



American Friends Service Committee

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August 22, 2017

Docket ID: DOS-2017-0033 | Federal Register Number: 2017-16286

- To:** Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB),
and
Bureau of Consular Affairs, Passport Services Directorate
- Re:** Emergency Submission Comment on “Request for Approval to Travel to a Restricted Country or Area”

Dear Sir or Madam,

The American Friends Service Committee (AFSC) International Programs Asia Region, appreciates the opportunity to comment on the notice of request for emergency OMB approval: ‘request for approval to travel to restricted country or area’ issued on August 2, 2017 (ID: DOS-2017-0033). The views expressed herein are presented on behalf of AFSC’s International Programs Asia Region (hereinafter “the Region”).

AFSC is a Quaker organization that promotes lasting peace with justice, as a practical expression of faith in action. AFSC has a century of experience building peace in communities worldwide. Founded in the crucible of World War I by Quakers who aimed to serve both humanity and country while being faithful to their commitment to nonviolence, AFSC has worked throughout the world in conflict zones, in areas affected by natural disasters, and in oppressed communities to address the root causes of war and violence.

In 1947, AFSC and the British Friends Service Council were co-recipients of the Nobel Peace Prize for their role in implementing key reconstruction efforts after World War II. AFSC has a long history of involvement in Korea as well, dating back to 1953. Following the signing of the armistice agreement ceasing hostilities but not officially ending the Korean War, AFSC responded to U.N. calls for refugee assistance and began working to improve conditions for refugees in Kunsan, Republic of Korea (ROK or South Korea), where over 33,000 displaced Koreans resided. AFSC provided food, medicine, and bedding in addition to reconstructing a hospital that had been destroyed during an aerial bombardment.

In 1980, AFSC returned to Korea when it became the first U.S. public affairs organization to enter the Democratic People’s Republic of Korea (DPRK or North Korea). After the initial delegation in 1980, AFSC continued exchanges both by sending peace delegations to the DPRK and by hosting North Koreans in the U.S. Then, in 1995, AFSC’s continued

engagement in Korea led it to be one of the first international organizations to call for humanitarian aid in response to famine conditions in the north.

Following the famine, AFSC continued its work in the DPRK to begin agricultural assistance projects which address food security at its core. AFSC's current program works with four cooperative farms, the Academy of Agricultural Sciences, and Kye Uungsang College of Agriculture of Kim Il Sung University to raise productivity and implement sustainable agricultural practices. AFSC also organizes additional education and training opportunities for North Korean individuals, institutions, and government agencies on issues of practical concern to Koreans, promoting exchange with other countries.

AFSC's work in the DPRK has been the most continuous example of a successful relationship between U.S and North Korean-based organizations. We've seen that engagement leads directly to opportunities to address a humanitarian crisis and save lives, and that today channels of communication between the U.S. and DPRK are needed now more than ever to avert crises and/or military action.

I. Overview

The Region expresses deep concern and regret over the travel restrictions issued by the DOS on August 2, 2017. As communication between the U.S. and DPRK continue to rely on few and, at times, singular official channels of communication, the Region calls upon the DOS to recognize the ever-growing need to establish more forms of communication and expand spaces for people-to-people connections between the U.S. and the DPRK.

The Region expresses concern over the fact that the U.S. continues to avoid direct dialogue with North Korea, instead favoring sanctions and a strong-arm approach to bring North Korea to the table. At the same time, North Korea continues to make progress in its nuclear and missile capabilities. One small misstep by either side could ignite, in the words of General Joseph Dunford, Chairman of the Joint Chiefs of Staff, "a loss of life unlike any we have experienced in our lifetimes."

Many observers have noted that whenever the U.S. has engaged North Korea in dialogue over the last several decades, North Korea has scaled back or refrained altogether from conducting missile tests. It follows that an effective strategy for de-escalating tensions would be to open dialogue on issues where progress is possible—and keep those communications channels open.

The Region would also like to take this moment to express its profound sadness over the death of Otto Warmbier. At the same time, we offer our gratitude to the State Department officials involved in his return, and we applaud the renewal of dialogue by Ambassador Joseph Yun and the DPRK desk. Mr. Warmbier's untimely death reminds us that more channels of communication are needed to avoid further loss of life.

In this regard, the Region would like to take this opportunity to express its respectful disagreement to the pretext of the travel restrictions issued by the DOS on August 2, 2017 and express its deep concern over their likely future impact on US-DPRK relations.

Recognizing, however, that the restrictions will take effect on September 1, 2017, the Region urges the DOS to carefully consider the following sections in regards to the abstract of proposed collection (ID: DOS-2017-0033) as well as to the special validation process and methodology included in the notice of travel restrictions to the DPRK issued by the DOS on August 2, 2017 (ID: DOS_FRDOC_0001-4180).

II. Abstract of Proposed Collection

In general, the Region finds the proposed information collection to be appropriate in both quantity and quality of information being requested. However, the Region is concerned that the proposed information collection includes “a statement explaining the reason that the applicant thinks his or her trip is in the national interest, supported by documentary evidence.” The Region urges the Office of Management and Budget (OMB) and DOS to ensure that the process is transparent and offers guidance on the submission of ‘documentary evidence.’ Guidance should include recommendations for content, page limitations for submissions (not to exceed 5 pages of ‘documentary evidence’), example submissions, and other relevant information that eases the burden for applicants.

III. Persons Eligible for Consideration for Passport Validation

The Region would like to express gratitude to the DOS for evoking 22 CFR 51.64(b) to allow for a special validation of passports process in this instance. However, given the urgency around official and citizen diplomacy efforts, we urge the DOS to include (but not limit the definition to) the following categories within the persons eligible for consideration for passport validation:

- Humanitarian activities, including but not limited to agriculture and food security, health and safety, education, relief of poverty, and care for the young, elderly, women and disabled;
- program activities of intergovernmental organizations, including Track II diplomacy efforts;
- family visits,
- recovery operations of Korean War-era American servicemen whose remains are still in North Korea;
- professional research and professional meetings;
- educational activities;
- religious activities;
- activities of private foundations or research or educational institutes;
- and/or the exportation, importation, or transmission of information or informational materials.

The Region would also like to urge the DOS to allow multiple-entry validations lasting for the life of the travel restrictions as well as permanent residency in the DPRK for U.S. passport holders eligible for special validation. Many organizations like AFSC depend on

multiple-entries to effectively carry out assistance projects. Further, other U.S. organizations rely on American residents in Pyongyang, DPRK to administer ongoing educational programs. Obstructing these citizen diplomacy efforts would not only be contrary to the mission of the DOS, it would further jeopardize lives by reducing channels of communication and increasing the risk of conflict.

IV. Methodology

Noting that the travel restrictions could impact essential humanitarian assistance to ordinary North Koreans, the Region calls upon the DOS to enact a transparent process to apply for special validation to use a U.S. passport to travel to, in, or through the DPRK. We welcome efforts by the DOS to include online and web-based options for applicants to submit to apply for special validation.

We ask that the DOS ensure that the application process for special validation does not directly or indirectly put financial burdens on humanitarian actors by requiring: travel for in-person application processes, excessive documentation, excessive time commitments on the part of applicants, or other overly-burdensome bureaucratic procedures that could create unnecessary hardships for humanitarian organizations with limited financial and human resources.

We also call upon the DOS to provide applicants to the special validation process a thorough explanation of the reasons for accepting or denying the application. Further, we call upon the DOS to establish a mechanism for applicants to appeal in the event the applicant is denied a special validation.

Lastly, the DOS should recognize that elderly and/or disabled applicants seeking to go the DPRK for family visits or other compelling humanitarian reasons may find it difficult to submit applications on their own behalf. We therefore urge the DOS to allow third-party organizations acting in good faith to submit applications for the special validation process on behalf of elderly and/or disabled persons.

Your consideration of our comments is sincerely appreciated. Please let us know if it would be beneficial for us to meet with you and other officials to elaborate on our recommendations - we would be pleased to do so.

Respectfully submitted,

Lucy Roberts,
AFSC, Asia Regional Director