

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 2:27 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** MCO LEADERSHIP  
**Subject:** RE: (b)(7)(E) Interview under Executive order

(b)(5), (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 2:24:41 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** MCO LEADERSHIP  
**Subject:** (b)(7)(E) Interview under Executive order

(b)(6), (b)(7)(C)

I am providing details related to an LPR female, Iranian citizen that arrived this morning on Emirates from Tehran via Dubai for exemption from the Executive Order.

Please advise.

(b)(6), (b)(7)(C)  
 Chief, Passenger Operations  
 U.S Customs and Border Protection  
 Orlando International Airport  
 Tel: (b)(6), (b)(7)(C)  
 Cel: (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 1:49 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** (b)(7)(E) Interview under Executive order

(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

VR,

(b)(6), (b)(7)(C)  
(b)(7)(E) / Firearms (Use of Force) Instructor  
U.S. Customs and Border Protection Officer  
Office Of Field Operations  
Orlando International Airport  
9043 Tradeport Dr. Orlando, FL 32827  
Tel: (b)(6), (b)(7)(C)  
Mobile: (b)(6), (b)(7)(C)  
Email: (b)(6), (b)(7)(C)





**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 2:54 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** MCO LEADERSHIP  
**Subject:** RE: (b)(7)(E) Interview under Executive order

Thank you. Stand by.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 2:53:26 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** MCO LEADERSHIP  
**Subject:** (b)(7)(E) Interview under Executive order

(b)(6), (b)(7)(C)

I am providing details related to an LPR female, Iranian citizen that arrived this morning on Emirates from Tehran via Dubai for exemption from the Executive Order.

Please advise.

(b)(6), (b)(7)(C)  
 Chief, Passenger Operations  
 U.S Customs and Border Protection  
 Orlando International Airport  
 Tel: (b)(6), (b)(7)(C)  
 Cel: (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 1:49 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** (b)(7)(E) Interview under Executive order

**(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)**

(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

VR,

(b)(6), (b)(7)(C)

(b)(7)(E)

/ Firearms (Use of Force) Instructor

*U.S. Customs and Border Protection Officer*

*Office Of Field Operations*

*Orlando International Airport*

*9043 Tradeport Dr. Orlando, FL 32827*

*Tel:* (b)(6), (b)(7)(C)

*Mobile:* (b)(6), (b)(7)(C)

*Email:* (b)(6), (b)(7)(C)



**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 7:40 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order  
**Attachments:** UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States; image003.jpg; image004.png; image005.png  
**Importance:** High

See below. Limited distro please.

---

**From:** SABATINO, DIANE J  
**Sent:** Sunday, January 29, 2017 7:35:31 AM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

Please note most recent guidance. Ports are to request consideration of a waiver for citizens of the previously identified countries (b)(7)(E) The format of the request is attached. No alien impacted by the Executive Order may be subject to Expedited Removal or any other immediate removal from the U.S., even if the alien seeks to voluntarily return.

---

**From:** HUTTON, JAMES R  
**Sent:** Sunday, January 29, 2017 2:00:24 AM  
**To:** MCALEENAN, KEVIN K; Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C); HOFFMAN, TODD A; DIRECTORS FIELD OPS  
**Cc:** (b)(6), (b)(7)(C); ALLES, RANDOLPH D; FLANAGAN, PATRICK S  
**Subject:** RE: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

DFO's  
Kindly request waivers pertaining to below follow per guidance in attached message. I will be reaching out to address any questions/concerns you may have.

Thank you,

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs  
(b)(6), (b)(7)(C)  
Washington, DC

(b)(6), (b)(7)(C)

7: (b)(6), (b)(7)(C)

(b)(7)(E)

Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.

From: MCALEENAN, KEVIN K

Sent: Sunday, January 29, 2017 1:39 AM

To: Owen, Todd C (AC OFO) (b)(6), (b)(7)(C) WAGNER, JOHN P (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) HOFFMAN, TODD A (b)(6), (b)(7)(C)

HUTTON, JAMES R (b)(6), (b)(7)(C) DIRECTORS FIELD OPS

(b)(7)(E)

Cc: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) ALLES, RANDOLPH D

(b)(6), (b)(7)(C) FLANAGAN, PATRICK S (b)(6), (b)(7)(C)

Subject: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

ALCON:

Please take immediate action on the instruction below with regard to travelers impacted by the order. APP will follow with further guidance:

To further the implementation of the Executive Order, consistent with the principle in Section 5(e) recognizing due consideration for travelers who were in transit and for whom denying admission would cause undue hardship, ports of entry shall take the following actions for those limited number of travelers subject to the Executive Order currently in CBP custody. Ports of entry should assess those individuals by referring them for a (b)(7)(E) consideration for a waiver pursuant to Section 3(g) or 5(e) as appropriate. (b)(7)(E) the case should be referred to up the chain to determine appropriate next steps. In any event, no alien subject to the Executive Order may be subject to Expedited Removal or another immediate form of removal. For any alien currently in CBP custody who had previously been processed for Expedited Removal and not yet removed, please re-process according to this guidance. For any questions regarding this guidance please contact Admissibility and Passenger Programs, duty officer.

[Department of Homeland Security Logo]<<http://www.cbp.gov/>>

Kevin K. McAleenan  
Acting Commissioner  
U.S. Customs and Border Protection

(b)(6), (b)(7)(C)

We are the guardians of our Nation's borders. We are America's frontline.

Vigilance • Service • Integrity

**From:** HUTTON, JAMES R  
**Sent:** Saturday, January 28, 2017 9:34 PM  
**To:** HOFFMAN, TODD A; DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS  
**Cc:** Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)  
**Subject:** UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States  
**Attachments:** RE: EO 212(f) Exemption Request for (b)(6), (b)(7)(C) RE: Waiver Request for 212(1) in re: (b)(6), (b)(7)(C); EO 212(f) Waiver for (b)(6), (b)(7)(C)  
**Importance:** High

DFO's

As a follow up from guidance sent last night. In addition to waivers for LPRs, the Secretary of Homeland Security has delegated waiver authority to the Commissioner of CBP for **only** the following categories of individuals subject to the EO:

- Returning Refugees (to include any 1<sup>st</sup> time refugees encountered);
- Returning Asylees;
- Individuals in possession of a valid I-512 issued by CIS;
- UAC

The request for said waiver will need to follow the below format sent initially to the below distro

- (b)(6), (b)(7)(C)
- EAC Owen
- DEAC Wagner
- XD Murdock
- XD Hoffman
- (a) DXD (b)(6), (b)(7)(C)
- DXD Hutton
- OFO Field Liaison

I have also attached some samples that were submitted for approval today.

Sample

(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

**(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)**



(b)(6), (b)(7)(C)

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

(b)(6), (b)(7)(C)  
Washington, DC

(b)(6), (b)(7)(C)



**Warning:** This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. *This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.*

**From:** HOFFMAN, TODD A  
**Sent:** Saturday, January 28, 2017 1:07 AM  
**To:** DIRECTORS FIELD OPS (b)(7)(E) EXECUTIVE DIRECTORS HQ  
(b)(7)(E) BORDER SECURITY ASST DIRECTORS  
(b)(7)(E)  
**Cc:** Owen, Todd C (AC OFO) (b)(6), (b)(7)(C); WAGNER, JOHN P (b)(6), (b)(7)(C)  
HUTTON, JAMES R (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

**Subject:** Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States  
**Importance:** High

Directors,

I apologize for the delay. Please be advised that you have unilateral authority to approve exemptions to the Executive Order for LPRs, no State Department approval required. The exemption process for other categories of aliens as outlined in the policy guidance currently requires the approval of the acting Commissioner. Further guidance for these exemptions is forthcoming.

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman  
Executive Director



Admissibility and Passenger Programs  
Office of Field Operations

Subject: Guidance on Executive Order “Protecting the Nation from Foreign Terrorist Entry into the United States”

Effective immediately, and pursuant to Executive Order entitled, “*Protecting the Nation from Foreign Terrorist Entry into the United States*” (January 27, 2017), all entry into the United States for aliens who are nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen is hereby suspended in accordance with Section 212(f) of the INA. This includes all non-immigrant classifications, with the exception of those foreign nationals traveling on diplomatic visas, NATO visas, C2 visas for travel to the United Nations, G1, G2, G-3, and G-4 visas. This also includes all immigrant classes of admission, returning resident aliens refugees and asylees.

The Department to State has provided CBP with a letter provisionally revoking all immigrant and non-immigrant visas for nationals of Iran, Iran, Libya, Somalia, Sudan, and Yemen. Revocations may not yet be annotated in the system.

Wherever possible, (b)(7)(E) will coordinate the denial of boarding; (b)(7)(E)  
(b)(7)(E)

Should aliens, subject to the Executive Order, arrive at the port of entry, CBP officers are instructed to take the following actions:

*Applicants bearing Non-Immigrant Visas and First Time Arriving Immigrants:*

- (1) All case processing will be recorded (b)(7)(E) system, according to current policy/procedure.
- (2) Subjects will be allowed to withdraw their application for admission on Form I-275, **without a sworn statement**. All other procedures pertaining to the processing of Form I-275 withdrawal cases apply.
- (3) Should the alien decline to withdraw their application for admission, the alien will be placed in Expedited Removal in accordance with standard operating procedures.
- (4) Aliens claiming fear of return will be referred to an asylum officer, and processed for Expedited Removal/Credible Fear (ERF). Aliens processed under ERF procedures will be referred to ERO for detention. Field Offices should clearly indicate to both CIS and ERO that aliens are subject to Executive Order during the referral process.

*Returning Residents,*

- (1) Lawful Permanent Residents should be referred for (b)(7)(E) and held at the port of entry until an exemption to the Executive Order is granted. The authority to grant an exemption has been delegated to the Commissioner of CBP, and further delegated to Directors of Field Operations and SES Port Directors. Once an exemption has been granted results of (b)(7)(E) should be notated in (b)(7)(E) with the following language: *Individual is subject to Presidential Executive Order and barred from entry pursuant to 212(f) of the INA but has been granted an exemption per (insert DFO/SES PD).*

*Refugees, Asylees, Unaccompanied Children, and subjects returning to the US with Advanced Parole:*

- (1) Aliens from the above group who are prevented from entry solely as a result of the Executive Order, should be referred for (b)(7)(E) and held at the port of entry until such time as an exemption to the Executive Order can be obtained. This exemption falls to the Secretary of State and Secretary of Homeland Security. Further guidance will be forthcoming on processing these exemptions.

Individuals who fall within any of the above may not be paroled, which includes port parole and deferred inspection. To the extent that there is an emergent medical issue related to an alien who falls within the Executive Order, CBP officers must accompany the alien for any medical care.

*Returning aliens ineligible who withdraw their application for admission:*

- (1) Aliens arriving via air or sea: Commercial carriers are required to remove foreign aliens found ineligible for entry under this order pursuant to 241(c)(1) of the INA.
- (2) Aliens arriving via land will be returned per current established procedures with the contiguous country.

Please ensure that this memorandum and attached muster are disseminated to all ports of entry within your jurisdiction. If you have any questions or require additional information, please contact (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (A) Director, Enforcement Programs Division, at (b)(6), (b)(7)(C)

Todd A. Hoffman  
Executive Director, Admissibility and Passenger Programs  
Office of Field Operations  
U.S. Customs and Border Protection

**From:** HUTTON, JAMES R  
**Sent:** Saturday, January 28, 2017 7:37 PM  
**To:** Owen, Todd C (AC OFO); (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** HOFFMAN, TODD A; MURDOCK, JUDSON W; (b)(6), (b)(7)(C) PEREZ, ROBERT E;  
 (b)(6), (b)(7)(C)  
**Subject:** EO 212(f) Waiver for (b)(6), (b)(7)(C)  
**Importance:** High

OCC

Please see below a waiver request involving a (b)(5), (b)(6), (b)(7)(C), (b)(7)(E) who is travelling with his LPR parents. **JFK PD has already approved a waiver for his LPR parents.**

OFO recommends that you (b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

**(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)**

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

(b)(6), (b)(7)(C)

Washington, DC



(b)(6), (b)(7)(C)



**Warning:** This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. *This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.*

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 8:40 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

Ok. Tks.

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 8:38:30 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

10-4.

(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

(b)(6), (b)(7)(C)  
Supervisory CBP Officer  
Customs and Border Protection  
Office of Field Operations  
Orlando International Airport  
Office: (b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 7:40 AM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

See below. Limited distro please.

---

**From:** SABATINO, DIANE J  
**Sent:** Sunday, January 29, 2017 7:35:31 AM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

Please note most recent guidance. Ports are to request consideration of a waiver for citizens of the previously identified countries (b)(7)(E) The format of the request is attached. No alien impacted by the Executive Order may be subject to Expedited Removal or any other immediate removal from the U.S., even if the alien seeks to voluntarily return.

From: HUTTON, JAMES R  
Sent: Sunday, January 29, 2017 2:00:24 AM  
To: MCALEENAN, KEVIN K; Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C) HOFFMAN, TODD A;  
DIRECTORS FIELD OPS  
Cc: (b)(6), (b)(7)(C) ALLES, RANDOLPH D;  
FLANAGAN, PATRICK S  
Subject: RE: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

DFO's  
Kindly request waivers pertaining to below follow per guidance in attached message. I will be reaching out to address any questions/concerns you may have.

Thank you,

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs  
(b)(6), (b)(7)(C)  
Washington, DC

• (b)(6), (b)(7)(C)  
7  
•

(b)(7)(E)

Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.

From: MCALEENAN, KEVIN K  
Sent: Sunday, January 29, 2017 1:39 AM  
To: Owen, Todd C (AC OFO) (b)(6), (b)(7)(C); WAGNER, JOHN P (b)(6), (b)(7)(C);  
(b)(6), (b)(7)(C) HOFFMAN, TODD A (b)(6), (b)(7)(C);  
HUTTON, JAMES R (b)(6), (b)(7)(C); DIRECTORS FIELD OPS  
(b)(7)(E)  
Cc: (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) ALLES, RANDOLPH D  
(b)(6), (b)(7)(C); FLANAGAN, PATRICK S (b)(6), (b)(7)(C)  
Subject: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

ALCON:

Please take immediate action on the instruction below with regard to travelers impacted by the order. APP will follow with further guidance:

To further the implementation of the Executive Order, consistent with the principle in Section 5(e) recognizing due consideration for travelers who were in transit and for whom denying admission would cause undue hardship, ports of entry shall take the following actions for those limited number of travelers subject to the Executive Order currently in CBP custody. Ports of entry should assess those individuals by referring them for a (b)(7)(E) consideration for a waiver pursuant to Section 3(g) or 5(e) as appropriate. (b)(7)(E) the case should be referred to up the chain to determine appropriate next steps. In any event, no alien subject to the Executive Order may be subject to Expedited Removal or another immediate form of removal. For any alien currently in CBP custody who had previously been processed for Expedited Removal and not yet removed, please re-process according to this guidance. For any questions

regarding this guidance please contact Admissibility and Passenger Programs, duty officer.

[Department of Homeland Security Logo] <<http://www.cbp.gov/>>

Kevin K. McAleenan  
Acting Commissioner  
U.S. Customs and Border Protection

**(b)(6), (b)(7)(C)**

We are the guardians of our Nation's borders. We are America's frontline.

Vigilance • Service • Integrity



**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 12:32 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry  
**Attachments:** Guidance Memo (2.1.2017) (003).docx  
**Importance:** High

I will forward

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 12:27:08 PM  
**To:** (b)(6), (b)(7)(C)  
**(b)(6), (b)(7)(C)**  
**Cc:** SABATINO, DIANE J; (b)(6), (b)(7)(C)  
**Subject:** FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

Port Directors/Area Port Directors: Please see updated guidance that LPRs should not be considered as falling under the Executive Order. This is effective immediately.

**(b)(5)**

Please let me know if there are questions.

-----Original Message-----

**From:** HOFFMAN, TODD A  
**Sent:** Wednesday, February 01, 2017 11:58:03 AM  
**To:** DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ  
**Cc:** Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)  
**Subject:** FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

Directors,

Per the below, LPRs are no longer subject to the Executive Order. To ensure compliance, please IMMEDIATELY distribute throughout your area of responsibility.

Todd A. Hoffman  
Executive Director, Admissibility and Passenger Programs Office of Field Operations U.S. Customs and Border Protection

**From:** (b)(6)  
**Sent:** Wednesday, February 01, 2017 11:53 AM  
**To:** MCALEENAN, KEVIN K; (b)(6) Owen, Todd C (AC OFO)  
 (b)(6) WAGNER, JOHN P; (b)(6) HOFFMAN, TODD A  
 (b)(6) HUTTON, JAMES R; (b)(6)

Cc: (b)(6)

(b)(6)

(b)(6), (b)(7)(C) FLANAGAN, PATRICK S (b)(6), (b)(7)(C)

ALLES, RANDOLPH D

(b)(6)

Subject: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

ATTORNEY CLIENT PRIVILEGED  
ATTORNEY WORK PRODUCT

**(b)(5)**

(b)(6), (b)(7)(C)

Deputy Associate Chief Counsel  
Enforcement and Operations  
Office of the Chief Counsel  
U.S. Customs and Border Protection

(b)(6), (b)(7)(C) (desk)  
(cell)

This document, and any attachment(s), may contain information which is law enforcement sensitive, attorney-client privileged, attorney work product, or U.S. Government information. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient. Please consult with the CBP Office of Chief Counsel before disclosing any information contained in this message or any attachment(s).

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 9:43 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

That's it! I knew I sent something out!! These people make me second guess myself.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 9:36 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order  
**Importance:** High

Is this what you are talking about?

(b)(6), (b)(7)(C)  
Chief of Staff  
U.S. Customs and Border Protection  
Area Port of Orlando

(b)(6), (b)(7)(C)



**WARNING:** This document is LAW ENFORCEMENT SENSITIVE and is designated for OFFICIAL USE ONLY. It contains information that may be exempt from public release under the Freedom of Information Act (5USC552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information, and is not to be released to the public or personnel who do not have a valid "need-to-know" without prior approval from U.S. CBP - Office of Field Operations.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 7:40 AM  
**To:** (b)(6), (b)(7)(C)  
**(b)(6), (b)(7)(C)**

**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order  
**Importance:** High

See below. Limited distro please.

**From:** SABATINO, DIANE J

**Sent:** Sunday, January 29, 2017 7:35:31 AM

**To:** (b)(6), (b)(7)(C)

**Cc:** (b)(6), (b)(7)(C)

**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

Please note most recent guidance. Ports are to request consideration of a waiver for citizens of the previously identified countries (b)(7)(E). The format of the request is attached. No alien impacted by the Executive Order may be subject to Expedited Removal or any other immediate removal from the U.S., even if the alien seeks to voluntarily return.

**From:** HUTTON, JAMES R

**Sent:** Sunday, January 29, 2017 2:00:24 AM

**To:** MCALEENAN, KEVIN K; Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C); HOFFMAN, TODD A; DIRECTORS FIELD OPS

**Cc:** (b)(6), (b)(7)(C); ALLES, RANDOLPH D; FLANAGAN, PATRICK S

**Subject:** RE: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

DFO's

Kindly request waivers pertaining to below follow per guidance in attached message. I will be reaching out to address any questions/concerns you may have.

Thank you,

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs  
(b)(6), (b)(7)(C)  
Washington, DC

(b)(6), (b)(7)(C)

(b)(7)(E)

Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.

**From:** MCALEENAN, KEVIN K

**Sent:** Sunday, January 29, 2017 1:39 AM

**To:** Owen, Todd C (AC OFO); (b)(6), (b)(7)(C); WAGNER, JOHN P; (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); HOFFMAN, TODD A; (b)(6), (b)(7)(C)

HUTTON, JAMES R; (b)(6), (b)(7)(C); DIRECTORS FIELD OPS  
(b)(7)(E)

**Cc:** (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); ALLES, RANDOLPH D; (b)(6), (b)(7)(C); FLANAGAN, PATRICK S; (b)(6), (b)(7)(C)

Subject: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

ALCON:

Please take immediate action on the instruction below with regard to travelers impacted by the order. APP will follow with further guidance:

To further the implementation of the Executive Order, consistent with the principle in Section 5(e) recognizing due consideration for travelers who were in transit and for whom denying admission would cause undue hardship, ports of entry shall take the following actions for those limited number of travelers subject to the Executive Order currently in CBP custody. Ports of entry should assess those individuals by referring them for a (b)(7)(E) consideration for a waiver pursuant to Section 3(g) or 5(e) as appropriate. (b)(7)(E) the case should be referred to up the chain to determine appropriate next steps. In any event, no alien subject to the Executive Order may be subject to Expedited Removal or another immediate form of removal. For any alien currently in CBP custody who had previously been processed for Expedited Removal and not yet removed, please re-process according to this guidance. For any questions regarding this guidance please contact Admissibility and Passenger Programs, duty officer.

[Department of Homeland Security Logo]<<http://www.cbp.gov/>>

Kevin K. McAleenan  
Acting Commissioner  
U.S. Customs and Border Protection

(b)(6), (b)(7)(C)

We are the guardians of our Nation’s borders. We are America’s frontline.

Vigilance • Service • Integrity



**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 9:51 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order  
**Attachments:** UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States; image003.jpg; image004.png; image005.png  
**Importance:** High

Ensure that the (b)(7)(E) folks are aware of guidance that was sent out on Sunday. Apparently today there was some back and forth between them and the Sup at Canaveral as to whether or not 1) bullets had to be drafted, and 2) an exemption/waiver is permitted for non-LPR's.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 9:48 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order  
**Importance:** High

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 7:40 AM  
**To:** (b)(6), (b)(7)(C)  

(b)(6), (b)(7)(C)

**Cc:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order  
**Importance:** High

See below. Limited distro please.

**From:** SABATINO, DIANE J  
**Sent:** Sunday, January 29, 2017 7:35:31 AM  
**To:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

Please note most recent guidance. Ports are to request consideration of a waiver for citizens of the previously identified countries (b)(7)(E) The format of the request is attached. No alien impacted by the Executive Order may be subject to Expedited Removal or any other immediate removal from the U.S., even if the alien seeks to voluntarily return.

From: HUTTON, JAMES R  
Sent: Sunday, January 29, 2017 2:00:24 AM  
To: MCALEENAN, KEVIN K; Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C) HOFFMAN, TODD A; DIRECTORS FIELD OPS  
Cc: (b)(6), (b)(7)(C) ALLES, RANDOLPH D; FLANAGAN, PATRICK S  
Subject: RE: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

DFO's  
Kindly request waivers pertaining to below follow per guidance in attached message. I will be reaching out to address any questions/concerns you may have.

Thank you,

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs  
(b)(6), (b)(7)(C)  
Washington, DC

(b)(6), (b)(7)(C)

(b)(7)(E)

Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.

From: MCALEENAN, KEVIN K  
Sent: Sunday, January 29, 2017 1:39 AM  
To: Owen, Todd C (AC OFO) (b)(6), (b)(7)(C) WAGNER, JOHN P (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) HOFFMAN, TODD A (b)(6), (b)(7)(C)  
HUTTON, JAMES R (b)(6), (b)(7)(C) DIRECTORS FIELD OPS  
(b)(7)(E)  
Cc: (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) ALLES, RANDOLPH D  
(b)(6), (b)(7)(C) >; FLANAGAN, PATRICK S < (b)(6), (b)(7)(C) >  
Subject: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

ALCON:

Please take immediate action on the instruction below with regard to travelers impacted by the order. APP will follow with further guidance:

To further the implementation of the Executive Order, consistent with the principle in Section 5(e) recognizing due consideration for travelers who were in transit and for whom denying admission would cause undue hardship, ports of entry shall take the following actions for those limited number of travelers subject to the Executive Order currently in CBP custody. Ports of entry should assess those individuals by referring them for a (b)(7)(E) consideration for a



waiver pursuant to Section 3(g) or 5(e) as appropriate. (b)(7)(E) the case should be referred to up the chain to determine appropriate next steps. In any event, no alien subject to the Executive Order may be subject to Expedited Removal or another immediate form of removal. For any alien currently in CBP custody who had previously been processed for Expedited Removal and not yet removed, please re-process according to this guidance. For any questions regarding this guidance please contact Admissibility and Passenger Programs, duty officer.

[Department of Homeland Security Logo]<<http://www.cbp.gov/>>

Kevin K. McAleenan  
Acting Commissioner  
U.S. Customs and Border Protection

**(b)(6), (b)(7)(C)**

We are the guardians of our Nation's borders. We are America's frontline.

Vigilance • Service • Integrity

**From:** HUTTON, JAMES R  
**Sent:** Saturday, January 28, 2017 9:34 PM  
**To:** HOFFMAN, TODD A; DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS  
**Cc:** Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)  
**Subject:** UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States  
**Attachments:** RE: EO 212(f) Exemption Request for (b)(6), (b)(7)(C) RE: Waiver Request for 212(1) in re: (b)(6), (b)(7)(C) EO 212(f) Waiver for (b)(6), (b)(7)(C)  
**Importance:** High

DFO's

As a follow up from guidance sent last night. In addition to waivers for LPRs, the Secretary of Homeland Security has delegated waiver authority to the Commissioner of CBP for **only** the following categories of individuals subject to the EO:

- Returning Refugees (to include any 1<sup>st</sup> time refugees encountered);
- Returning Asylees;
- Individuals in possession of a valid I-512 issued by CIS;
- UAC

The request for said waiver will need to follow the below format sent initially to the below distro

- (b)(6), (b)(7)(C)
- EAC Owen
- DEAC Wagner
- XD Murdock
- XD Hoffman
- (a) DXD (b)(6), (b)(7)(C)
- DXD Hutton
- OFO Field Liaison

I have also attached some samples that were submitted for approval today.

Sample

(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

**(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)**

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

(b)(6), (b)(7)(C)  
Washington, DC

(b)(6), (b)(7)(C)



**Warning:** This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. *This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.*

**From:** HOFFMAN, TODD A  
**Sent:** Saturday, January 28, 2017 1:07 AM  
**To:** DIRECTORS FIELD OPS (b)(7)(E); EXECUTIVE DIRECTORS HQ (b)(7)(E); BORDER SECURITY ASST DIRECTORS (b)(7)(E)  
**Cc:** Owen, Todd C (AC OFO) (b)(6), (b)(7)(C); WAGNER, JOHN P (b)(6), (b)(7)(C); HUTTON, JAMES R (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

**Subject:** Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States  
**Importance:** High

Directors,

I apologize for the delay. Please be advised that you have unilateral authority to approve exemptions to the Executive Order for LPRs, no State Department approval required. The exemption process for other categories of aliens as outlined in the policy guidance currently requires the approval of the acting Commissioner. Further guidance for these exemptions is forthcoming.

Memorandum For: Directors, Field Operations  
From: Todd A. Hoffman  
Executive Director

Admissibility and Passenger Programs  
Office of Field Operations

Subject: Guidance on Executive Order “Protecting the Nation from Foreign Terrorist Entry into the United States”

Effective immediately, and pursuant to Executive Order entitled, “*Protecting the Nation from Foreign Terrorist Entry into the United States*” (January 27, 2017), all entry into the United States for aliens who are nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen is hereby suspended in accordance with Section 212(f) of the INA. This includes all non-immigrant classifications, with the exception of those foreign nationals traveling on diplomatic visas, NATO visas, C2 visas for travel to the United Nations, G1, G2, G-3, and G-4 visas. This also includes all immigrant classes of admission, returning resident aliens refugees and asylees.

The Department to State has provided CBP with a letter provisionally revoking all immigrant and non-immigrant visas for nationals of Iran, Iran, Libya, Somalia, Sudan, and Yemen. Revocations may not yet be annotated in the system.

Wherever possible, (b)(7)(E) will coordinate the denial of boarding (b)(7)(E)  
(b)(7)(E)

Should aliens, subject to the Executive Order, arrive at the port of entry, CBP officers are instructed to take the following actions:

*Applicants bearing Non-Immigrant Visas and First Time Arriving Immigrants:*

- (1) All case processing will be recorded in (b)(7)(E) system, according to current policy/procedure.
- (2) Subjects will be allowed to withdraw their application for admission on Form I-275, **without a sworn statement**. All other procedures pertaining to the processing of Form I-275 withdrawal cases apply.
- (3) Should the alien decline to withdraw their application for admission, the alien will be placed in Expedited Removal in accordance with standard operating procedures.
- (4) Aliens claiming fear of return will be referred to an asylum officer, and processed for Expedited Removal/Credible Fear (ERF). Aliens processed under ERF procedures will be referred to ERO for detention. Field Offices should clearly indicate to both CIS and ERO that aliens are subject to Executive Order during the referral process.

*Returning Residents,*

- (1) Lawful Permanent Residents should be referred for (b)(7)(E) and held at the port of entry until an exemption to the Executive Order is granted. The authority to grant an exemption has been delegated to the Commissioner of CBP, and further delegated to Directors of Field Operations and SES Port Directors. Once an exemption has been granted results of (b)(7)(E) should be notated in (b)(7)(E) with the following language: *Individual is subject to Presidential Executive Order and barred from entry pursuant to 212(f) of the INA but has been granted an exemption per (insert DFO/SES PD).*

*Refugees, Asylees, Unaccompanied Children, and subjects returning to the US with Advanced Parole:*

- (1) Aliens from the above group who are prevented from entry solely as a result of the Executive Order, should be referred for (b)(7)(E) and held at the port of entry until such time as an exemption to the Executive Order can be obtained. This exemption falls to the Secretary of State and Secretary of Homeland Security. Further guidance will be forthcoming on processing these exemptions.

Individuals who fall within any of the above may not be paroled, which includes port parole and deferred inspection. To the extent that there is an emergent medical issue related to an alien who falls within the Executive Order, CBP officers must accompany the alien for any medical care.

*Returning aliens ineligible who withdraw their application for admission:*

- (1) Aliens arriving via air or sea: Commercial carriers are required to remove foreign aliens found ineligible for entry under this order pursuant to 241(c)(1) of the INA.
- (2) Aliens arriving via land will be returned per current established procedures with the contiguous country.

Please ensure that this memorandum and attached muster are disseminated to all ports of entry within your jurisdiction. If you have any questions or require additional information, please contact (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) (A) Director, Enforcement Programs Division, at (b)(6), (b)(7)(C)

Todd A. Hoffman  
Executive Director, Admissibility and Passenger Programs  
Office of Field Operations  
U.S. Customs and Border Protection

**From:** HUTTON, JAMES R  
**Sent:** Saturday, January 28, 2017 7:37 PM  
**To:** Owen, Todd C (AC OFO); (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** HOFFMAN, TODD A; MURDOCK, JUDSON W; (b)(6), (b)(7)(C) PEREZ, ROBERT E;  
 (b)(6), (b)(7)(C)  
**Subject:** EO 212(f) Waiver for (b)(6), (b)(7)(C)  
**Importance:** High

OCC

Please see below a waiver request involving a (b)(6), (b)(7)(C) who is travelling with his LPR parents. **JFK PD has already approved a waiver for his LPR parents.**




OFO recommends that you (b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

**(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)**

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs



(b)(6), (b)(7)(C)  
Washington, DC

   (b)(6), (b)(7)(C)



**Warning:** This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. *This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.*

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 9:48 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order  
**Attachments:** UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States; image003.jpg; image004.png; image005.png  
**Importance:** High

(b)(6), (b)(7)(C)

This is what I sent out on Sunday. It clearly states that we are to request consideration of a waiver for citizens of the previously identified countries; (b)(7)(E) I need you to go through these emails and be sure you are aware of the current policies before going back and forth about whether or not we need to do bullets or can ask for a waiver/exemption.

Tks.

(b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 7:40 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order  
**Importance:** High

(b)(6), (b)(7)(C)

See below. Limited distro please.

**From:** SABATINO, DIANE J  
**Sent:** Sunday, January 29, 2017 7:35:31 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

Please note most recent guidance. Ports are to request consideration of a waiver for citizens of the previously identified countries (b)(7)(E) The format of the request is attached. No alien impacted by the Executive Order may be subject to Expedited Removal or any other immediate removal from the U.S., even if the alien seeks to voluntarily return.

From: HUTTON, JAMES R  
Sent: Sunday, January 29, 2017 2:00:24 AM  
To: MCALEENAN, KEVIN K; Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C) HOFFMAN, TODD A; DIRECTORS FIELD OPS  
Cc: (b)(6), (b)(7)(C) ALLES, RANDOLPH D; FLANAGAN, PATRICK S  
Subject: RE: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

DFO's  
Kindly request waivers pertaining to below follow per guidance in attached message. I will be reaching out to address any questions/concerns you may have.

Thank you,

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs  
(b)(6), (b)(7)(C)  
Washington, DC

7: (b)(6), (b)(7)(C)

(b)(7)(E)

Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.

From: MCALEENAN, KEVIN K  
Sent: Sunday, January 29, 2017 1:39 AM  
To: Owen, Todd C (AC OFO); (b)(6), (b)(7)(C) WAGNER, JOHN P; (b)(6), (b)(7)(C) HOFFMAN, TODD A; HUTTON, JAMES R; (b)(6), (b)(7)(C) DIRECTORS FIELD OPS  
Cc: (b)(7)(E); (b)(6), (b)(7)(C) ALLES, RANDOLPH D; (b)(6), (b)(7)(C) FLANAGAN, PATRICK S <(b)(6), (b)(7)(C)>  
Subject: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

ALCON:

Please take immediate action on the instruction below with regard to travelers impacted by the order. APP will follow with further guidance:

To further the implementation of the Executive Order, consistent with the principle in Section 5(e) recognizing due consideration for travelers who were in transit and for whom denying admission would cause undue hardship, ports of entry shall take the following actions for those limited number of travelers subject to the Executive Order currently in CBP custody. Ports of entry should assess those individuals by referring them for a (b)(7)(E) consideration for a waiver pursuant to Section 3(g) or 5(e) as appropriate. (b)(7)(E) the case should be referred to up the chain to determine appropriate next steps. In any event, no alien subject to the Executive Order may be subject to Expedited Removal or another immediate form of removal. For any alien currently in CBP custody who had previously

been processed for Expedited Removal and not yet removed, please re-process according to this guidance. For any questions regarding this guidance please contact Admissibility and Passenger Programs, duty officer.

[Department of Homeland Security Logo] <<http://www.cbp.gov/>>

Kevin K. McAleenan  
Acting Commissioner  
U.S. Customs and Border Protection

**(b)(6), (b)(7)(C)**

We are the guardians of our Nation's borders. We are America's frontline.

Vigilance • Service • Integrity



**From:** HUTTON, JAMES R  
**Sent:** Saturday, January 28, 2017 9:34 PM  
**To:** HOFFMAN, TODD A; DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS  
**Cc:** Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)  
**Subject:** UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States  
**Attachments:** RE: EO 212(f) Exemption Request for (b)(6), (b)(7)(C) RE: Waiver Request for 212(1) in re: (b)(6), (b)(7)(C); EO 212(f) Waiver for (b)(6), (b)(7)(C)  
**Importance:** High

DFO's

As a follow up from guidance sent last night. In addition to waivers for LPRs, the Secretary of Homeland Security has delegated waiver authority to the Commissioner of CBP for **only** the following categories of individuals subject to the EO:

- Returning Refugees (to include any 1<sup>st</sup> time refugees encountered);
- Returning Asylees;
- Individuals in possession of a valid I-512 issued by CIS;
- UAC

The request for said waiver will need to follow the below format sent initially to the below distro

• (b)(6), (b)(7)(C)

- EAC Owen
- DEAC Wagner
- XD Murdock
- XD Hoffman
- (a) DXD (b)(6), (b)(7)(C)
- DXD Hutton
- OFO Field Liaison

I have also attached some samples that were submitted for approval today.

Sample

(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

**(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)**

(b)(6), (b)(7)(C)





J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

(b)(6), (b)(7)(C)

Washington, DC



(b)(6), (b)(7)(C)



**Warning:** This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. *This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.*

**From:** HOFFMAN, TODD A

**Sent:** Saturday, January 28, 2017 1:07 AM

**To:** DIRECTORS FIELD OPS (b)(7)(E) EXECUTIVE DIRECTORS HQ  
(b)(7)(E) BORDER SECURITY ASST DIRECTORS

(b)(7)(E)  
**Cc:** Owen, Todd C (AC OFO) (b)(6), (b)(7)(C) WAGNER, JOHN P (b)(6), (b)(7)(C)  
HUTTON, JAMES R (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**Subject:** Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States

**Importance:** High

Directors,

I apologize for the delay. Please be advised that you have unilateral authority to approve exemptions to the Executive Order for LPRs, no State Department approval required. The exemption process for other categories of aliens as outlined in the policy guidance currently requires the approval of the acting Commissioner. Further guidance for these exemptions is forthcoming.

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman  
Executive Director

Admissibility and Passenger Programs  
Office of Field Operations

Subject: Guidance on Executive Order “Protecting the Nation from Foreign Terrorist Entry into the United States”

Effective immediately, and pursuant to Executive Order entitled, “*Protecting the Nation from Foreign Terrorist Entry into the United States*” (January 27, 2017), all entry into the United States for aliens who are nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen is hereby suspended in accordance with Section 212(f) of the INA. This includes all non-immigrant classifications, with the exception of those foreign nationals traveling on diplomatic visas, NATO visas, C2 visas for travel to the United Nations, G1, G2, G-3, and G-4 visas. This also includes all immigrant classes of admission, returning resident aliens refugees and asylees.

The Department to State has provided CBP with a letter provisionally revoking all immigrant and non-immigrant visas for nationals of Iran, Iran, Libya, Somalia, Sudan, and Yemen. Revocations may not yet be annotated in the system.

Wherever possible, (b)(7)(E) will coordinate the denial of boarding (b)(7)(E)  
(b)(7)(E)

Should aliens, subject to the Executive Order, arrive at the port of entry, CBP officers are instructed to take the following actions:

*Applicants bearing Non-Immigrant Visas and First Time Arriving Immigrants:*

- (1) All case processing will be recorded in (b)(7)(E) system, according to current policy/procedure.
- (2) Subjects will be allowed to withdraw their application for admission on Form I-275, **without a sworn statement**. All other procedures pertaining to the processing of Form I-275 withdrawal cases apply.
- (3) Should the alien decline to withdraw their application for admission, the alien will be placed in Expedited Removal in accordance with standard operating procedures.
- (4) Aliens claiming fear of return will be referred to an asylum officer, and processed for Expedited Removal/Credible Fear (ERF). Aliens processed under ERF procedures will be referred to ERO for detention. Field Offices should clearly indicate to both CIS and ERO that aliens are subject to Executive Order during the referral process.

*Returning Residents,*

- (1) Lawful Permanent Residents should be referred for (b)(7)(E) and held at the port of entry until an exemption to the Executive Order is granted. The authority to grant an exemption has been delegated to the Commissioner of CBP, and further delegated to Directors of Field Operations and SES Port Directors. Once an exemption has been granted results of (b)(7)(E) should be notated in (b)(7)(E) with the following language: *Individual is subject to Presidential Executive Order and barred from entry pursuant to 212(f) of the INA but has been granted an exemption per (insert DFO/SES PD).*

*Refugees, Asylees, Unaccompanied Children, and subjects returning to the US with Advanced Parole:*

- (1) Aliens from the above group who are prevented from entry solely as a result of the Executive Order, should be referred for (b)(7)(E) and held at the port of entry until such time as an exemption to the Executive Order can be obtained. This exemption falls to the Secretary of State and Secretary of Homeland Security. Further guidance will be forthcoming on processing these exemptions.

Individuals who fall within any of the above may not be paroled, which includes port parole and deferred inspection. To the extent that there is an emergent medical issue related to an alien who falls within the Executive Order, CBP officers must accompany the alien for any medical care.

*Returning aliens ineligible who withdraw their application for admission:*

- (1) Aliens arriving via air or sea: Commercial carriers are required to remove foreign aliens found ineligible for entry under this order pursuant to 241(c)(1) of the INA.
- (2) Aliens arriving via land will be returned per current established procedures with the contiguous country.

Please ensure that this memorandum and attached muster are disseminated to all ports of entry within your jurisdiction. If you have any questions or require additional information, please contact (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)(A) Director, Enforcement Programs Division, at (b)(6), (b)(7)(C)

Todd A. Hoffman  
Executive Director, Admissibility and Passenger Programs  
Office of Field Operations  
U.S. Customs and Border Protection

**From:** HUTTON, JAMES R  
**Sent:** Saturday, January 28, 2017 7:37 PM  
**To:** Owen, Todd C (AC OFO); (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** HOFFMAN, TODD A; MURDOCK, JUDSON W; (b)(6), (b)(7)(C) PEREZ, ROBERT E;  
 (b)(6), (b)(7)(C)  
**Subject:** EO 212(f) Waiver for (b)(6), (b)(7)(C)  
**Importance:** High

OCC

Please see below a waiver request involving a (b)(6), (b)(7)(C) who is travelling with his LPR parents. **JFK PD has already approved a waiver for his LPR parents.**


OFO recommends that you (b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

**(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)**

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

(b)(6), (b)(7)(C)

Washington, DC

 (b)(6), (b)(7)(C)



**Warning:** This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. *This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.*

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 5:15 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** FW: Litigation Hold Re Executive Order "Protecting the Nation from Foreign Terrorist Entry Into the United States" (Jan. 27, 2017)  
**Attachments:** EO Lit Hold Letter (DHS) (02-01-2017 FINAL).pdf  
**Importance:** High

(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

Tks.  
(b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 5:14 PM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MCO LEADERSHIP (b)(7)(E)  
**Subject:** FW: Litigation Hold Re Executive Order "Protecting the Nation from Foreign Terrorist Entry Into the United States" (Jan. 27, 2017)  
**Importance:** High

Please be advised of the attached.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 4:46 PM  
**To:** (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**Cc:** SABATINO, DIANE J (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

**Subject:** FW: Litigation Hold Re Executive Order "Protecting the Nation from Foreign Terrorist Entry Into the United States" (Jan. 27, 2017)  
**Importance:** High



**(b)(5), (b)(7)(E)**

**From:** (b)(6), (b)(7)(C)

**Sent:** Thursday, February 02, 2017 3:12 PM

**To:** SABATINO, DIANE J (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**Cc:** (b)(6), (b)(7)(C)

**Subject:** Litigation Hold Re Executive Order "Protecting the Nation from Foreign Terrorist Entry Into the United States" (Jan. 27, 2017)

**Importance:** High

**(b)(5), (b)(7)(E)**

(b)(5), (b)(7)(E)

Please feel free to contact us for any

questions. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Associate Chief Counsel  
U.S. Customs and Border Protection

**(b)(6), (b)(7)(C)**

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) (fax)

This document and any attachment(s) hereto, may contain confidential and/or sensitive attorney-client privileged information, attorney work product and/or U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient. Please consult with U.S. Customs and Border Protection, Office of Chief Counsel, before disclosing any information contained in this document.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 5:14 PM  
**To:** (b)(6), (b)(7)(C) MCO LEADERSHIP  
**Subject:** FW: Litigation Hold Re Executive Order "Protecting the Nation from Foreign Terrorist Entry Into the United States" (Jan. 27, 2017)  
**Attachments:** EO Lit Hold Letter (DHS) (02-01-2017 FINAL).pdf  
**Importance:** High

Please be advised of the attached.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 4:46 PM  
**To:** (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**Cc:** SABATINO, DIANE J (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**Subject:** FW: Litigation Hold Re Executive Order "Protecting the Nation from Foreign Terrorist Entry Into the United States" (Jan. 27, 2017)  
**Importance:** High

(b)(5), (b)(7)(E)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 3:12 PM  
**To:** SABATINO, DIANE J (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** Litigation Hold Re Executive Order "Protecting the Nation from Foreign Terrorist Entry Into the United States" (Jan. 27, 2017)  
**Importance:** High

(b)(5), (b)(7)(E)

(b)(5), (b)(7)(E)

Please feel free to contact us for any

questions. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Associate Chief Counsel  
U.S. Customs and Border Protection

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) (fax)

This document and any attachment(s) hereto, may contain confidential and/or sensitive attorney-client privileged information, attorney work product and/or U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient. Please consult with U.S. Customs and Border Protection, Office of Chief Counsel, before disclosing any information contained in this document.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 7:46 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Litigation Hold Re Executive Order "Protecting the Nation from Foreign Terrorist Entry Into the United States" (Jan. 27, 2017)

Yes

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 7:11:44 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** RE: Litigation Hold Re Executive Order "Protecting the Nation from Foreign Terrorist Entry Into the United States" (Jan. 27, 2017)

Sir,

Are you available for a call?

(b)(6), (b)(7)(C)  
Chief, Passenger Operations  
U.S Customs and Border Protection  
Orlando International Airport  
Tel: (b)(6), (b)(7)(C)  
Cel: (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 5:15 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** FW: Litigation Hold Re Executive Order "Protecting the Nation from Foreign Terrorist Entry Into the United States" (Jan. 27, 2017)  
**Importance:** High

(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

Tks.

(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 5:14 PM  
**To:** (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MCO LEADERSHIP (b)(7)(E)

**Subject:** FW: Litigation Hold Re Executive Order "Protecting the Nation from Foreign Terrorist Entry Into the United States" (Jan. 27, 2017)  
**Importance:** High

Please be advised of the attached.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 4:46 PM  
**To:** (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**Cc:** SABATINO, DIANE J (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

**Subject:** FW: Litigation Hold Re Executive Order "Protecting the Nation from Foreign Terrorist Entry Into the United States" (Jan. 27, 2017)  
**Importance:** High

(b)(5), (b)(7)(E)

**From:** (b)(6)  
**Sent:** Thursday, February 02, 2017 3:12 PM  
**To:** SABATINO, DIANE J (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)

**Subject:** Litigation Hold Re Executive Order "Protecting the Nation from Foreign Terrorist Entry Into the United States" (Jan. 27, 2017)  
**Importance:** High

(b)(5), (b)(7)(E)  
(b)(5), (b)(7)(E) Please feel free to contact us for any questions. (b)(6), (b)(7)(C)

(b)(6)  
Associate Chief Counsel  
U.S. Customs and Border Protection  
(b)(6)

(b)(6)  
(b)(6) (fax)

This document and any attachment(s) hereto, may contain confidential and/or sensitive attorney-client privileged information, attorney work product and/or U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient. Please consult with U.S. Customs and Border Protection, Office of Chief Counsel, before disclosing any information contained in this document.



---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 5:14 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** Automatic reply: Litigation Hold Re Executive Order "Protecting the Nation from Foreign Terrorist Entry Into the United States" (Jan. 27, 2017)

I am currently out of the office.

For immediate assistance contact the Port office at (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 12:27 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: (b)(6), (b)(7)(C), (b)(7)(E)

10-4

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 12:08:19 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: (b)(6), (b)(7)(C), (b)(7)(E)

Exemption has been granted by the DFO. Good to go.

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 11:44 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: (b)(6), (b)(7)(C), (b)(7)(E)

Please see finding below, requesting a waiver

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 11:40:27 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: (b)(6), (b)(7)(C), (b)(7)(E)

Port Director (b)(6), (b)(7)(C)

(b)(7)(E) completed on LPR born in Syria.  
Requesting exemption to Executive Order.  
Please see (b)(7)(E) summary below.

Sincerely,

(b)(6), (b)(7)(C)  
Supervisor  
U.S. Customs & Border Protection

(b)(6), (b)(7)(C)  
Work cell: (b)(6), (b)(7)(C)  
Office: (b)(6), (b)(7)(C)

(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

**(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)**

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 10:12 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

Sir, both Supervisor (b)(6), (b)(7)(C) and I read these line by line prior to today's arrival (b)(5), (b)(7)(E)  
(b)(5), (b)(7)(E) I apologize as I did not scroll down to the bottom original email where it mentioned those in transit. Noted for future.



(b)(6), (b)(7)(C)  
**Port Director**  
**U.S. Customs and Border Protection**  
**Office of Field Operations**



(b)(6), (b)(7)(C)  
**Phone** (b)(6), (b)(7)(C)  
**Cell** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 9:48 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order  
**Importance:** High

(b)(6), (b)(7)(C)

This is what I sent out on Sunday. It clearly states that we are to request consideration of a waiver for citizens of the previously identified countries (b)(7)(E) I need you to go through these emails and be sure you are aware of the current policies before going back and forth about whether or not we need to do bullets or can ask for a waiver/exemption.

Tks

(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 7:40 AM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Cc: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

Importance: High

See below. Limited distro please.

From: SABATINO, DIANE J

Sent: Sunday, January 29, 2017 7:35:31 AM

To: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Cc: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Subject: FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

Please note most recent guidance. Ports are to request consideration of a waiver for citizens of the previously identified countries

(b)(7)(E) The format of the request is attached. No alien impacted by the Executive Order may be subject to Expedited Removal or any other immediate removal from the U.S., even if the alien seeks to voluntarily return.

From: HUTTON, JAMES R

Sent: Sunday, January 29, 2017 2:00:24 AM

To: MCALEENAN, KEVIN K; Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C) HOFFMAN, TODD A; DIRECTORS FIELD OPS

Cc: (b)(6), (b)(7)(C) ALLES, RANDOLPH D; FLANAGAN, PATRICK S

Subject: RE: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

DFO's

Kindly request waivers pertaining to below follow per guidance in attached message. I will be reaching out to address any questions/concerns you may have.

Thank you,

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs  
(b)(6), (b)(7)(C)  
Washington, DC

(b)(6), (b)(7)(C)

(b)(7)(E)

Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or



other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.

From: MCALEENAN, KEVIN K

Sent: Sunday, January 29, 2017 1:39 AM

To: Owen, Todd C (AC OFO) (b)(6), (b)(7)(C) WAGNER, JOHN P (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) HOFFMAN, TODD A (b)(6), (b)(7)(C)  
HUTTON, JAMES R (b)(6), (b)(7)(C) DIRECTORS FIELD OPS  
(b)(7)(E)

Cc: (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) ALLES, RANDOLPH D  
(b)(6), (b)(7)(C) FLANAGAN, PATRICK S (b)(6), (b)(7)(C)

Subject: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

ALCON:

Please take immediate action on the instruction below with regard to travelers impacted by the order. APP will follow with further guidance:

To further the implementation of the Executive Order, consistent with the principle in Section 5(e) recognizing due consideration for travelers who were in transit and for whom denying admission would cause undue hardship, ports of entry shall take the following actions for those limited number of travelers subject to the Executive Order currently in CBP custody. Ports of entry should assess those individuals by referring them for a (b)(7)(E) consideration for a waiver pursuant to Section 3(g) or 5(e) as appropriate. (b)(7)(E) the case should be referred to up the chain to determine appropriate next steps. In any event, no alien subject to the Executive Order may be subject to Expedited Removal or another immediate form of removal. For any alien currently in CBP custody who had previously been processed for Expedited Removal and not yet removed, please re-process according to this guidance. For any questions regarding this guidance please contact Admissibility and Passenger Programs, duty officer.

[Department of Homeland Security Logo] <<http://www.cbp.gov/>>

Kevin K. McAleenan  
Acting Commissioner  
U.S. Customs and Border Protection

(b)(6), (b)(7)(C)

We are the guardians of our Nation's borders. We are America's frontline.

Vigilance • Service • Integrity



**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 4:24 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: EO 212 (f) Exemptions for (b)(6), (b)(7)(C)

No problem

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 9:23:18 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** SABATINO, DIANE J; (b)(6), (b)(7)(C)  
**Subject:** RE: EO 212 (f) Exemptions for (b)(6), (b)(7)(C)

Thank you!

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 4:22 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** SABATINO, DIANE J; (b)(6), (b)(7)(C)  
**Subject:** FW: EO 212 (f) Exemptions for (b)(6), (b)(7)(C)

The wife's approval.

**From:** MCALEENAN, KEVIN K  
**Sent:** Sunday, January 29, 2017 9:16:54 PM  
**To:** (b)(6), (b)(7)(C) ENFORCEMENT PROGRAMS DIVISION; (b)(6), (b)(7)(C)  
Owen, Todd C (AC OFO); WAGNER, JOHN P; MURDOCK, JUDSON W; HOFFMAN, TODD A; (b)(6), (b)(7)(C) OFO-FIELD LIAISON  
**Cc:** SABATINO, DIANE J; (b)(6), (b)(7)(C)  
**Subject:** RE: EO 212 (f) Exemptions for (b)(6), (b)(7)(C)

Exception approved.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 4:14 PM  
**To:** (b)(6), (b)(7)(C) ENFORCEMENT PROGRAMS DIVISION  
(b)(7)(E) > (b)(6), (b)(7)(C) Owen, Todd C (AC OFO)  
(b)(6), (b)(7)(C) WAGNER, JOHN P (b)(6), (b)(7)(C) MURDOCK, JUDSON W  
(b)(6), (b)(7)(C) HOFFMAN, TODD A (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) OFO-FIELD LIAISON (b)(7)(E)  
**Cc:** SABATINO, DIANE J (b)(6), (b)(7)(C) MCALEENAN, KEVIN K  
(b)(6), (b)(7)(C)  
**Subject:** RE: EO 212 (f) Exemptions for (b)(6), (b)(7)(C)

(b)(5)

(b)(6), (b)(7)(C)

CBP Associate Chief Counsel (Enforcement and Operations)

T (b)(6), (b)(7)(C) / C (b)(6), (b)(7)(C)

\*\* Attorney Work Product / Attorney-Client Privileged \*\*

From: (b)(6), (b)(7)(C)

Sent: Sunday, January 29, 2017 3:16 PM

To: ENFORCEMENT PROGRAMS DIVISION (b)(7)(E) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) Owen, Todd C (AC OFO) (b)(6), (b)(7)(C) WAGNER, JOHN P (b)(6), (b)(7)(C) MURDOCK, JUDSON W (b)(6), (b)(7)(C) HOFFMAN, TODD A (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) OFO-FIELD LIAISON (b)(7)(E)

Cc: SABATINO, DIANE J (b)(7)(E)

Subject: FW: EO 212 (f) Exemptions for (b)(6), (b)(7)(C)

Please see following request for EO 212 (f) Exemptions. (b)(7)(E) completed.

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Sunday, January 29, 2017 8:07:32 PM

To: (b)(6), (b)(7)(C)

Cc: SABATINO, DIANE J

Subject: FW: EO 212 (f) Exemptions for (b)(6), (b)(7)(C)

Acting DFO,

Please see the below Exemption request for a Syrian citizen in possession of an immigrant visa packet at MCO.

Thank you.

(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)

Sent: Sunday, January 29, 2017 3:02 PM

To: (b)(6), (b)(7)(C)

Cc: (b)(6), (b)(7)(C)

Subject: EO 212 (f) Exemptions for (b)(6), (b)(7)(C)

EO 212(f) - Exemption for (b)(6), (b)(7)(C)

Waiver Narrative:

OFO recommends that you (b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

**(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)**

V/R,

**(b)(6), (b)(7)(C)**

*Supervisory CBP Officer  
U.S. Customs and Border Protection  
Office of Field Operations*

**(b)(6), (b)(7)(C)**



**(b)(6), (b)(7)(C)**



**U.S. Customs and  
Border Protection**

**WARNING:** This document is LAW ENFORCEMENT SENSITIVE and is designated for OFFICIAL USE ONLY. It contains information that may be exempt from public release under the Freedom of Information Act (5USC552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information, and is not to be released to the public or personnel who do not have a valid "need-to-know" without prior approval from CBP's Office of Field Operations.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 9:24 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Guidance on Withdrawal - Court Compliance  
**Attachments:** image002.jpg

Please see below.

---

**From:** SABATINO, DIANE J  
**Sent:** Tuesday, January 31, 2017 2:22:40 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** FW: Guidance on Withdrawal - Court Compliance

(b)(6), (b)(7)(C) pls get this out.

---

**From:** HUTTON, JAMES R  
**Sent:** Monday, January 30, 2017 9:16:46 PM  
**To:** DIRECTORS FIELD OPS; BORDER SECURITY ASST DIRECTORS; EXECUTIVE DIRECTORS HQ  
**Cc:** Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Subject:** Guidance on Withdrawal - Court Compliance

DFO's

(b)(5), (b)(7)(E)

J. Ryan Hutton  
 Deputy Executive Director  
 Admissibility and Passenger Programs

(b)(6)

(b)(6)

(b)(6)

(b)(6)

Warning: This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. This document, and any attachment(s) hereto, may contain

confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.

From: (b)(6), (b)(7)(C)  
Sent: Monday, January 30, 2017 7:17 PM  
To: Owen, Todd C (AC OFO) <(b)(6), (b)(7)(C)>; WAGNER, JOHN P <(b)(6), (b)(7)(C)>  
Cc: HOFFMAN, TODD A <(b)(6), (b)(7)(C)>; HUTTON, JAMES R

(b)(6), (b)(7)(C)

Subject: Guidance on Withdrawal

(b)(5), (b)(7)(E)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Deputy Associate Chief Counsel  
Office of Chief Counsel  
U.S. Customs and Border Protection

(b)(6), (b)(7)(C) (office)  
(b)(6), (b)(7)(C) (cell)



**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 12:14 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order  
**Attachments:** UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States  
**Importance:** High

Waiver guidance below.

Thanks,

(b)(6), (b)(7)(C)  
Area Port Director  
U.S. Customs and Border Protection  
Office of Field Operations  
150 N Royal Street  
Mobile, AL 36602  
(b)(6), (b)(7)(C) (Office)  
(b)(6), (b)(7)(C) (Cell)  
(b)(6), (b)(7)(C)

---

**From:** STAVINOH, STEVEN  
**Sent:** Sunday, January 29, 2017 8:40:20 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

Sorry, this one had the attachment.

Steven Stavinoha  
Director, New Orleans  
Office of Field Operations  
US Customs & Border Protection  
W (b)(6), (b)(7)(C)  
C (b)(6), (b)(7)(C)

---

**From:** HUTTON, JAMES R  
**Sent:** Sunday, January 29, 2017 1:00:24 AM  
**To:** MCALEENAN, KEVIN K; Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C) HOFFMAN, TODD A;  
DIRECTORS FIELD OPS  
**Cc:** (b)(6), (b)(7)(C) ALLES, RANDOLPH D; FLANAGAN,



PATRICK S

**Subject:** RE: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

DFO's

Kindly request waivers pertaining to below follow per guidance in attached message. I will be reaching out to address any questions/concerns you may have.

Thank you,

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

(b)(6), (b)(7)(C)  
Washington, DC

☎ (b)(6), (b)(7)(C)

📧 (b)(6), (b)(7)(C)

✉ (b)(6), (b)(7)(C)



**Warning:** This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. *This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.*

**From:** MCALEENAN, KEVIN K

**Sent:** Sunday, January 29, 2017 1:39 AM

**To:** Owen, Todd C (AC OFO) (b)(6), (b)(7)(C) WAGNER, JOHN P (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) HOFFMAN, TODD A (b)(6), (b)(7)(C) HUTTON,  
JAMES R (b)(6), (b)(7)(C) DIRECTORS FIELD OPS (b)(7)(E)

**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) ALLES, RANDOLPH D  
(b)(6), (b)(7)(C) FLANAGAN, PATRICK S (b)(6), (b)(7)(C)

**Subject:** IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

ALCON:

Please take immediate action on the instruction below with regard to travelers impacted by the order. APP will follow with further guidance:

To further the implementation of the Executive Order, consistent with the principle in Section 5(e) recognizing due consideration for travelers who were in transit and for whom denying admission would cause undue hardship, ports of entry shall take the following actions for those limited number of travelers subject to the Executive Order currently in CBP custody. Ports of entry should assess those individuals by referring them for a (b)(7)(E) and where no derogatory information exists, consideration for a waiver pursuant to Section 3(g) or 5(e) as appropriate. If derogatory information is discovered during the examination, the case

should be referred to up the chain to determine appropriate next steps. In any event, no alien subject to the Executive Order may be subject to Expedited Removal or another immediate form of removal. For any alien currently in CBP custody who had previously been processed for Expedited Removal and not yet removed, please re-process according to this guidance. For any questions regarding this guidance please contact Admissibility and Passenger Programs, duty officer.



Kevin K. McAleenan  
Acting Commissioner  
U.S. Customs and Border Protection

---

**(b)(6), (b)(7)(C)**

*We are the guardians of our Nation's borders.  
We are America's frontline.*

*Vigilance • Service • Integrity*

**From:** HUTTON, JAMES R  
**Sent:** Saturday, January 28, 2017 9:34 PM  
**To:** HOFFMAN, TODD A; DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS  
**Cc:** Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)  
**Subject:** (b)(6), (b)(7)(C)  
 UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States  
**Attachments:** RE: EO 212(f) Exemption Request for (b)(6), (b)(7)(C) RE: Waiver Request for 212(1) in re: (b)(6), (b)(7)(C) EO 212(f) Waiver for (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Importance:** High

DFO's

As a follow up from guidance sent last night. In addition to waivers for LPRs, the Secretary of Homeland Security has delegated waiver authority to the Commissioner of CBP for **only** the following categories of individuals subject to the EO:

- Returning Refugees (to include any 1<sup>st</sup> time refugees encountered);
- Returning Asylees;
- Individuals in possession of a valid I-512 issued by CIS;
- UAC

The request for said waiver will need to follow the below format sent initially to the below distro

• (b)(6), (b)(7)(C)

- EAC Owen
- DEAC Wagner
- XD Murdock
- XD Hoffman
- (a) DXD (b)(6), (b)(7)(C)
- DXD Hutton
- OFO Field Liaison

I have also attached some samples that were submitted for approval today.

**Sample**

(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

**(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)**

Specific bullets regarding the specific individual(s), for example:

**(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)**

Subjects spouse and children: **(If applicable)**

Wife:  
Female

Children:

**(b)(6), (b)(7)(C)**

(b)(6), (b)(7)(C)

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs  
(b)(6), (b)(7)(C)  
Washington, DC

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)



**Warning:** This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. *This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.*

**From:** HOFFMAN, TODD A  
**Sent:** Saturday, January 28, 2017 1:07 AM  
**To:** DIRECTORS FIELD OPS (b)(7)(E) EXECUTIVE DIRECTORS HQ  
(b)(7)(E) BORDER SECURITY ASST DIRECTORS  
(b)(7)(E)  
**Cc:** Owen, Todd C (AC OFO) (b)(6), (b)(7)(C) WAGNER, JOHN P (b)(6), (b)(7)(C)  
HUTTON, JAMES R (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

**Subject:** Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States  
**Importance:** High

Directors,

I apologize for the delay. Please be advised that you have unilateral authority to approve exemptions to the Executive Order for LPRs, no State Department approval required. The exemption process for other categories of aliens as outlined in the policy guidance currently requires the approval of the acting Commissioner. Further guidance for these exemptions is forthcoming.

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman  
Executive Director



Admissibility and Passenger Programs  
Office of Field Operations

Subject: Guidance on Executive Order “Protecting the Nation from Foreign Terrorist Entry into the United States”

Effective immediately, and pursuant to Executive Order entitled, “*Protecting the Nation from Foreign Terrorist Entry into the United States*” (January 27, 2017), all entry into the United States for aliens who are nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen is hereby suspended in accordance with Section 212(f) of the INA. This includes all non-immigrant classifications, with the exception of those foreign nationals traveling on diplomatic visas, NATO visas, C2 visas for travel to the United Nations, G1, G2, G-3, and G-4 visas. This also includes all immigrant classes of admission, returning resident aliens refugees and asylees.

The Department to State has provided CBP with a letter provisionally revoking all immigrant and non-immigrant visas for nationals of Iran, Iran, Libya, Somalia, Sudan, and Yemen. Revocations may not yet be annotated in the system.

Wherever possible, (b)(7)(E) will coordinate the denial of boarding through Immigration Advisory Program/Joint Security Program (IAP/JSP) locations, and Regional Carrier Liaison Groups (RCLG).

Should aliens, subject to the Executive Order, arrive at the port of entry, CBP officers are instructed to take the following actions:

*Applicants bearing Non-Immigrant Visas and First Time Arriving Immigrants:*

- (1) All case processing will be recorded in (b)(7)(E) (b)(7)(E) according to current policy/procedure.
- (2) Subjects will be allowed to withdraw their application for admission on Form I-275, **without a sworn statement**. All other procedures pertaining to the processing of Form I-275 withdrawal cases apply.
- (3) Should the alien decline to withdraw their application for admission, the alien will be placed in Expedited Removal in accordance with standard operating procedures.
- (4) Aliens claiming fear of return will be referred to an asylum officer, and processed for Expedited Removal/Credible Fear (ERF). Aliens processed under ERF procedures will be referred to ERO for detention. Field Offices should clearly indicate to both CIS and ERO that aliens are subject to Executive Order during the referral process.

*Returning Residents,*

- (1) Lawful Permanent Residents should be referred for (b)(7)(E) and held at the port of entry until an exemption to the Executive Order is granted. The authority to grant an exemption has been delegated to the Commissioner of CBP, and further delegated to Directors of Field Operations and SES Port Directors. Once an exemption has been granted results of (b)(7)(E) should be notated in (b)(7)(E) with the following language: *Individual is subject to Presidential Executive Order and barred from entry pursuant to 212(f) of the INA but has been granted an exemption per (insert DFO/SES PD).*

*Refugees, Asylees, Unaccompanied Children, and subjects returning to the US with Advanced Parole:*

- (1) Aliens from the above group who are prevented from entry solely as a result of the Executive Order, should be referred for (b)(7)(E) and held at the port of entry until such time as an exemption to the Executive Order can be obtained. This exemption falls to the Secretary of State and Secretary of Homeland Security. Further guidance will be forthcoming on processing these exemptions.



Individuals who fall within any of the above may not be paroled, which includes port parole and deferred inspection. To the extent that there is an emergent medical issue related to an alien who falls within the Executive Order, CBP officers must accompany the alien for any medical care.

*Returning aliens ineligible who withdraw their application for admission:*

- (1) Aliens arriving via air or sea: Commercial carriers are required to remove foreign aliens found ineligible for entry under this order pursuant to 241(c)(1) of the INA.
- (2) Aliens arriving via land will be returned per current established procedures with the contiguous country.

Please ensure that this memorandum and attached muster are disseminated to all ports of entry within your jurisdiction. If you have any questions or require additional information, please contact (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) (A) Director, Enforcement Programs Division, at (b)(6), (b)(7)(C)

Todd A. Hoffman  
Executive Director, Admissibility and Passenger Programs  
Office of Field Operations  
U.S. Customs and Border Protection

**From:** HUTTON, JAMES R  
**Sent:** Saturday, January 28, 2017 7:37 PM  
**To:** Owen, Todd C (AC OFO); (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** HOFFMAN, TODD A; (b)(6), (b)(7)(C); PEREZ, ROBERT E;  
 (b)(6), (b)(7)(C)  
**Subject:** EO 212(f) Waiver for (b)(6), (b)(7)(C)  
**Importance:** High

OCC


Please see below a waiver request involving a (b)(6), (b)(7)(C), who is travelling with his LPR parents. **JFK PD has already approved a waiver for his LPR parents.**


OFO recommends that you: (b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

**(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)**

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

(b)(6), (b)(7)(C)  
Washington, DC

 (b)(6), (b)(7)(C)

 (b)(6), (b)(7)(C)



**Warning:** This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. *This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.*

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 1:37 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry  
**Attachments:** Guidance Memo (2.1.2017) (003).docx

Updated info

Thanks,

(b)(6), (b)(7)(C)  
Area Port Director  
U.S. Customs and Border Protection  
Office of Field Operations  
150 N Royal Street  
Mobile, AL 36602  
(b)(6), (b)(7)(C) (Office)  
(b)(6), (b)(7)(C) (Cell)  
(b)(6), (b)(7)(C)

---

**From:** STAVINOHA, STEVEN  
**Sent:** Wednesday, February 01, 2017 12:28:36 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

FYI. Great news!  
Steven Stavinoha  
Director, New Orleans  
Office of Field Operations  
US Customs & Border Protection  
W (b)(6), (b)(7)(C)  
C

---

**From:** HOFFMAN, TODD A  
**Sent:** Wednesday, February 01, 2017 10:58:03 AM  
**To:** DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ  
**Cc:** Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)  
**Subject:** FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

Directors,

Per the below, LPRs are no longer subject to the Executive Order. To ensure compliance, please IMMEDIATELY distribute throughout your area of responsibility.

Todd A. Hoffman  
Executive Director, Admissibility and Passenger Programs  
Office of Field Operations  
U.S. Customs and Border Protection

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 11:53 AM  
**To:** MCALEENAN, KEVIN K (b)(6), (b)(7)(C); Owen, Todd C (AC OFO)  
(b)(6), (b)(7)(C); WAGNER, JOHN P (b)(6), (b)(7)(C); HOFFMAN, TODD A  
(b)(6), (b)(7)(C); HUTTON, JAMES R (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
FLANAGAN, PATRICK S (b)(6), (b)(7)(C); ALLES, RANDOLPH D (b)(6), (b)(7)(C)  
**Subject:** URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

**ATTORNEY CLIENT PRIVILEGED**  
**ATTORNEY WORK PRODUCT**

All,

Attached please find the guidance which we have just received from the White House counsel, (b)(6), (b)(7)(C)

It states in pertinent part (key portion highlighted):

Section 3(c) of the Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" (Jan. 27, 2017) suspends for 90 days the entry into the United States of certain aliens from countries referred to in section 217(a)(12) of the Immigration and Nationality Act (INA), 8 U.S.C. 1187(a)(12). Section 3(e) of the order directs the Secretary of Homeland Security, in consultation with the Secretary of State, to submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of certain foreign nationals from countries that do not provide information needed to adjudicate visas, admissions, or other benefits under the INA.

I understand that there has been reasonable uncertainty about whether those provisions apply to lawful permanent residents of the United States. Accordingly, to remove any confusion, I now clarify that Sections 3(c) and 3(e) do not apply to such individuals. Please immediately convey this interpretive guidance to all individuals responsible for the administration and implementation of the Executive Order.

(b)(5)

**(b)(5)**

**(b)(6), (b)(7)(C)**

Deputy Associate Chief Counsel  
Enforcement and Operations  
Office of the Chief Counsel  
U.S. Customs and Border Protection

**(b)(6), (b)(7)(C)** (desk)  
(cell)

This document, and any attachment(s), may contain information which is law enforcement sensitive, attorney-client privileged, attorney work product, or U.S. Government information. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient. Please consult with the CBP Office of Chief Counsel before disclosing any information contained in this message or any attachment(s).



---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 6:38 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry  
**Attachments:** Guidance Memo (2.1.2017) (003).docx

Thanks,

(b)(6), (b)(7)(C)  
Area Port Director  
U.S. Customs and Border Protection  
Office of Field Operations  
150 N Royal Street  
Mobile, AL 36602  
(b)(6), (b)(7)(C) (Office)  
(b)(6), (b)(7)(C) (Cell)  
(b)(6), (b)(7)(C)

---

**From:** STAVINOHA, STEVEN  
**Sent:** Wednesday, February 01, 2017 12:28:36 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

FYI. Great news!  
Steven Stavinoha  
Director, New Orleans  
Office of Field Operations  
US Customs & Border Protection  
W:  
C: (b)(6), (b)(7)(C)

---

**From:** HOFFMAN, TODD A  
**Sent:** Wednesday, February 01, 2017 10:58:03 AM  
**To:** DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ  
**Cc:** Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)  
**Subject:** FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

Directors,

Per the below, LPRs are no longer subject to the Executive Order. To ensure compliance, please IMMEDIATELY distribute throughout your area of responsibility.

Todd A. Hoffman  
Executive Director, Admissibility and Passenger Programs  
Office of Field Operations  
U.S. Customs and Border Protection

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 11:53 AM  
**To:** MCALEENAN, KEVIN K (b)(6), (b)(7)(C); Owen, Todd C (AC OFO)  
(b)(6), (b)(7)(C); WAGNER, JOHN P (b)(6), (b)(7)(C); HOFFMAN, TODD A  
(b)(6), (b)(7)(C); HUTTON, JAMES R (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C);  
FLANAGAN, PATRICK S (b)(6), (b)(7)(C); ALLES, RANDOLPH D (b)(6), (b)(7)(C)  
**Subject:** URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

**ATTORNEY CLIENT PRIVILEGED**  
**ATTORNEY WORK PRODUCT**

All,

Attached please find the guidance which we have just received from the White House counsel, (b)(6), (b)(7)(C)

It states in pertinent part (key portion highlighted):

Section 3(c) of the Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" (Jan. 27, 2017) suspends for 90 days the entry into the United States of certain aliens from countries referred to in section 217(a)(12) of the Immigration and Nationality Act (INA), 8 U.S.C. 1187(a)(12). Section 3(e) of the order directs the Secretary of Homeland Security, in consultation with the Secretary of State, to submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of certain foreign nationals from countries that do not provide information needed to adjudicate visas, admissions, or other benefits under the INA.

I understand that there has been reasonable uncertainty about whether those provisions apply to lawful permanent residents of the United States. Accordingly, to remove any confusion, I now clarify that Sections 3(c) and 3(e) do not apply to such individuals. Please immediately convey this interpretive guidance to all individuals responsible for the administration and implementation of the Executive Order.

(b)(5)

(b)(5)

(b)(6), (b)(7)(C)

Deputy Associate Chief Counsel  
Enforcement and Operations  
Office of the Chief Counsel  
U.S. Customs and Border Protection

(b)(6), (b)(7)(C) (desk)  
(cell)

This document, and any attachment(s), may contain information which is law enforcement sensitive, attorney-client privileged, attorney work product, or U.S. Government information. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient. Please consult with the CBP Office of Chief Counsel before disclosing any information contained in this message or any attachment(s).

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 12:03 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Redefinition of 3(g) Authority  
**Attachments:** Executive Order Redefinition From Commissioner to OFO SES Draft 2-1-17.docx

FYI-

As discussed on DFO call, re-delegation of 3(g) authority from C1.

Thanks,

(b)(6), (b)(7)(C)  
 Area Port Director  
 U.S. Customs and Border Protection  
 Office of Field Operations

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 10:30 AM  
**To:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Subject:** FW: Redefinition of 3(g) Authority

FYSA.

(b)(6), (b)(7)(C)  
 Assistant Director Field Operations  
 New Orleans Field Office  
 Customs and Border Protection

(O) (b)(6), (b)(7)(C)  
 (C)

(b)(6), (b)(7)(C)

**From:** STAVINOHA, STEVEN  
**Sent:** Thursday, February 02, 2017 4:45 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Redefinition of 3(g) Authority

Steven Stavinoha  
Director, New Orleans  
Office of Field Operations  
US Customs & Border Protection

W:  
C: (b)(6), (b)(7)(C)

---

**From:** HOFFMAN, TODD A  
**Sent:** Wednesday, February 01, 2017 9:28:30 PM  
**To:** DIRECTORS.FIELD.OPS: EXECUTIVE DIRECTORS HQ  
**Cc:** (b)(6), (b)(7)(C) Owen, Todd C (AC OFO); WAGNER, JOHN P; ENFORCEMENT PROGRAMS DIVISION  
**Subject:** FW: Redlegation of 3(g) Authority




Directors,

Per this delegation order, you may now adjudicate all exceptions related to the subject Executive Order.

---

**From:** HUTTON, JAMES R  
**Sent:** Wednesday, February 01, 2017 7:16:55 PM  
**To:** HOFFMAN, TODD A  
**Subject:** Redlegation of 3(g) Authority

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs  
(b)(6), (b)(7)(C)  
Washington, DC

 (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)



**Warning:** This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. *This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.*



**SUBJECT:** Protecting the Nation From Foreign Terrorist Entry Into the United States

**DELEGATED BY**

**DELEGATED TO**

Commissioner

Deputy Commissioner  
Executive Assistant Commissioner, Field Operations  
Deputy Executive Assistant Commissioner, Field Operations  
Executive Director Operations, Field Operations  
Executive Director, National Targeting Center – Passenger  
Directors, Field Operations  
Port Director, John F. Kennedy Airport  
Port Director, Los Angeles International Airport

**SOURCE OF AUTHORITY BEING DELEGATED**

Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (2002), as amended (6 U.S.C. § 112); Title 8, U.S.C. Section 1103, “Powers and duties of the Secretary, the Under Secretary, and the Attorney General” [Immigration and Nationality Act, § 103(a)(1)]; Title 8, U.S.C. Section 1357, “Powers of immigration officers and employees” [Immigration and Nationality Act, § 287]; The President’s Executive Order entitled, “Protecting the Nation from Foreign Terrorist Entry into the United States,” (January 27, 2017); Title 8, U.S.C. Section 1182, “Inadmissible aliens” [Immigration and Nationality Act, § 212]; Delegations from the Secretary to the Commissioner effective that pursuant to the referenced Executive Order (January 28-29, 2017); Memorandum from Counsel to the President to the Acting Secretary of State, the Acting Attorney General, and the Secretary of Homeland Security, entitled “Authoritative Guidance on Executive Order Entitled “Protecting the Nation from Foreign Terrorist Entry into the United States (Jan. 27, 2017)” (February 1, 2017).

**DELEGATION**

Authority under Section 3(g) of the Executive Order to issue a visa or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked under Section 3 of the Executive Order, on a case-by-case basis, and when in the national interest of the United States. Prior to taking any such action, the individual who is the subject of the action must be subjected to a thorough examination by an immigration officer. Pursuant to clarifying and authoritative guidance received from Counsel to the President on February 1, 2017, Sections 3(c) and 3(e) of the Executive Order do not apply to lawful permanent residents of the United States.

Authority under Section 5(e) of the Executive Order to admit individuals to the United States as first-time refugees on a case-by-case basis, but only if the Commissioner (or appropriate designee pursuant to this delegation) and the Secretary of State, or his designee, jointly determine that the admission of such individuals as refugees is in the national interest and would not pose a risk to the security or welfare of the United States. Prior to any such admission as a first-time refugee, each such individual must be subjected to a thorough examination by an immigration officer, to include CBP conduct of:

(b)(7)(E)  
**(b)(7)(E)**

This authority may not be further delegated.



Commissioner

**From:** MCALEENAN, KEVIN K

**Sent:** Wednesday, February 1, 2017 9:55 PM

**To:** (b)(6), (b)(7)(C); Owen, Todd C (AC OFO)  
(b)(6), (b)(7)(C); WAGNER, JOHN P; (b)(6), (b)(7)(C); HOFFMAN, TODD A  
(b)(6), (b)(7)(C); HUTTON, JAMES R; (b)(6), (b)(7)(C)

**Cc:** ALLES, RANDOLPH D; (b)(6), (b)(7)(C); FLANAGAN, PATRICK S; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

**Subject:** RE: Redelegation

Thank you. Yes

**From:** (b)(6), (b)(7)(C)

**Sent:** Wednesday, February 01, 2017 9:54:00 PM

**To:** MCALEENAN, KEVIN K; Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; HUTTON, JAMES R

**Cc:** ALLES, RANDOLPH D; FLANAGAN, PATRICK S; (b)(6), (b)(7)(C)

**Subject:** RE: Redelegation

**(b)(5), (b)(6), (b)(7)(C)**

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 8:30 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: EO - Carrier Liaison Notice  
**Attachments:** Carrier Notice .docx

More info and changes. Latest guidance attached.

Thanks,

(b)(6), (b)(7)(C)  
Area Port Director  
U.S. Customs and Border Protection  
Office of Field Operations

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

---

**From:** STAVINOHA, STEVEN  
**Sent:** Wednesday, February 01, 2017 7:15:23 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** FW: EO - Carrier Liaison Notice

Steven Stavinoha  
Director, New Orleans  
Office of Field Operations  
US Customs & Border Protection

W: (b)(6), (b)(7)(C)  
C:

---

**From:** MURDOCK, JUDSON W  
**Sent:** Wednesday, February 01, 2017 7:03:01 PM  
**To:** DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ  
**Cc:** HUTTON, JAMES R; HOFFMAN, TODD A; (b)(6), (b)(7)(C)  
**Subject:** EO - Carrier Liaison Notice

DFOs,

The attached notice was shared with wide ranging stakeholders today through the Carrier Liaison Program. This information should also be available on CBP.gov later this evening or tomorrow morning.

Jud Murdock  
Executive Director, Operations (Acting)  
Office of Field Operations  
U.S. Customs and Border Protection

(b)(6), (b)(7)(C) office  
cell

This document and any attachment(s) may contain restricted, sensitive, and/or law enforcement-sensitive information belonging to the U.S. Government. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient.



# U.S. Customs and Border Protection

## Carrier Liaison Program

February 1, 2017

(b)(7)(E)

### Executive Order (EO) *Protecting the Nation from Foreign Terrorist Entry into the United States*

- On 27 January 2017, the President of the United States signed Executive Order (EO) *Protecting the Nation from Foreign Terrorist Entry into the United States*.
  - Effective immediately in accordance with the new EO, all immigrant and nonimmigrant persons of Iraq, Iran, Libya, Somalia, Sudan, Syria and Yemen *are suspended entry* into the U.S. for the next 90 days.
- The suspension does not affect foreign nationals traveling on diplomatic visas, NATO visas, C-2 visas for travel to the United Nations and G-1, G-2, G-3 and G-4.
- U.S. Lawful Permanent Residents (green card holders)
  - In accordance with White House Guidance issued on February 1, 2017, Sections 3(c) and 3(e) of Executive Order Entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” do not apply to Lawful Permanent Residents.
- Dual citizens: EO applies to Dual Citizens, but travelers are being treated according to the travel document they present. For example, if they present a Canadian passport, that is how they are processed for entry.
- Someone who is in the Federal Inspection Area right now: Each person who may be admissible from one of the seven countries, has to have an individual waiver. Processing the waivers may delay the release of the individual.
- What about refugees who are considered to be “in transit?”
  - There are currently 872 refugees who are considered to be in transit who are scheduled to arrive in the United States this week. The Secretaries of State and DHS have coordinated and will process the 872 individuals consistent with the terms of the Executive Order, which we’ve operationalized by assessing each traveler on a case-by-case basis.
- Documents that can be used by citizens identified by the EO to enter the United States are:
  - Any diplomatic visa (A, G, C-2, or NATO)
  - An I-551 (Green Card)
  - An advance parole document
  - Any SQ immigrant visa

If they are not in possession of one of the above travel documents, they will not be allowed to enter the U.S.



# U.S. Customs and Border Protection

## Carrier Liaison Program

February 1, 2017

(b)(7)(E)

### Executive Order (EO) *Protecting the Nation from Terrorist Attacks by Foreign Nationals*

- To obtain current and accurate information of an effected individual, or if you have questions, please contact U.S. Customs and Border Protection directly.

Regional Carrier Liaison Group:

RCLG	SERVICE AREA	PHONE NUMBER
Honolulu	Asia, Pacific Rim	(b)(7)(E)
Miami	Latin America, Caribbean	
New York	Europe, Africa, Mid-East	

- (b)(6), (b)(7)(C) Director, Travel and Tourism Initiative at (b)(6), (b)(7)(C) or cell (b)(6), (b)(7)(C)



---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 1:28 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

All,  
Please see the response from (b)(6), (b)(7)(C) concerning the question on first time LPRs.

Best regards,

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)  
Assistant Area Port Director  
Area Port of St. Albans  
Office of Field Operations  
Desk: (b)(6), (b)(7)(C)  
Mobile: (b)(6), (b)(7)(C)

---

**Subject:** RE: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

No this does not apply to IV packets..

If that happens let us know we will run it thru the OFO CAT

(b)(6), (b)(7)(C)  
Border Security Coordinator  
Boston Field Office  
Customs and Border Protection  
Office of Field Operations  
Office: (b)(6), (b)(7)(C)  
Cell: (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 12:51 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist



Entry

Importance: High

(b)(6), (b)(7)(C)

One of our PD's asked this question for clarification. Does this also include first time presenting of an LPR's packet as they are not true LPR's until processed by an officer.

Best regards,

(b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

Assistant Area Port Director  
Area Port of St. Albans  
Office of Field Operations  
Desk: (b)(6), (b)(7)(C)  
Mobile: (b)(6), (b)(7)(C)

---

**From:** FERRARA, WILLIAM  
**Sent:** Wednesday, February 01, 2017 12:11 PM  
**To:** Boston Field Office Leadership (b)(6), (b)(7)(C) BOSTON FIELD OFFICE - BORDER SECURITY EMPLOYEES (b)(6), (b)(7)(C) Boston Field Office Port Directors (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6)  
**Subject:** FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

All:

**For your immediate action and implementation:** LPRs are no longer subject to the Executive Order titled "Protecting the Nation from Foreign Terrorist Entry into the United States".

Begin to immediately inform all employees via muster, email and any other appropriate methods.

Thanks,

William A. Ferrara  
Director, Field Operations  
Boston Field Office  
U.S. Customs and Border Protection

---

**From:** HOFFMAN, TODD A  
**Sent:** Wednesday, February 01, 2017 11:58 AM  
**To:** DIRECTORS FIELD OPS (b)(6), (b)(7)(C) EXECUTIVE DIRECTORS HQ (b)(6)  
**Cc:** Owen, Todd C (AC OFO) (b)(6) WAGNER, JOHN P (b)(6)  
(b)(6), (b)(7)(C)

**Subject:** FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

Directors,

Per the below, LPRs are no longer subject to the Executive Order. To ensure compliance, please IMMEDIATELY distribute throughout your area of responsibility.

Todd A. Hoffman  
Executive Director, Admissibility and Passenger Programs  
Office of Field Operations  
U.S. Customs and Border Protection

**From:** (b)(6)  
**Sent:** Wednesday, February 01, 2017 11:53 AM  
**To:** MCALEENAN, KEVIN K (b)(6) Owen, Todd C (AC OFO)  
(b)(6) WAGNER, JOHN P (b)(6) HOFFMAN, TODD A  
(b)(6) HUTTON, JAMES R (b)(6)  
**Cc:** (b)(6)  
(b)(6)  
FLANAGAN, PATRICK S (b)(6), (b)(7)(C) ALLES, RANDOLPH D (b)(6)  
**Subject:** URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

**ATTORNEY CLIENT PRIVILEGED**  
**ATTORNEY WORK PRODUCT**

All,

Attached please find the guidance which we have just received from the White House counsel (b)(6), (b)(7)(C)

It states in pertinent part (key portion highlighted):

Section 3(c) of the Executive Order entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (Jan. 27, 2017) suspends for 90 days the entry into the United States of certain aliens from countries referred to in section 217(a)(12) of the Immigration and Nationality Act (INA), 8 U.S.C. 1187(a)(12). Section 3(e) of the order directs the Secretary of Homeland Security, in consultation with the Secretary of State, to submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of certain foreign nationals from countries that do not provide information needed to adjudicate visas, admissions, or other benefits under the INA.

I understand that there has been reasonable uncertainty about whether those provisions apply to lawful permanent residents of the United States. Accordingly, to remove any confusion, I now clarify that Sections 3(c) and 3(e) do not apply to such individuals. Please immediately convey this interpretive guidance to all individuals responsible for the administration and implementation of the Executive Order.

**(b)(5), (b)(7)(E)**

**(b)(5), (b)(7)(E)**

**(b)(6), (b)(7)(C)**

Deputy Associate Chief Counsel  
Enforcement and Operations  
Office of the Chief Counsel  
U.S. Customs and Border Protection

**(b)(6), (b)(7)(C)** (desk)  
(cell)

This document, and any attachment(s), may contain information which is law enforcement sensitive, attorney-client privileged, attorney work product, or U.S. Government information. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient. Please consult with the CBP Office of Chief Counsel before disclosing any information contained in this message or any attachment(s).



**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 10:08 PM  
**To:** AREA PORT OF ST ALBANS ALL SUPERVISORS  
**Subject:** IMMEDIATE ACTION FW: FINAL SIGNED EO FOR ACTION  
**Attachments:** 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx  
**Importance:** High

All Supervisors,

**This is a priority one message that need your immediate attention.** This needs to be muster to each sup and employee on duty and you need to ensure that all incoming shifts are briefed.

We just got off a call with the DFO related to the attached Executive Order that was just signed by President Trump that is effect for the next 90 days.

Here is the bottom line.

Effective immediately, immigrants and non immigrants from Iran, Iraq, Somalia, Libya, Syria, Yemen and Sudan are not allowed to enter the United States as per the attached EO. All will be allowed to withdraw their application for admission.

A and G visa holders are exempt.

LPRs from these countries can only be granted a waiver from the DFO. All waiver requests will be sent to myself, AAPDs (b)(6), (b)(7)(C) and follow up with a call. My phone number is (b)(6), (b)(7)(C)

When encountering any of these applicants for admission, refer to secondary and go a detailed (b)(7)(E) (b)(7)(E) and DOCUMENT EVERYTHING! When in doubt, document it.

There will be no dual citizenship issues so if they present a passport from one of the listed 7 countries, and then try to present a different passport to gain access, they will not be allowed in.

There will be challenges with mixed groups such as LPR parents with USC kids and we know there will be issues with this. Kids will stay with parents and be allowed to WD.

All those holding waivers UACs, refugees will have to be held in detention as those waivers can only be approved by DHS.

We have reporting requirements for this EO.

I will ask that the PDs/APDs ensure that they designate someone to send the report to the area port (me, AAPDS (b)(6), (b)(7)(C) ) by 0430 every day. At this time we are waiting on a reporting template but in the meantime we need to know the basic bio info on all that are encountered and allowed to WD or are held.

We have to have this report to the FO by 0500 and (b)(6), (b)(7)(C) is the POC.

We expect to get many inquiries on this from media, Congressional offices and other groups so DO NOT ANSWER them. Document their contact info and send the information to: (b)(6), (b)(7)(C)

All overtime costs with this need to be track so please note EO Top 7 in the comments of all work tickets and keep track of what is spent as this may be used to get additional funds down the road.

Also let us know if you see any increase in these cases or trends so that we can report that up as well.

On Duty Sups, please responds that you received this message and AAPDs, please add in anything I left out.

Thank you.

(b)(6), (b)(7)(C)  
**(A) Area Port Director**  
**U. S. Customs and Border Protection**  
**St Albans Area Port**

(b)(6), (b)(7)(C)

**Office:** (b)(6), (b)(7)(C)  
**BB:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

---

**From:** FERRARA, WILLIAM  
**Sent:** Friday, January 27, 2017 9:37 PM  
**To:** Boston Field Office Leadership <(b)(7)(E)>  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

William A. Ferrara  
Director, Field Operation  
Boston Field Office  
U.S. Customs and Border Protection

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 9:07:26 PM  
**To:** DIRECTORS FIELD OPS  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

Thank you,

(b)(6), (b)(7)(C)  
Acting Deputy Executive Director  
Operations  
US Customs and Border Protection

Office (b)(6), (b)(7)(C)  
Cell (b)(6), (b)(7)(C)

*This document and any attachment(s) may contain restricted, sensitive, and/or law enforcement-sensitive information belonging to the U.S. Government. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient.*

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 6:41 PM  
**To:** HOFFMAN, TODD A (b)(6), (b)(7)(C); HUTTON, JAMES R (b)(6), (b)(7)(C)  
**(b)(6), (b)(7)(C)**  
(b)(6), (b)(7)(C); LANDFRIED, PHIL A (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C); MURDOCK, JUDSON W  
(b)(6), (b)(7)(C)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

---

**From:** MCALEENAN, KEVIN K  
**Sent:** Friday, January 27, 2017 6:41 PM  
**To:** WAGNER, JOHN P (b)(6), (b)(7)(C)  
FLANAGAN, PATRICK S (b)(6), (b)(7)(C)  
**(b)(6), (b)(7)(C)**  
**Subject:** FINAL SIGNED EO FOR ACTION



**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 10:16 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** RE: IMMEDIATE ACTION FW: FINAL SIGNED EO FOR ACTION

10-4 Thanks (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)  
**(A) Area Port Director**  
**U. S. Customs and Border Protection**  
**St Albans Area Port**

(b)(6), (b)(7)(C)

**Office:** (b)(6), (b)(7)(C)

**BB:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 10:15 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** RE: IMMEDIATE ACTION FW: FINAL SIGNED EO FOR ACTION

Sir,  
I have received this and Mustering this right now to the troops. Thank you for the quick information on this.

Respectfully,

(b)(6), (b)(7)(C)  
Supervisory Customs and Border Protection Officer  
U.S. Customs & Border Protection  
Office of Field Operations  
Highgate Springs VT Port of Entry

(b)(6), (b)(7)(C)

Phone: (b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 10:08 PM  
**To:** AREA PORT OF ST ALBANS ALL SUPERVISORS (b)(7)(E)  
**Subject:** IMMEDIATE ACTION FW: FINAL SIGNED EO FOR ACTION  
**Importance:** High

All Supervisors,

**This is a priority one message that need your immediate attention.** This needs to be muster to each sup and employee on duty and you need to ensure that all incoming shifts are briefed.

We just got off a call with the DFO related to the attached Executive Order that was just signed by President Trump that is effect for the next 90 days.

Here is the bottom line.

Effective immediately, immigrants and non immigrants from Iran, Iraq, Somalia, Libya, Syria, Yemen and Sudan are not allowed to enter the United States as per the attached EO. All will be allowed to withdraw their application for admission.

A and G visa holders are exempt.

LPRs from these countries can only be granted a waiver from the DFO. All waiver requests will be sent to myself, AAPDs: (b)(6), (b)(7)(C) and follow up with a call. My phone number is (b)(6), (b)(7)(C)

When encountering any of these applicants for admission, refer to secondary and go a detailed (b)(7)(E) (b)(7)(E) and DOCUMENT EVERYTHING! When in doubt, document it.

There will be no dual citizenship issues so if they present a passport from one of the listed 7 countries, and then try to present a different passport to gain access, they will not be allowed in.

There will be challenges with mixed groups such as LPR parents with USC kids and we know there will be issues with this. Kids will stay with parents and be allowed to WD.

All those holding waivers UACs, refugees will have to be held in detention as those waivers can only be approved by DHS.

We have reporting requirements for this EO.

I will ask that the PDs/APDs ensure that they designate someone to send the report to the area port (me, AAPDS: (b)(6), (b)(7)(C) by 0430 every day. At this time we are waiting on a reporting template but in the meantime we need to know the basic bio info on all that are encountered and allowed to WD or are held.

We have to have this report to the FO by 0500 and (b)(6), (b)(7)(C) is the POC.

We expect to get many inquiries on this from media, Congressional offices and other groups so DO NOT ANSWER them. Document their contact info and send the information to (b)(6), (b)(7)(C)

All overtime costs with this need to be track so please note EO Top 7 in the comments of all work tickets and keep track of what is spent as this may be used to get additional funds down the road.

Also let us know if you see any increase in these cases or trends so that we can report that up as well.

On Duty Sups, please responds that you received this message and AAPDs, please add in anything I left out.

Thank you.

(b)(6), (b)(7)(C)

(A) Area Port Director  
U. S. Customs and Border Protection  
St Albans Area Port

(b)(6), (b)(7)(C)

Office: (b)(6), (b)(7)(C)

BB: (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

---

**From:** FERRARA, WILLIAM  
**Sent:** Friday, January 27, 2017 9:37 PM  
**To:** Boston Field Office Leadership; (b)(7)(E)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

William A. Ferrara  
Director, Field Operation  
Boston Field Office  
U.S. Customs and Border Protection

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 9:07:26 PM  
**To:** DIRECTORS FIELD OPS  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

Thank you,

(b)(6), (b)(7)(C)  
Acting Deputy Executive Director  
Operations  
US Customs and Border Protection  
Office (b)(6), (b)(7)(C)  
Cell (b)(6), (b)(7)(C)

*This document and any attachment(s) may contain restricted, sensitive, and/or law enforcement-sensitive information belonging to the U.S. Government. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient.*

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 6:41 PM  
**To:** HOFFMAN, TODD A (b)(6), (b)(7)(C); HUTTON, JAMES R (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) LANDFRIED, PHIL A (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) MURDOCK, JUDSON W

(b)(6), (b)(7)(C)

**Subject:** FW: FINAL SIGNED EO FOR ACTION

**From:** MCALEENAN, KEVIN K

**Sent:** Friday, January 27, 2017 6:41 PM

**To:** WAGNER, JOHN P

(b)(6), (b)(7)(C)

FLANAGAN, PATRICK S

(b)(6), (b)(7)(C)

**(b)(6), (b)(7)(C)**

**Subject:** FINAL SIGNED EO FOR ACTION

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 11:17 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** RE: IMMEADIATE ACTION FW: FINAL SIGNED EO FOR ACTION

10-4. Outstanding.

(b)(6), (b)(7)(C)  
(A) Area Port Director  
U.S. Customs and Border Protection  
St. Albans Area Port

(b)(6), (b)(7)(C)

Office: (b)(6), (b)(7)(C)  
Mobile: (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 11:13:36 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** RE: IMMEADIATE ACTION FW: FINAL SIGNED EO FOR ACTION

Sir,  
All Highgate and Richford Ports have been mustered and getting ready to send the information out in an e-mail for hard copy. Also have a list for Primary booths for officers to reference.

Respectfully,  
(b)(6), (b)(7)(C)  
Supervisory Customs and Border Protection Officer  
U.S. Customs & Border Protection  
Office of Field Operations  
Highgate Springs VT Port of Entry

(b)(6), (b)(7)(C)  
Phone: (b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 10:24 PM  
**To:** AREA PORT OF ST ALBANS ALL SUPERVISORS (b)(7)(E)  
**Subject:** RE: IMMEADIATE ACTION FW: FINAL SIGNED EO FOR ACTION

Message from the DFO.

With all the changes that the latest executive order brings, a potential outcome that we must be prepared to deal with is community/traveler backlash. We need to ensure that we talk to our troops and reinforce the need to be professional when dealing with potential situations and most importantly stay vigilant both on and off duty.

(b)(7)(E)

(b)(6), (b)(7)(C)

**(A) Area Port Director**  
**U. S. Customs and Border Protection**  
**St Albans Area Port**

(b)(6), (b)(7)(C)

**Office:** (b)(6), (b)(7)(C)

**BB:** (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)

**Sent:** Friday, January 27, 2017 10:08 PM

**To:** AREA PORT OF ST ALBANS ALL SUPERVISORS (b)(7)(E)

**Subject:** IMMEDIATE ACTION FW: FINAL SIGNED EO FOR ACTION

**Importance:** High

All Supervisors,

**This is a priority one message that need your immediate attention.** This needs to be muster to each sup and employee on duty and you need to ensure that all incoming shifts are briefed.

We just got off a call with the DFO related to the attached Executive Order that was just signed by President Trump that is effect for the next 90 days.

Here is the bottom line.

Effective immediately, immigrants and non immigrants from Iran, Iraq, Somalia, Libya, Syria, Yemen and Sudan are not allowed to enter the United States as per the attached EO. All will be allowed to withdraw their application for admission.

A and G visa holders are exempt.

LPRs from these countries can only be granted a waiver from the DFO. All waiver requests will be sent to myself, AAPDs (b)(6), (b)(7)(C) and follow up with a call. My phone number is (b)(6), (b)(7)(C)

When encountering any of these applicants for admission, refer to secondary and go a detailed (b)(7)(E) (b)(7)(E) and DOCUMENT EVERYTHING! When in doubt, document it.

There will be no dual citizenship issues so if they present a passport from one of the listed 7 countries, and then try to present a different passport to gain access, they will not be allowed in.

There will be challenges with mixed groups such as LPR parents with USC kids and we know there will be issues with this. Kids will stay with parents and be allowed to WD.



All those holding waivers UACs, refugees will have to be held in detention as those waivers can only be approved by DHS.

We have reporting requirements for this EO.

I will ask that the PDs/APDs ensure that they designate someone to send the report to the area port (me, AAPDS: (b)(6), (b)(7)(C) ) by 0430 every day. At this time we are waiting on a reporting template but in the meantime we need to know the basic bio info on all that are encountered and allowed to WD or are held.

We have to have this report to the FO by 0500 and (b)(6), (b)(7)(C) is the POC.

We expect to get many inquiries on this from media, Congressional offices and other groups so DO NOT ANSWER them. Document their contact info and send the information to (b)(6), (b)(7)(C)

All overtime costs with this need to be track so please note EO Top 7 in the comments of all work tickets and keep track of what is spent as this may be used to get additional funds down the road.

Also let us know if you see any increase in these cases or trends so that we can report that up as well.

On Duty Sups, please responds that you received this message and AAPDs, please add in anything I left out.

Thank you.

(b)(6), (b)(7)(C)  
**(A) Area Port Director**  
**U. S. Customs and Border Protection**  
**St Albans Area Port**

**(b)(6), (b)(7)(C)**

**Office:** (b)(6), (b)(7)(C)

**BB:** (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

---

**From:** FERRARA, WILLIAM

**Sent:** Friday, January 27, 2017 9:37 PM

**To:** Boston Field Office Leadership (b)(7)(E)

**Subject:** FW: FINAL SIGNED EO FOR ACTION

William A. Ferrara  
 Director, Field Operation  
 Boston Field Office  
 U.S. Customs and Border Protection

---

**From:** (b)(6), (b)(7)(C)

**Sent:** Friday, January 27, 2017 9:07:26 PM

**To:** DIRECTORS FIELD OPS  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

Thank you,

(b)(6), (b)(7)(C)  
Acting Deputy Executive Director  
Operations  
US Customs and Border Protection  
Office (b)(6), (b)(7)(C)  
Cell (b)(6), (b)(7)(C)

*This document and any attachment(s) may contain restricted, sensitive, and/or law enforcement-sensitive information belonging to the U.S. Government. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient.*

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 6:41 PM  
**To:** HOFFMAN, TODD A (b)(6), (b)(7)(C); HUTTON, JAMES R (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C); LANDFRIED, PHIL A (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C); MURDOCK, JUDSON W  
(b)(6), (b)(7)(C)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

---

**From:** MCALEENAN, KEVIN K  
**Sent:** Friday, January 27, 2017 6:41 PM  
**To:** WAGNER, JOHN P (b)(6), (b)(7)(C)  
FLANAGAN, PATRICK S (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FINAL SIGNED EO FOR ACTION

**From:** HUTTON, JAMES R  
**Sent:** Saturday, January 28, 2017 9:34 PM  
**To:** HOFFMAN, TODD A; DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS  
**Cc:** Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)  
**Subject:** UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States  
**Attachments:** RE: EO 212(f) Exemption Request for (b)(6), (b)(7)(C); RE: Waiver Request for 212(1) in re (b)(6), (b)(7)(C); EO 212(f) Waiver for (b)(6), (b)(7)(C)  
**Importance:** High

DFO's

As a follow up from guidance sent last night. In addition to waivers for LPRs, the Secretary of Homeland Security has delegated waiver authority to the Commissioner of CBP for **only** the following categories of individuals subject to the EO:

- Returning Refugees (to include any 1<sup>st</sup> time refugees encountered);
- Returning Asylees;
- Individuals in possession of a valid I-512 issued by CIS;
- UAC

The request for said waiver will need to follow the below format sent initially to the below distro

- (b)(6), (b)(7)(C)
- EAC Owen
- DEAC Wagner
- XD Murdock
- XD Hoffman
- (a) DXD (b)(6), (b)(7)(C)
- DXD Hutton
- OFO Field Liaison

I have also attached some samples that were submitted for approval today.

**Sample**

**Subject Line: EO 212(f) Exemption for LAST NAME, (f/n) First name**

**Waiver Narrative**

OFO recommends (b)(5), (b)(6), (b)(7)(C), (b)(7)(E)




**(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)**

**(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)**



J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

(b)(6), (b)(7)(C)  
Washington, DC

   (b)(6), (b)(7)(C)



**Warning:** This document is UNCLASSIFIED//FOR OFFICIAL USE ONLY (U//FOUO). It contains information that may be exempt from public release under the Freedom of Information Act (5 U.S.C. 552). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information and is not to be released to the public or other personnel who do not have a valid "need-to-know" without prior approval of an authorized DHS official. No portion of this report should be furnished to the media, either in written or verbal form. *This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.*

**From:** HOFFMAN, TODD A  
**Sent:** Saturday, January 28, 2017 1:07 AM  
**To:** DIRECTORS FIELD OPS (b)(7)(E) EXECUTIVE DIRECTORS HQ  
(b)(7)(E) ; BORDER SECURITY ASST DIRECTORS  
(b)(7)(E)  
**Cc:** Owen, Todd C (AC OFO) (b)(6), (b)(7)(C) WAGNER, JOHN P (b)(6), (b)(7)(C)  
HUTTON, JAMES R (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)

**Subject:** Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States  
**Importance:** High

Directors,

I apologize for the delay. Please be advised that you have unilateral authority to approve exemptions to the Executive Order for LPRs, no State Department approval required. The exemption process for other categories of aliens as outlined in the policy guidance currently requires the approval of the acting Commissioner. Further guidance for these exemptions is forthcoming.

Memorandum For: Directors, Field Operations  
From: Todd A. Hoffman  
Executive Director



Admissibility and Passenger Programs  
Office of Field Operations

Subject: Guidance on Executive Order “Protecting the Nation from Foreign Terrorist Entry into the United States”

Effective immediately, and pursuant to Executive Order entitled, “*Protecting the Nation from Foreign Terrorist Entry into the United States*” (January 27, 2017), all entry into the United States for aliens who are nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen is hereby suspended in accordance with Section 212(f) of the INA. This includes all non-immigrant classifications, with the exception of those foreign nationals traveling on diplomatic visas, NATO visas, C2 visas for travel to the United Nations, G1, G2, G-3, and G-4 visas. This also includes all immigrant classes of admission, returning resident aliens refugees and asylees.

The Department to State has provided CBP with a letter provisionally revoking all immigrant and non-immigrant visas for nationals of Iran, Iran, Libya, Somalia, Sudan, and Yemen. Revocations may not yet be annotated in the system.

Wherever possible, (b)(7)(E) will coordinate the denial of boarding through (b)(7)(E) (b)(7)(E) locations, and (b)(7)(E)

Should aliens, subject to the Executive Order, arrive at the port of entry, CBP officers are instructed to take the following actions:

*Applicants bearing Non-Immigrant Visas and First Time Arriving Immigrants:*

- (1) All case processing will be recorded in (b)(7)(E) system, according to current policy/procedure.
- (2) Subjects will be allowed to withdraw their application for admission on Form I-275, **without a sworn statement**. All other procedures pertaining to the processing of Form I-275 withdrawal cases apply.
- (3) Should the alien decline to withdraw their application for admission, the alien will be placed in Expedited Removal in accordance with standard operating procedures.
- (4) Aliens claiming fear of return will be referred to an asylum officer, and processed for Expedited Removal/Credible Fear (ERF). Aliens processed under ERF procedures will be referred to ERO for detention. Field Offices should clearly indicate to both CIS and ERO that aliens are subject to Executive Order during the referral process.

*Returning Residents,*

- (1) Lawful Permanent Residents should be referred for (b)(7)(E) and held at the port of entry until an exemption to the Executive Order is granted. The authority to grant an exemption has been delegated to the Commissioner of CBP, and further delegated to Directors of Field Operations and SES Port Directors. Once an exemption has been granted results of (b)(7)(E) should be notated in (b)(7)(E) with the following language: *Individual is subject to Presidential Executive Order and barred from entry pursuant to 212(f) of the INA but has been granted an exemption per (insert DFO/SES PD).*

*Refugees, Asylees, Unaccompanied Children, and subjects returning to the US with Advanced Parole:*

- (1) Aliens from the above group who are prevented from entry solely as a result of the Executive Order, should be referred for (b)(7)(E) and held at the port of entry until such time as an exemption to the Executive Order can be obtained. This exemption falls to the Secretary of State and Secretary of Homeland Security. Further guidance will be forthcoming on processing these exemptions.



Individuals who fall within any of the above may not be paroled, which includes port parole and deferred inspection. To the extent that there is an emergent medical issue related to an alien who falls within the Executive Order, CBP officers must accompany the alien for any medical care.

*Returning aliens ineligible who withdraw their application for admission:*

- (1) Aliens arriving via air or sea: Commercial carriers are required to remove foreign aliens found ineligible for entry under this order pursuant to 241(c)(1) of the INA.
- (2) Aliens arriving via land will be returned per current established procedures with the contiguous country.

Please ensure that this memorandum and attached muster are disseminated to all ports of entry within your jurisdiction. If you have any questions or require additional information, please contact: (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) (A) Director, Enforcement Programs Division, at (b)(6), (b)(7)(C)

Todd A. Hoffman  
Executive Director, Admissibility and Passenger Programs  
Office of Field Operations  
U.S. Customs and Border Protection