act. Lastly, no attempt was made by the Department either to publicize or conceal our actions in these incidents and, most if not all of them, received press coverage at the time of their occurrence.





CANADA

MINISTÈRE DE LA MAIN-D'OEUVRE ET DE L'IMMIGRATION

Sous-ministre adjoint (Immigration)

M. J. Des Roches

~~Security DM
returns~~

For your information.

Mau

Deputy-minister of Manpower
 and Immigration
 1972
 DEC 17 1972
 MAU
 Sous-ministre adjoint de la Main-d'œuvre
 et de l'Immigration

c.c. Director, Home Services Branch.
c.c. Director, Information Services. Attn: Mrs. Sly.
c.c. Manager, Admissions Control Section. Attn: Operations Centre.
c.c. Files HQ 2-88355; SFT 38; HQ 3-3759; HQ 3-3586; HQ 3-3585;
HQ 3-3569; HQ 3-3758; HQ 3-3760; HQ 2-95551.

Assistant Deputy Minister
(Immigration).

5410-3

7/ Director, Home Services Branch.

December 8, 1972.

U.S. Hijackers in Canada

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*ab Mont Gabriel
7
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the Cardwell
period*

- 2 -

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BAH
J
5/12

JG

Department of External Affairs



Ministère des Affaires extérieures

Canada

Mr. Gorman

*We spoke.
Your section has been
dealing with this matter &
I would be grateful if you
would respond to this query*

SECRET

Ottawa, KLA OG2,
December 1, 1972.

Dear Al,

1972 6.12.72

Re: My letter of October 29, 1969

We have received several press queries on transit through Canada of hijackers from Cuba to the United States in 1969. The initial reply from our Press Office was that we had no present information but that we were checking our files. The little information we have indicates that our Department's involvement was apparently marginal. Nonetheless, we may expect further questions from the press and the Minister may well have to reply to questions in the House. For these reasons, it is important that we have all the pertinent facts. Attached is a first draft prepared by our Press Office of a proposed statement and supplementary questions and answers based on the information we have at the moment. We should be grateful if you would look over this draft, supply us with the missing data for the blank spaces and offer your comments on the contents generally. It would be appreciated if this request be given priority.

Yours sincerely,

E. H. Gilmour,
Director General,
Bureau of Consular Affairs.

Mr. B.A. Gorman,
Chief, Enforcement Section,
Department of Manpower and Immigration,
E.A. Bourque Memorial Building,
Ottawa, KLA OJ9.

D R A F T

SECRET

PROPOSED STATEMENT

On October 28, 1969 the Canadian Embassy, Washington was advised orally by the United States' Department of State that a Cuban ship scheduled to arrive in Montreal on November 2, 1969 would be carrying several Americans involved in the hijacking of aircraft to Cuba who had expressed the wish to return to the United States regardless of the legal consequences of their doing so. Arrangements had apparently already been made with the Cuban authorities for these persons to be placed on the ship due to arrive in Montreal, and we were asked to permit them to pass in transit through Canada to the United States. As matters relating to the admission to Canada are the responsibility of the Department of Manpower and Immigration this request was passed on to that Department which indicated that it was prepared to extend its co-operation in this matter to the extent possible under Canadian law and the Canadian Embassy was so advised on October 30, 1969. The Department of Manpower and Immigration assumed responsibility for the case and the Department of External Affairs had no further involvement with it.

The persons named _____, were admitted to Canada on _____ 1969 from the Cuban vessel _____. They were granted _____ status in accordance with Regulations _____ of the Immigration Act and were escorted by _____

SECRET

officers to _____ on the Canada-United States border where they were turned over to the United States authorities under the provisions of _____ of the Immigration Regulations.

SUPPLEMENTARY QUESTIONS

Q. Why was this transaction kept secret?

A. There was no attempt to keep the matter secret nor was there any attempt to publicize it. Similar cases which occurred earlier in the year were fully reported in the press, including the "Montreal Gazette" of January 30, 1969 and the Toronto "Globe and Mail" of May 6, 1969.

Q. Have there been other cases similar to this?

A. Yes

Q. When and who were the persons?

A. _____

Q. Did Canada act as the channel of communication between the United States and Cuba regarding these matters?

A. No. There was no contact between the Canadian and Cuban Governments regarding this matter, nor did Canada act as a channel of communication between the Cuban and the United States Governments. Such contact as took place between those two Governments was presumably through the Government of Switzerland which, by agreement, is the channel of diplomatic communication between the United States and Cuba.

Government of Canada

Gouvernement du Canada

MEMORANDUM

NOTE DE SERVICE

TO
À

Director,
Home Services Branch,
OTTAWA.

ATTENTION: Operations Centre
For Gordon Garvin

FROM
DE

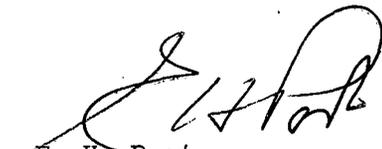
Officer-in-Charge,
CIC, CALGARY.

SECURITY CLASSIFICATION - DE SÉCURITÉ
OUR FILE - N/RÉFÉRENCE 900 - 1
YOUR FILE - V/RÉFÉRENCE
DATE 24 November 1972

SUBJECT
OBJET

Calgary Albertan Article -- Hijacker Deported

1. Telephone conversation today (Garvin - Post) refers.
2. Attached is a copy of the article that appeared in the Calgary Albertan today which was read to you over the telephone.


E. H. Post,
Officer-in-Charge.

ATTACHMENT (1)

Hijackers deported

By VICTOR MACKIE

Albertan Ottawa Bureau

OTTAWA — A number of American aircraft hijackers who had been kept in Cuba after they landed there were later sent by freighter to Canada, and then deported to the United States.

Immigration department authorities confirmed Friday that Canada had received a small number of the sky pirates after they became fed up with life in Cuba. But they were held in Canada only long enough to be sent on their way under guard to the United States.

An American publication "The Nation" aroused interest when in an article in its Nov. 20 issue it reported:

"Cuba is a favourite resort for the hijackers. Castro has kept the hijackers who have landed there, but not all of them.

"Contrary to an impression Americans have received, of the 70 air pirates that have sought refuge in Cuba, about 12 have been deported voluntarily

to Canada as common criminals or mentally disturbed persons. On what terms Canada received them and whether any made their way back to the U.S. has not been disclosed."

A call to Canadian immigra-

tion authorities Thursday brought an immediate denial that Canada had received any of the hijackers as landed immigrants. It was pointed out that under Canada's regulations criminals and mentally disturbed persons could not be accepted in this country as landed immigrants.

However the immigration authorities promised to check further on the report in "The Nation" while expressing surprise and disbelief that it was a correct report.

Further enquiries brought out the information that an undisclosed small group—less than 12—told the Cuban authorities they wanted to leave Cuba and return to the United States.

The United States and Cuba several years ago broke off diplomatic relations.

As a result the Cuban authorities placed the group of American hijackers on board a freighter bound for Saint John, New Brunswick.

ROUTE SLIP

*N.S. Entm
Starb.*

*To
route
& return
to
15/12/71*

TO:

- 1. *LEG*
- 2. *SLK*
- 3. *JSL*
- 4. *FJM.*

Date

Initials

*FJM
enforcement Section
relegated to individual
in our approach as well
as other DIO's.
12/12*

C. & I. 48

000031

DEPARTMENT OF MANPOWER AND IMMIGRATION
MINISTÈRE DE LA MAIN-D'OEUVRE ET DE L'IMMIGRATION

M
MEMORANDUM - MÉMOIRE

7/12/71

TO - À:

FDC

FROM - DE:

Jpa.

- You will recall we discussed this matter & decided on a suggested reply. I must agree it is somewhat longer than I anticipated, but feel the info provided is pretty well essential to explain our stand & possible alternatives

- I am still hesitant about reference to Sec 7(2)(b) on page 2 - although you felt it was in order. In this respect - see Manual 9.72 - the inference being that such a person would be under escort at time of arrival at port of entry

①
Jpa

No doubt you will be interested in comments? this file - often reading, please return to me as I wish to circulate to my staff

Jpa
10/12/71

c.c. File SF-T-38
c.c. File HQ2-88355
c.c. Department of External Affairs - Attention Security and Intelligence
Liaison Division - see page 3
c.c. Director of Immigration, Halifax - see page 3.

5410-3

Charles E. Wood, Esq.
Immigration Attaché,
United States Embassy,
OTTAWA, Ontario

OTTAWA, K1A 0J9
December 6, 1971.

Reference: Your 50/3-C

Dear Sir:

This refers to your letter of 12 November 1971 and your previous conversation with Mr. F. J. Murphy of this Division concerning the possibility of transit facilities through Canada for hijackers from Cuba to the United States.

For the purpose of this reply, I shall assume, as you have indicated, that the hijackers involved would be either citizens or permanent alien residents of the United States.

I would like to state at the outset that our Department has not, to date, formulated any particular policy, pro or con, in this respect, preferring for the time being, at least, to remain fluid and to treat any such requests on a case by case basis.

With regard to the question of passports and visas the requirements would vary depending on the citizenship of the persons concerned. As citizens of the United States, they would require neither passports nor visas to be admitted to Canada (although possession of such might be helpful for identity and facilitation purposes). Permanent alien residents of the United States are exempt from passport requirements only if entering Canada directly from the United States. The latter would, therefore, require passports coming from Cuba, although they would be exempt from non-immigrant visa requirements as persons passing in direct transit through Canada. The Swiss protection passport mentioned in your enclosure, would be an acceptable travel document in lieu of national passport if it would guarantee entry to the United States.

I might explain, at this point, however, that quite apart from passport or visa requirements or any other background history that such an individual might have causing him to be prohibited from admission to Canada, the mere fact of his admission to having committed an act of hijacking, which we would consider a crime involving moral turpitude, would be sufficient in itself to bring him within a prohibited class.

...2

Notwithstanding that, I presume that any request for transit privileges for any such person would originate from the Swiss Embassy to the Canadian Embassy in Cuba or through your Embassy to our Department here in Ottawa and we would be quite prepared to co-operate in that respect, subject, of course, to our being satisfied that his entry in transit would likely not involve any risk to the Canadian public health or safety, and that he would in fact, transit immediately and directly to the nearest border Port of Entry to the United States. We would, naturally, in such a case, wish to have as much advance notice as possible in order to conduct whatever investigation was felt necessary to assure ourselves on these points.

In the event of a favourable decision on our part, there is provision within our Immigration Act to authorize entry under Section 7(2), specifically:

- (i) Section 7(2)(b) - persons in transit through Canada under escort or guard,
- (ii) Section 7(2)(c) - as a holder of a permit (a Minister's Permit could be issued under Section 8 of the Immigration Act).

A third alternative to the above would be, after due process, to order deportation at the Port of Entry to Canada, and provided he did not appeal against the deportation order, deport him directly to his country of citizenship, i.e. the United States, if he were a United States citizen and agreeable to doing so, considering that he would have other options as to where he might be deported.

On the other hand, should such a person show up unannounced at a Port of Entry and be found, on examination, to have been a hijacker, he would automatically be detained for an Immigration Inquiry which would most likely result in a deportation order, directing that he be deported to the place whence he came to Canada, or to the country of which he is a national or citizen, or the country of his birth, or to such other country as may be approved by the Minister. Provided he did not appeal against the order and were a U.S. citizen he could be deported directly to the U.S.A. if he chose. If he were not a U.S. citizen, he might still be deported to the U.S.A. if he chose and if your government were willing to accept him. Should he decide, however, to enter an appeal against the deportation order, the execution of the order would be stayed pending the hearing of his appeal by the Immigration Appeal Board.

Inasmuch as we have not to date kept specific records on the entry of hijackers, as such, I cannot provide you with details of any such persons who may have been repatriated through Canada in the past. There have been a couple of cases where persons have arrived from Cuba by boat and were allowed visiting or shore leave privileges, but who disappeared and subsequently turned up inland seeking permanent residence. In two cases, deportation was ordered and both were deported to the U.S.A.

*see reply
to E. Schmidt
15/7/74*

*now
only right
of appeal
in
other cases
Sfr
15/7/74*

- 3 -

I have given this reply, as you will observe, somewhat in detail, but I felt that, in outlining our position, I should appraise you of the possible alternatives, which might be considered or applied.

Yours sincerely,


F. D. Collins,
Chief,
Admissions Division,
Home Services Branch.

- Department of External Affairs - Attention Security and Intelligence Liaison Division - reference your file SI-2665 and memorandum of 29 October 1969. Attached for your information are copies of incoming correspondence. It would be appreciated if you would pass on copies of this correspondence to the Canadian Embassy in Havana and ask that they alert us immediately if any requests for transit via Canada are received from any such persons.

- Director of Immigration , Halifax - copies of incoming correspondence attached - this is for your information and you may wish to pass on to any of your District or local offices that might be affected - presumably St. John and Halifax in particular.

DEPARTMENT OF MANPOWER AND IMMIGRATION
MINISTÈRE DE LA MAIN-D'OEUVRE ET DE L'IMMIGRATION

MEMO  DUM - MÉMOIRE

TO - À:

FROM - DE:

17/11/71

See Et. Affairs Correspondence
Oct 29 + 30/69 on file SF-T-38
suggesting Co-operation re return of
hijackers

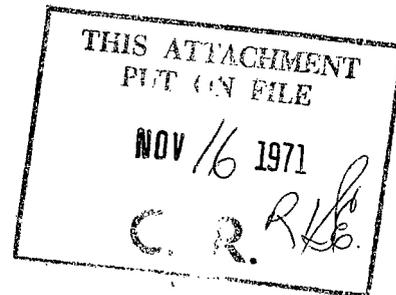
Jm



EMBASSY OF THE
UNITED STATES OF AMERICA
Ottawa, Ontario
November 12, 1971

OTT 50/3-C

Home Services Branch
Canada Immigration Division
Department of Manpower
and Immigration
Ottawa, Ontario



Attention: Mr. F.J. Murphy

Dear Sir:

Reference is made to our conversation in your office Nov. 10, 1971, concerning hijackers returning to the United States from Cuba via Canada.

The Swiss Embassy in Havana has requested information which is apparently available only from your Department. I am attaching a copy of their message. I presume the letters "SD" refer to our State Department.

As I said in our conversation, I presume the hijackers who might be involved would be American citizens who hijack planes from the United States to Cuba. It is also possible that such a person could be a permanent resident alien in the United States.

I shall appreciate any information you can furnish regarding the need for a transit visa and how such persons would be handled as far as your Department is concerned. Also, any information you can provide concerning American hijackers who may have been already repatriated from Cuba through Canada.

A reply at your earliest convenience will be greatly appreciated in order that I may transmit the information to our Central Office for further transmittal to the State Department.

Yours sincerely

Charles E. Wood
Charles E. Wood
Immigration Attache

Att-1

000037

C O P Y

Message from the Swiss Embassy in Havana

SUBJECT: Return of hijackers via a third country

The problem of transit for hijackers via Canada, which according to SD would be the easiest solution, is still having the Embassy's full attention. In this regard, Embassy would be indebted to SD for advising whether, in principle, this category of persons, bearers of the Swiss protection passport, need a transit visa.

Furthermore, according to information from Canadian Embassy, it would appear that American hijackers have been repatriated by boat via Canada. Could SD advise in which conditions these trips took place? Were these persons in possession of identification papers, and if so, which ones?

September 13, 1971

000038

DEPARTMENT OF MANPOWER AND IMMIGRATION
MINISTÈRE DE LA MAIN-D'OEUVRE ET DE L'IMMIGRATION

MEMORANDUM - MÉMOIRE

TO - À:

FROM - DE:

Handwritten signature/initials

SF T-38

Alben Truitt

- entered Canada via St John, NB 2/1/69
as visitor according to Dep. + Dep Exp sheet
 - as visitor according to 1000008
 - on shore leave according to Comm. Liaison Officer
who examined 1/1/69.
 - ~~not given~~ did not apply for admission according to
OIC St John
 - arrived from Cuba on ship in transit to
France 29/12/69. disembarked 2/1/69.
Ship left 3/1/69. Returning to sail.
those in transit to France, including
Truitt, eligible for "shore leave" if they
wish
 - applied with Montreal 17/1/69
 - OD-5(t) Act with Reg 28(2), 29(1) x
34(3)(d) - late filed on 29/1/69
 - appealed, then withdrew appeal 7/2/69
to surrender to US auth
 - escorted Champlain, NY 8/2/69 x
- Report effected*

DEPARTMENT OF MANPOWER AND IMMIGRATION
MINISTÈRE DE LA MAIN-D'OEUVRE ET DE L'IMMIGRATION

MEMORANDUM - MÉMOIRE

TO - À:

FROM - DE:

ATQ 2-88355

Leonard Stephen Benedekts

- arrived Sep 16/68 from Cuba at Montreal by ship.
- granted admission as visitor to 23/9/68
- reported under 7(3) of Act - Sep 23 report 23/9/71 - prohibited 5(d) -
Kidnapping and passing
s(t) - Reg 28(2) + 29(C).
- O.D Sep 24/68; no appeal.
- escorted to Champlain, NY 24/9/68.

HASTACHER

DEPARTMENT OF MANPOWER AND IMMIGRATION
MINISTÈRE DE LA MAIN-D'OEUVRE ET DE L'IMMIGRATION



MEMORANDUM - MÉMOIRE

TO - À:

FROM - DE:

HP 2-94846

HP 2-94845

Tomás Sablon-Herrera & Jorge Sablon
Stonaway. Herrera

Danner

- arrived by ship from Cuba as ~~St. John's~~ ^{St. John's} ~~Herrera~~ ^{Herrera} ~~NIS~~ ^{NIS} 16/3/69
- deserted ship - sought political asylum. 17/3/69.
- destined to U.S.
- wanted to remain in Canada until U.S. visas obtained
- attempted to enter U.S. illegally. Apr 69.
- Miss Bennett arrived 21/3/69. - for 3 weeks + 26/ended for a yr.
- now in Florida. Bennett cancelled Nov 69.

NOT HIJACKERS

CROSS REFERENCES RÉFÉRENCES CROISÉES
<p>AQ 3 - 3758 3759 3760 3569 3585 3586</p> <p><i>U.S. Hijackers from Cuba</i></p>

FILE SCHEDULE HISTOIRE DU DOSSIER	YEARS ANNEES
ACTIVE ACTIF	
STORAGE EN ENTREPOSAGE	
SCREENING AU TRI	
COMPLETE DESTRUCTION ENTIÈREMENT DÉTRUIT	
TO PUBLIC ARCHIVES REC- ORDS CENTRE - ENVOYÉ AU CENTRE DES ARCHIVES PUBLIQUES.	
AUTHORITY - T.B. - TRANSMIS AU CONSEIL DU TRÉSOR	

