

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 27, 2017

EXECUTIVE ORDER

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PROTECTING THE NATION FROM FOREIGN TERRORIST
ENTRY INTO THE UNITED STATES

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.*, and section 301 of title 3, United States Code, and to protect the American people from terrorist attacks by foreign nationals admitted to the United States, it is hereby ordered as follows:

Section 1. Purpose. The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States.

Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.

In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. The United States cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law. In addition, the United States should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation.

Sec. 2. Policy. It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

Sec. 3. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. (a) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall immediately conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat.

(b) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the President a report on the results of the review described in subsection (a) of this section, including the Secretary of Homeland Security's determination of the information needed for adjudications and a list of countries that do not provide adequate information, within 30 days of the date of this order. The Secretary of Homeland Security shall provide a copy of the report to the Secretary of State and the Director of National Intelligence.

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

(d) Immediately upon receipt of the report described in subsection (b) of this section regarding the information needed for adjudications, the Secretary of State shall request all foreign governments that do not supply such information to start providing such information regarding their nationals within 60 days of notification.

(e) After the 60-day period described in subsection (d) of this section expires, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of foreign nationals (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas) from countries that do not provide the

information requested pursuant to subsection (d) of this section until compliance occurs.

(f) At any point after submitting the list described in subsection (e) of this section, the Secretary of State or the Secretary of Homeland Security may submit to the President the names of any additional countries recommended for similar treatment.

(g) Notwithstanding a suspension pursuant to subsection (c) of this section or pursuant to a Presidential proclamation described in subsection (e) of this section, the Secretaries of State and Homeland Security may, on a case-by-case basis, and when in the national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.

(h) The Secretaries of State and Homeland Security shall submit to the President a joint report on the progress in implementing this order within 30 days of the date of this order, a second report within 60 days of the date of this order, a third report within 90 days of the date of this order, and a fourth report within 120 days of the date of this order.

Sec. 4. Implementing Uniform Screening Standards for All Immigration Programs. (a) The Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall implement a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission. This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

(b) The Secretary of Homeland Security, in conjunction with the Secretary of State, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall submit to the President an initial report on the progress of this directive within 60 days of the date of this order, a second report within 100 days of the date of this order, and a third report within 200 days of the date of this order.

Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. (a) The Secretary of State shall suspend the U.S. Refugee Admissions Program (USRAP) for 120 days. During the 120-day period, the Secretary of State, in conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, shall

review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures. Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures. Upon the date that is 120 days after the date of this order, the Secretary of State shall resume USRAP admissions only for nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States.

(b) Upon the resumption of USRAP admissions, the Secretary of State, in consultation with the Secretary of Homeland Security, is further directed to make changes, to the extent permitted by law, to prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality. Where necessary and appropriate, the Secretaries of State and Homeland Security shall recommend legislation to the President that would assist with such prioritization.

(c) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of nationals of Syria as refugees is detrimental to the interests of the United States and thus suspend any such entry until such time as I have determined that sufficient changes have been made to the USRAP to ensure that admission of Syrian refugees is consistent with the national interest.

(d) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States, and thus suspend any such entry until such time as I determine that additional admissions would be in the national interest.

(e) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretaries of State and Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the admission of such individuals as refugees is in the national interest -- including when the person is a religious minority in his country of nationality facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship -- and it would not pose a risk to the security or welfare of the United States.

(f) The Secretary of State shall submit to the President an initial report on the progress of the directive in subsection (b) of this section regarding prioritization of claims made by individuals on the basis of religious-based persecution within 100 days of the date of this order and shall submit a second report within 200 days of the date of this order.

(g) It is the policy of the executive branch that, to the extent permitted by law and as practicable, State and local jurisdictions be granted a role in the process of determining the placement or settlement in their jurisdictions of aliens eligible to be admitted to the United States as refugees. To that end, the Secretary of Homeland Security shall examine existing law to determine the extent to which, consistent with applicable law, State and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions, and shall devise a proposal to lawfully promote such involvement.

Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.

Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System. (a) The Secretary of Homeland Security shall expedite the completion and implementation of a biometric entry-exit tracking system for all travelers to the United States, as recommended by the National Commission on Terrorist Attacks Upon the United States.

(b) The Secretary of Homeland Security shall submit to the President periodic reports on the progress of the directive contained in subsection (a) of this section. The initial report shall be submitted within 100 days of the date of this order, a second report shall be submitted within 200 days of the date of this order, and a third report shall be submitted within 365 days of the date of this order. Further, the Secretary shall submit a report every 180 days thereafter until the system is fully deployed and operational.

Sec. 8. Visa Interview Security. (a) The Secretary of State shall immediately suspend the Visa Interview Waiver Program and ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of State shall immediately expand the Consular Fellows Program, including by substantially increasing the number of Fellows, lengthening or making permanent the period of service, and making language training at the Foreign Service Institute available to Fellows for assignment to posts outside of their area of core linguistic ability, to ensure that non-immigrant visa-interview wait times are not unduly affected.

Sec. 9. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal insofar as practicable with respect to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment. If a country does not treat United States nationals seeking

nonimmigrant visas in a reciprocal manner, the Secretary of State shall adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country, to the extent practicable.

Sec. 10. Transparency and Data Collection. (a) To be more transparent with the American people, and to more effectively implement policies and practices that serve the national interest, the Secretary of Homeland Security, in consultation with the Attorney General, shall, consistent with applicable law and national security, collect and make publicly available within 180 days, and every 180 days thereafter:

(i) information regarding the number of foreign nationals in the United States who have been charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons since the date of this order or the last reporting period, whichever is later;

(ii) information regarding the number of foreign nationals in the United States who have been radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States, since the date of this order or the last reporting period, whichever is later; and

(iii) information regarding the number and types of acts of gender-based violence against women, including honor killings, in the United States by foreign nationals, since the date of this order or the last reporting period, whichever is later; and

(iv) any other information relevant to public safety and security as determined by the Secretary of Homeland Security and the Attorney General, including information on the immigration status of foreign nationals charged with major offenses.

(b) The Secretary of State shall, within one year of the date of this order, provide a report on the estimated long-term costs of the USRAP at the Federal, State, and local levels.

Sec. 11. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
January 27, 2017.

#

From: HUTTON, JAMES R
Sent: Sunday, January 29, 2017 11:49 AM
To: HOFFMAN, TODD A; DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS; ENFORCEMENT PROGRAMS DIVISION
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)
Subject: RE: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

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

DFO's
 Kindly request that you all Enforcement Programs Division (group mailbox) to all waiver requests. This will help us track the waivers and alleviate field reporting.

Thank very much for all of your flexibility. We are striving not to burden the Field.

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

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



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From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 9:34 PM
To: HOFFMAN, TODD A; (b)(6), (b)(7)(C); 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)
 (b)(6), (b)(7)(C)

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

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

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 1st 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
- (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)**



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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 noted 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 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) RE: Waiver Request for 212(1) in re: (b)(6) EO 212(f) Waiver for (b)(6) (MINOR)
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 1st 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
- (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)
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(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)**



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(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.

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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: Owen, Todd C (AC OFO)
Sent: Saturday, January 28, 2017 5:23 PM
To: HUTTON, JAMES R
Cc: (b)(6), (b)(7)(C); HOFFMAN, TODD A; MURDOCK, JUDSON W; (b)(6), (b)(7)(C)
Subject: RE: EO 212(f) Exemption Request for (b)(6)

Approved per C1, 1722 hours.

*Todd C. Owen
 Executive Assistant Commissioner
 Office of Field Operations
 U.S. Customs & Border Protection*

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 5:03 PM
To: Owen, Todd C (AC OFO); (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); HOFFMAN, TODD A; (b)(6), (b)(7)(C); MURDOCK, JUDSON W; (b)(6), (b)(7)(C); (b)(6), (b)(7)(C)
Subject: EO 212(f) Exemption Request for (b)(6)
Importance: High

Exemption to Executive Order Request

January 28, 2017

Title: Exemption to Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States" Request

Summary: CBP, OFO, Baltimore Field Office recommends (b)(5), (b)(6), (b)(7)(C)

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

Details:

- Subject arrived aboard (b)(6), (b)(7)(C) with USC Father:
 - (b)(6), (b)(7)(C)

- Waiver request is for the accompanying minor child. Child is (b)(6), (b)(7)(C) years old.

- Child is a first-time immigrant, entering on an IR2 visa.

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

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

- (b)(6), (b)(7)(C) was out of the country for approximately 10 months.

- (b)(6), (b)(7)(C) went to (b)(6), (b)(7)(C) to get immigrant packet for son.

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

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

- (b)(6), (b)(7)(C) works as a (b)(6), (b)(7)(C)

- (b)(7)(E)
- (b)(7)(E)

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

Timeline:

- 0815 Subject arrived aboard (b)(6), (b)(7)(C)

- (b)(7)(E)
- (b)(7)(E)
- (b)(7)(E)
- (b)(7)(E)

Contacts:




(b)(7)(E)

Area Port contacted at 1230 hours.

Field Office contacted at 1244hours.

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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

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



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From: Owen, Todd C (AC OFO)
Sent: Saturday, January 28, 2017 1:13 PM
To: HUTTON, JAMES R
Cc: HOFFMAN, TODD A; PEREZ, ROBERT E; (b)(6), (b)(7)(C)
 MURDOCK, JUDSON W
Subject: RE: Waiver Request for 212(1) in re: (b)(6)

Waiver granted by C1, 1312 hours.

Todd C. Owen
 Executive Assistant Commissioner
 Office of Field Operations
 U.S. Customs & Border Protection

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 5:56:22 PM
To: Owen, Todd C (AC OFO)
Cc: HOFFMAN, TODD A; PEREZ, ROBERT E; (b)(6), (b)(7)(C) MURDOCK, JUDSON W
Subject: Waiver Request for 212(1) in re: (b)(6)

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

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

- Subject (b)(6), (b)(7)(C) arrived at JFK aboard Norwegian Air Shuttle (b)(6), (b)(7)(C) 01/2017 from (b)(6), (b)(7)(C) at Terminal One at (b)(6), (b)(7)(C) hours.
- The subject was in possession of Iraqi passport (b)(6), (b)(7)(C) and valid ZZ refugee Classification Foil # (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)
- Subject was referred to Passport Control Secondary for a 1 day Augmented (b)(6), (b)(7)(C) interview
- The subject was born and raised in (b)(6), (b)(7)(C) Iraq and has been living there (b)(6), (b)(7)(C)
- The subject left Iraq about (b)(6), (b)(7)(C) ago due to death threats and an attempted kidnapping
- The subject left Iraq and traveled to (b)(6), (b)(7)(C) and then onward to (b)(6), (b)(7)(C)
- The subject has been living (b)(6), (b)(7)(C) remained unemployed

- The subject attended (b)(6), (b)(7)(C)
- While in Iraq he worked for (b)(6), (b)(7)(C)
- (b)(6), (b)(7)(C)
- The subject is intending to travel to (b)(6), (b)(7)(C)
- This is the subject's first trip to the United States
- Previous travel outside of Iraq is (b)(6), (b)(7)(C)
- Subject states that he has no military experience
- (b)(7)(E) checked. (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)

[\[cid:image001.png@01D00E30.B35BEEB0\]](#)

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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; CAMPBELL, CARL S; PEREZ, ROBERT E;
 (b)(6), (b)(7)(C)
Subject: EO 212(f) Waiver for (b)(6) (MINOR)
Importance: High

OCC

Please see below a waiver request involving (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)

OFO recommends (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)






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From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 12:58 AM
To: HOFFMAN, TODD A
Cc: (b)(6), (b)(7)(C)
Subject: Signed memo
Attachments: Executive Order - Protecting the Nation from Foreign Terrorist Entry into the United States.pdf

J. Ryan Hutton
 Deputy Executive Director
 Admissibility and Passenger Programs

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




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



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1300 Pennsylvania Avenue NW
Washington, DC 20229



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

JAN 28 2017

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman (b)(6), (b)(7)(C)
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 of 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) (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) (A) Director, Enforcement Programs Division, at (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

From: MARTEL, CARLOS C
Sent: Wednesday, February 01, 2017 4:08 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Action: EO Protest Calls Protocol

10-4

Carlos C. Martel
Director, Field Operations
Los Angeles Field Office
U. S. Customs and Border Protection
(b)(6), (b)(7)(C) Office
Mobile

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 12:12 PM
To: DIRECTORS FIELD OPS (b)(7)(E) BORDER SECURITY ASST DIRECTORS
(b)(7)(E) MISSION SUPPORT ASST DIRECTORS
TRADE OPERATIONS ASST DIRECTORS
Cc: ENFORCEMENT PROGRAMS DIVISION (b)(7)(E)
Subject: Action: EO Protest Calls Protocol
Importance: High

DFOs,

Please be aware that various locations around the country have begun receiving a high volume of calls from various individuals and others claiming to be attorneys regarding the recent Executive Order (EO). The callers appear to be reading from a script and they begin by identifying themselves, state they are calling regarding the EO and proceed to ask if we are following the law, the EO and ask how many people we are currently detaining. This is most likely a form of telephonic protest to the EO.

Please advise all your personnel not to engage the callers nor respond to any questions. Ensure all requests for information are referred to the Office of Public Affairs.

Thank you,

(b)(6), (b)(7)(C)
Acting DXD, Operations
Director, Field Operations Readiness Team
Office of Field Operations
U. S. Customs and Border Protection
(b)(6), (b)(7)(C) Office
Cell
(b)(6), (b)(7)(C)

From: MARTEL, CARLOS C
Sent: Wednesday, February 01, 2017 8:10 PM
To: (b)(6), (b)(7)(C)
Subject: RE: (b)(6), (b)(7)(C) on a flight back to LAX

Thx
Carlos C. Martel
Director, Field Operations
Los Angeles Field Office
U.S. Customs and Border Protection
(b)(6), (b)(7)(C) Office
(b)(6), (b)(7)(C) Mobile

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 12:58:48 AM
To: MARTEL, CARLOS C
Subject: FW: (b)(6), (b)(7)(C) on a flight back to LAX

We'll let you know tomorrow.

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 4:58 PM
To: (b)(6), (b)(7)(C)
Subject: RE: (b)(6), (b)(7)(C) on a flight back to LAX

10-4. I will check first thing in the morning and will coordinate with (b)(6), (b)(7)(C) to make sure they are aware of his arrival.

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 4:53 PM
To: (b)(6), (b)(7)(C)
Subject: FW: (b)(6), (b)(7)(C) on a flight back to LAX

We just need to confirm that he's on the flight tomorrow. We can query IOPI to ensure he's manifested.

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

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 4:45 PM
To: MARTEL, CARLOS C (b)(6), (b)(7)(C)
Subject: RE: (b)(6), (b)(7)(C) on a flight back to LAX

Sir,

(b)(6), (b)(7)(C) a citizen of Iran, applied for admission at LAX as a new immigrant (b)(6), (b)(7)(C) classification (b)(6), (b)(7)(C) on (b)(6), (b)(7)(C), 2017. He was refused entry and was allowed to withdraw his application for admission under the EO guidance.

I have attached here the associated (b)(7)(E) documents for (b)(6), (b)(7)(C) i.e. I-213 and I-275. Also attached is the IO95 admissibility secondary record. Below is the narrative on his case:

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

Please let me know if there is anything else I can assist with.

Thanks,

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

From: MARTEL, CARLOS C

Sent: Wednesday, February 01, 2017 4:28 PM

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

Subject: FW: (b)(6), (b)(7)(C) on a flight back to LAX

Can you please send me all the docs we have on him.

Carlos C. Martel
Director, Field Operations
Los Angeles Field Office
U. S. Customs and Border Protection

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

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 3:51 PM
To: (b)(6), (b)(7)(C) MARTEL, CARLOS C
(b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: (b)(6), (b)(7)(C) on a flight back to LAX
Importance: High

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

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

Staff Attorney
Department of Homeland Security
U.S. Customs and Border Protection
Office of the Associate Chief Counsel, Los Angeles
One World Trade Center, Suite 1200
Long Beach, CA 90832
Phone: (b)(6), (b)(7)(C)
Fax: (b)(6), (b)(7)(C)

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From: MARTEL, CARLOS C
Sent: Sunday, January 29, 2017 2:54 PM
To: (b)(6), (b)(7)(C)
Subject: FW: corrected
Attachments: Copy of EO Individuals Being Held 01292017 1100 report (002).xlsx

[Send up](#)

From: MARTEL, CARLOS C
Sent: Sunday, January 29, 2017 11:53 AM
To: MARTEL, CARLOS C <(b)(6), (b)(7)(C)>
(b)(6), (b)(7)(C)
Subject: corrected

Field Office/Location	Disposition	Departure Flight/Time	
NYFO / JFK	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK	Waiver Request pending HQ decision	TBD, if necessary	
NYFO / JFK	Waiver Request pending HQ decision	TBD, if necessary	
NYFO / JFK	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK	Waiver Request pending HQ decision	TBD, if necessary	
NYFO / JFK	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK	Waiver Request pending HQ decision	TBD, if necessary	
NYFO / JFK	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK	Waiver Request pending HQ decision	TBD, if necessary	
NYFO / JFK	Waiver Request pending submission to HQS	TBD, if necessary	
EI Paso OFO/ Santa Teresa POE	ER/CF TOT ICE ERO	TBD	
EI Paso OFO/ Santa Teresa POE	ER/CF TOT ICE ERO	TBD	
SFO	WD	TBD	
SFO	WD	TBD	
SFO	WD	TBD	
SFO	WD	TBD	
SFO	ERCF	TBD	** Subject is being held at the Martinez Detention Facility awaiting his credible fear interview.
SDFO/Otay	IN CUSTODY/PENDING INTERVIEW	TBD	
SDFO/Otay	IN CUSTODY/PENDING INTERVIEW	TBD	
SDFO/Otay	IN CUSTODY/PENDING INTERVIEW	TBD	
SDFO/Otay	IN CUSTODY/PENDING INTERVIEW	TBD	
SDFO/Otay	IN CUSTODY/PENDING INTERVIEW	TBD	
SDFO/Otay	IN CUSTODY/PENDING INTERVIEW	TBD	
LAX	pending C1 approval	TBD	
LAX	pending C1 approval	TBD	
LAX	pending C1 approval	TBD	
LAX	pending C1 approval	TBD	
LAX	pending C1 approval	TBD	
LAX	pending C1 approval	TBD	
LAX	pending C1 approval	TBD	
LAX	pending C1 approval	TBD	
LAX	pending C1 approval	TBD	
LAX	pending C1 approval	TBD	
LAX	pending C1 approval	TBD	
LAX	pending C1 approval	TBD	
LAX	pending C1 approval	TBD	
LAX	pending C1 approval	TBD	
LAX	pending C1 approval	TBD	
LAX	pending C1 approval	TBD	
LAX	B2--approved by C1 and admitted	n/a	
LAX	B2--approved by C1 and admitted	n/a	
LAX	B2--approved by C1 and admitted	n/a	
LAX	pending--NTC vetting	TBD	
LAX	D1--approved by C1 and admitted	n/a	
LAX	pending--NTC vetting	TBD	
LAX	pending C1 approval	TBD	
Baltimore FO / IAD	ER/CFI / Pending waiver request response	NA	
Baltimore FO / BWI	NA	NA	
BFO/PHL	Waiver/Approved-Cred Fear, coordinating w/ERO to admit	TBD	
BFO/PHL	Examination in Progress	TBD	
DFW	WD	1125 (CST)	
DFW	WD	1125 (CST)	
DFW	WD	1125 (CST)	
DFW	WD	1125 (CST)	
DFW	WD	1125 (CST)	
DFW	WD	1125 (CST)	
DFW	ER	1125 (CST)	
DFW	ER	1125 (CST)	
DFW	WD	1125 (CST)	
DFW	WD	1125 (CST)	

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

From: MARTEL, CARLOS C
Sent: Thursday, February 02, 2017 10:52 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Scanned Copy of the Executive Order Binder-As Requested
Attachments: Scanned Copy of the Executive Order Binder January 2017.pdf
Importance: High

Carlos C. Martel
Director, Field Operations
Los Angeles Field Office
U.S. Customs and Border Protection

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

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 3:44:35 AM
To: MARTEL, CARLOS C
Subject: FW: Scanned Copy of the Executive Order Binder-As Requested

As discussed...scanned docs from Ryan for your reference...

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 4:54:47 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Scanned Copy of the Executive Order Binder-As Requested

(b)(6), (b)(7)(C) You can use this for the OIG interview.

(b)(6), (b)(7)(C)
Port Director
U.S. Customs and Border Protection
JFK Airport

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

From: HUTTON, JAMES R
Sent: Thursday, February 02, 2017 9:41:01 AM
To: (b)(6), (b)(7)(C)
Cc:
Subject: FW: Scanned Copy of the Executive Order Binder-As Requested

J. Ryan Hutton

Deputy Executive Director
Admissibility and Passenger Programs

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

Washington, DC

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



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

Sent: Wednesday, February 01, 2017 1:13 PM

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

Cc: HUTTON, JAMES R; (b)(6), (b)(7)(C)

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

Subject: Scanned Copy of the Executive Order Binder-As Requested

Importance: High

Good afternoon (b)(6), (b)(7)(C)

As requested, see the attached scanned copy of the Executive Order Binder.

Have a great day.

Thank you!

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

Customs and Border Protection, OFO

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

Management & Program Analyst (Program Advisor)

Washington, DC 20029

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

OFO timeline of events as of signing of Executive Order “Protecting the Nation from Foreign Terrorist Entry into the United States”:

01/27/2017

- 1700 hours: APP received draft of proposed Executive Order from DHS.
- 1730 hours: EPD began to draft guidance to field offices.
- 2030 hours: President Trump signed Executive Order.
- 2100 hours: XD conference call with DFOs to explain operational impact

01/28/2017

- 0130 hours: Guidance – Memo/Muster released to the field to address operational impact
- 1200 hours: Executive Order Crisis Team established to monitor the agency’s, support Congressional/Media inquiries, and to serve as a conduit to the Department on the agency’s implementation efforts.
- 1700 hours: 24/7 coverage established at EO CAT
- Evening **New York** court ordered stay of removal for USCIS approved refugees, IV/NIV visa holders and other individuals from 7 countries.
- Evening **Virginia** court granted permitting lawyer access to all legal permanent residents being detained at Dulles International Airport – also, granted stay of removal for lawful permanent residents being held at Dulles international Airport.
- Evening **California** court moves for an immediate injunction of enforcement of President’s Executive Order until its validity and constitutionality is adjudicated.
- Evening **Seattle** granted stay of removal to John Doe I and John Doe II.

01/29/2017

- 0720 hours **Texas** court ordered stay of removal due to submission of Emergency Motion for a Temporary Restraining Order and Preliminary Injunction.

Massachusetts court ordered stay of removal to USCIS approved refugees, IV/NIV visa holders and other individuals from 7 countries due to filing of Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief.

01/30/2017

01/31/2017

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 27, 2017

EXECUTIVE ORDER

PROTECTING THE NATION FROM FOREIGN TERRORIST
ENTRY INTO THE UNITED STATES

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.*, and section 301 of title 3, United States Code, and to protect the American people from terrorist attacks by foreign nationals admitted to the United States, it is hereby ordered as follows:

Section 1. Purpose. The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States.

Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must be vigilant during the visa-issuance

process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.

In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. The United States cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law. In addition, the United States should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation.

Sec. 2. Policy. It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

Sec. 3. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. (a) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall immediately conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat.

(b) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the President a report on the results of the review described in subsection (a) of this section, including the Secretary of Homeland Security's determination of the information needed for adjudications and a list of countries that do not provide adequate information, within 30 days of the date of this order. The Secretary of Homeland Security shall provide a copy of the report to the Secretary of State and the Director of National Intelligence.

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent

infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

(d) Immediately upon receipt of the report described in subsection (b) of this section regarding the information needed for adjudications, the Secretary of State shall request all foreign governments that do not supply such information to start providing such information regarding their nationals within 60 days of notification.

(e) After the 60-day period described in subsection (d) of this section expires, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of foreign nationals (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas) from countries that do not provide the information requested pursuant to subsection (d) of this section until compliance occurs.

(f) At any point after submitting the list described in subsection (e) of this section, the Secretary of State or the Secretary of Homeland Security may submit to the President the names of any additional countries recommended for similar treatment.

(g) Notwithstanding a suspension pursuant to subsection (c) of this section or pursuant to a Presidential proclamation described in subsection (e) of this section, the Secretaries of State and Homeland Security may, on a case-by-case basis, and when in the national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.

(h) The Secretaries of State and Homeland Security shall submit to the President a joint report on the progress in implementing this order within 30 days of the date of this order, a second report within 60 days of the date of this order, a

third report within 90 days of the date of this order, and a fourth report within 120 days of the date of this order.

Sec. 4. Implementing Uniform Screening Standards for All Immigration Programs. (a) The Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall implement a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission. This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

(b) The Secretary of Homeland Security, in conjunction with the Secretary of State, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall submit to the President an initial report on the progress of this directive within 60 days of the date of this order, a second report within 100 days of the date of this order, and a third report within 200 days of the date of this order.

Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. (a) The Secretary of State shall suspend the U.S. Refugee Admissions Program (USRAP) for 120 days. During the 120-day period, the Secretary of State, in conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, shall review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures. Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures. Upon the date that is 120 days after the date of this order, the Secretary of State shall resume USRAP admissions only for nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence have

jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States.

(b) Upon the resumption of USRAP admissions, the Secretary of State, in consultation with the Secretary of Homeland Security, is further directed to make changes, to the extent permitted by law, to prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality. Where necessary and appropriate, the Secretaries of State and Homeland Security shall recommend legislation to the President that would assist with such prioritization.

(c) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of nationals of Syria as refugees is detrimental to the interests of the United States and thus suspend any such entry until such time as I have determined that sufficient changes have been made to the USRAP to ensure that admission of Syrian refugees is consistent with the national interest.

(d) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States, and thus suspend any such entry until such time as I determine that additional admissions would be in the national interest.

(e) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretaries of State and Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the admission of such individuals as refugees is in the national interest -- including when the person is a religious minority in his country of nationality facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship -- and it would not pose a risk to the security or welfare of the United States.

(f) The Secretary of State shall submit to the President an initial report on the progress of the directive in subsection (b) of this section regarding prioritization of claims made by individuals on the basis of religious-based persecution within 100 days of the date of this order and shall submit a second report within 200 days of the date of this order.

(g) It is the policy of the executive branch that, to the extent permitted by law and as practicable, State and local jurisdictions be granted a role in the process of determining the placement or settlement in their jurisdictions of aliens eligible to be admitted to the United States as refugees. To that end, the Secretary of Homeland Security shall examine existing law to determine the extent to which, consistent with applicable law, State and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions, and shall devise a proposal to lawfully promote such involvement.

Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.

Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.
(a) The Secretary of Homeland Security shall expedite the completion and implementation of a biometric entry-exit tracking system for all travelers to the United States, as recommended by the National Commission on Terrorist Attacks Upon the United States.

(b) The Secretary of Homeland Security shall submit to the President periodic reports on the progress of the directive contained in subsection (a) of this section. The initial report shall be submitted within 100 days of the date of this order, a second report shall be submitted within 200 days of the date of this order, and a third report shall be submitted within 365 days of the date of this order. Further, the Secretary shall submit a report every 180 days thereafter until the system is fully deployed and operational.

Sec. 8. Visa Interview Security. (a) The Secretary of State shall immediately suspend the Visa Interview Waiver Program and ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of State shall immediately expand the Consular Fellows Program, including by substantially increasing the number of Fellows, lengthening or making permanent the period of service, and making language

training at the Foreign Service Institute available to Fellows for assignment to posts outside of their area of core linguistic ability, to ensure that non-immigrant visa-interview wait times are not unduly affected.

Sec. 9. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal insofar as practicable with respect to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment. If a country does not treat United States nationals seeking nonimmigrant visas in a reciprocal manner, the Secretary of State shall adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country, to the extent practicable.

Sec. 10. Transparency and Data Collection. (a) To be more transparent with the American people, and to more effectively implement policies and practices that serve the national interest, the Secretary of Homeland Security, in consultation with the Attorney General, shall, consistent with applicable law and national security, collect and make publicly available within 180 days, and every 180 days thereafter:

- (i) information regarding the number of foreign nationals in the United States who have been charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons since the date of this order or the last reporting period, whichever is later;
- (ii) information regarding the number of foreign nationals in the United States who have been radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States, since the date of this order or the last reporting period, whichever is later; and
- (iii) information regarding the number and types of acts of gender-based violence against women, including honor killings, in the United

States by foreign nationals, since the date of this order or the last reporting period, whichever is later; and

(iv) any other information relevant to public safety and security as determined by the Secretary of Homeland Security and the Attorney General, including information on the immigration status of foreign nationals charged with major offenses.

(b) The Secretary of State shall, within one year of the date of this order, provide a report on the estimated long-term costs of the USRAP at the Federal, State, and local levels.

Sec. 11. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
January 27, 2017.

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

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 12:58 AM
To: HOFFMAN, TODD A
Cc: (b)(6), (b)(7)(C)
Subject: Signed memo
Attachments: Executive Order - Protecting the Nation from Foreign Terrorist Entry into the United States.pdf

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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

Washington, DC

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



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1300 Pennsylvania Avenue NW
Washington, DC 20229



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

JAN 28 2017

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman (b)(6), (b)(7)(C)
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)

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

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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X

**HAMEED KHALID DARWEESH and
HAIDER SAMEER ABDULKHALEQ
ALSHAWI, on behalf of themselves and others
similarly situated,**

Petitioners,

- against -

**DONALD TRUMP, *President of the United
States*; U.S. DEPARTMENT OF
HOMELAND SECURITY (“DHS”); U.S.
CUSTOMS AND BORDER PROTECTION
 (“CBP”); JOHN KELLY, *Secretary of DHS*;
KEVIN K. MCALEENAN, *Acting
Commissioner of CBP*; JAMES T.
MADDEN, *New York Field Director, CBP*,**

Respondents.

----- X

ANN DONNELLY, District Judge.

On January 28, 2017, the petitioners filed an Emergency Motion for Stay of Removal on behalf of themselves and others similarly situated.

IT APPEARING to the Court from the Emergency Motion for Stay of Removal, the other submissions, the arguments of counsel, and the hearing held on the 28th of January, 2017,

1. The petitioners have a strong likelihood of success in establishing that the removal of the petitioner and others similarly situated violates their rights to Due Process and Equal Protection guaranteed by the United States Constitution;

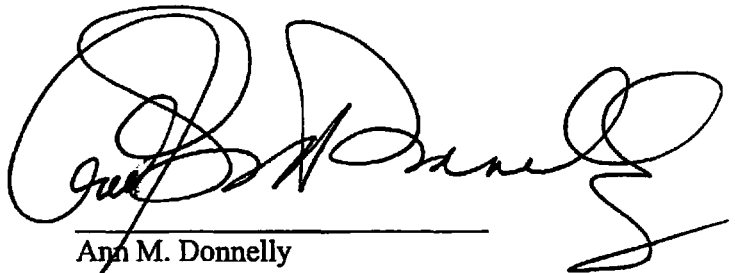
2. There is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to refugees, visa-holders, and other individuals from nations subject to the January 27, 2017 Executive Order;
3. The issuance of the stay of removal will not injure the other parties interested in the proceeding;
4. It is appropriate and just that, pending completion of a hearing before the Court on the merits of the Petition, that the Respondents be enjoined and restrained from the commission of further acts and misconduct in violation of the Constitution as described in the Emergency Motion for Stay of Removal.

WHEREFORE, IT IS HEREBY ORDERED that the respondents, their officers, agents, servants, employees, attorneys, and all members and persons acting in concert or participation with them, from the date of this Order, are

ENJOINED AND RESTRAINED from, in any manner or by any means, removing individuals with refugee applications approved by U.S. Citizenship and Immigration Services as part of the U.S. Refugee Admissions Program, holders of valid immigrant and non-immigrant visas, and other individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen legally authorized to enter the United States.

IT IS FURTHER ORDERED that to assure compliance with the Court's order, the Court directs service of this Order upon the United States Marshal for the Eastern District of New York, and further directs the United States Marshals Service to take those actions deemed necessary to enforce the provisions and prohibitions set forth in this Order.

SO ORDERED.



Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
January 28, 2017

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

Case No. 1:17-cv-116

Tareq Aqel Mohammed Aziz
and
Ammar Aqel Mohammed Aziz,
by their next friend,
Aqel Muhammad Aziz,
and
John Does 1-60,

Date: January 28, 2017

Petitioners,

v.

DONALD TRUMP, President of the United States;
U.S. DEPARTMENT OF HOMELAND SECURITY
("DHS"); U.S. CUSTOMS AND BORDER
PROTECTION ("CBP"); JOHN KELLY, Secretary
of DHS; KEVIN K. MCALEENAN, Acting
Commissioner of CBP; and WAYNE BIONDI,
Customs and Border Protection (CBP) Port Director
of the Area Port of Washington Dulles,


Respondents.

TEMPORARY RESTRAINING ORDER

Pursuant to Federal Rule of Civil Procedure 65, the Court orders that:

- a) respondents shall permit lawyers access to all legal permanent residents being detained at Dulles International Airport;
- b) respondents are forbidden from removing petitioners—lawful permanent residents at Dulles International Airport—for a period of 7 days from the issuance of this Order.

Dates: January 28, 2017



Leonie M. Brinkema
United States District Judge

1 East Bay Law
 Andrew W. Shalaby sbn 206841
 2 1417 Solano Avenue
 Albany, CA 94706
 3 Tel. 510-551-8500
 Fax: 510-725-4950
 4 email: andrew@eastbaylaw.com

5
 6 Attorneys for Plaintiffs
 The People of the State of California, and
 7 The People of the United States of America

8
 9
 10 IN THE UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO

13
 14 People of the United States of
 15 America and the State of California,
 16 Plaintiffs,

17 vs.

18 Donald Trump; United States of
 19 America,
 20 Defendants.

Case Number: 3:17-cv-451

(Fee Exempt: 28 U.S.C. § 1914(b), by
 Judicial Conference effective 12/2016)

COMPLAINT FOR INJUNCTION
 AND REPEAL OF PRESIDENTIAL
 EXECUTIVE ORDER DATED
 JANUARY 27, 2017 SUSPENDING
 VISAS AND IMMIGRATION
 BENEFITS WITHOUT
 CONGRESSIONAL APPROVAL

U.S. Const. art. I, § 1;
 U.S. Const. art. II, § 1, cl. 1

21
 22
 23 **I. FEE EXEMPTION**

24 This action is brought on behalf of the People of the State of California and
 25 United States, and exempted from filing fees under 28 U.S.C. § 1914(b):

26 Effective on: December 1, 2016

1 The United States should not be charged fees under this schedule, with
2 the exception of those specifically prescribed in Items 2, 4 and 5, when
3 the information requested is available through remote electronic access.

4 Reference:

5 <http://www.uscourts.gov/services-forms/fees/district-court-miscellaneous-fee-schedule>

6 **I. JURISDICTION**

7 This action arises under the Constitution, laws, or treaties of the United States,
8 conferring Federal Question jurisdiction under 28 U.S.C. § 1331.

9
10 **VENUE**

11 Defendant is the United States. Venue is proper in any judicial district pursuant
12 to 28 U.S.C. § 1391(e).

13
14 **PARTIES**

15 1. Plaintiffs are the People of the United States of America and the State of
16 California, by way of the Private Attorney General statutes of the State of California
17 and United States, for this civil action. The action is for the protection of all persons
18 in the United States in their civil rights and for their vindication pursuant to brought
19 pursuant to 42 U.S.C. § 1988.

20 2. Defendant, Donald Trump, aka Donald John Trump (“Mr. Trump”), is
21 the forty fifth president of the united states, inaugurated eight days ago, on January
22 20, 2017. He is named as an indispensable party with regard to this action to enjoin
23 enforcement of his executive order issued one day before the filing of this action, on
24 January 27, 2017, purporting to suspend visas and immigration benefits of a
25 seemingly undefined class of persons, apparently based on ethnicity and/or religious
26 beliefs.

27 3. Defendant, the United States of America, is the United States
28

1 Government, generally, and is named as a defendant for the purpose of enjoining
2 enforcement of the Executive Order of Mr. Trump.

3 **FIRST CAUSE OF ACTION FOR INUNCTION OF**
4 **EXECUTIVE ORDER DATED JANUARY 27, 2017**

5 4. On January 27, 2017, one day before the filing of this Complaint, Mr.
6 Trump signed an executive order purporting to suspend visas and immigration
7 benefits of a seemingly undefined class of persons, apparently based on ethnicity
8 and/or religious beliefs. The order is captioned:

9 **“EXECUTIVE ORDER**
10 **PROTECTING THE NATION FROM FOREIGN TERRORIST**
11 **ENTRY INTO THE UNITED STATES”**

12 A copy of the Executive Order is attached as Exhibit A hereto.

13 5. The Executive Order purports to suspend the issuance of visas and
14 benefits, with it's stated goal being the prevention of entry of citizens and/or residents
15 of largely unspecified countries, and appears to erroneously reference a statute which
16 does not appear to exist: “section 217(a)(12) of the INA.” While there is a “section
17 217,” there does not appear to be a section “217(a)(12)” identifying the countries from
18 which “immigrant and nonimmigrant” persons are to be denied entry to the United
19 States:

20 I hereby proclaim that the immigrant and nonimmigrant entry into the
21 United States of aliens from countries referred to in section 217(a)(12)
22 of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests
23 of the United States, and I hereby suspend entry into the United States,
24 as immigrants and nonimmigrants, of such persons for 90 days from the
25 date of this order...”

26 The People are not able to readily identify which countries the President intended
27 because there does not appear to be a “section 217(a)(12),” and therefore does not
28 appear to be any publication defining the “countries referred” in “section 217(a)(12).”

6. The Executive Order violates the separation of powers doctrine without
statutory exception, because U.S. Const. art. I, § 1 vests Congress with all legislative
powers:

1 U.S. Const. art. I, § 1

2 All legislative Powers herein granted shall be vested in a Congress of the
3 United States, which shall consist of a Senate and House of
Representatives.

4 The President is vested with the executive power pursuant to U.S. Const. art. II, § 1,
5 cl. 1:

6 Section 1. The executive Power shall be vested in a President of the United
7 States of America.

8 The Judiciary, this Court, is vested with the judicial powers to interpret the laws
9 pursuant to is vested with U.S. Const. art. III, § 1:

10 Section 1. The judicial Power of the United States, shall be vested in one
11 supreme Court, and in such inferior Courts as the Congress may from
12 time to time ordain and establish. The Judges, both of the supreme and
inferior Courts, shall hold their Offices during good Behaviour, and
shall, at stated Times, receive for their Services, a Compensation, which
shall not be diminished during their Continuance in Office.

13 No Statutory Exception Exists

14 There has been no change of any kind so as to warrant departure from the
15 Separation of Powers doctrine and permit Mr. Trump to legislate the Executive Order
16 at issue. There has been on increase of threat of terrorist attacks at all since the event
17 referenced in the second paragraph of Mr. Trump's Executive Order, the "terrorist
18 attacks of September 11, 2001." To the contrary, the threat of terrorist attacks has
19 declined steadily since September 2001, therefore Congress and the previous two
20 presidential administrations never considered enacting such a prohibition of entry of
21 persons to the United States based on their countries of origin and/or religious beliefs.
22 There is no exigent circumstance exception to warrant an executive order, while the
23 legislature and previous two presidents served through the several years following
24 September 11, 2001 and had years to enact legislation barring entry into the United
25 States by the classes of persons identified on Mr. Trump's Executive Order, but
26 clearly determined such legislation would be detrimental to the interests of the People
27 of the United States of America.
28

1
2 THE EXECUTIVE ORDER WOULD DAMAGE U.S. REPUTATION

3 Mr. Trump's intent is commendable and appreciated insofar as he identifies
4 persons who inflict "gender-based violence against women, including honor killings,"
5 as well as persons "who have been radicalized after entry into the United States and
6 engaged in terrorism-related acts, or who have provided material support to terrorism-
7 related organizations in countries that pose a threat to the United States." However,
8 Mr. Trump's Executive Order is overly broad and misses its mark. If not stricken,
9 the Executive Order would facially damage the reputation of the United States
10 worldwide, because it discriminates against a very large class of persons based on
11 either their foreign citizenship or residency, or religious beliefs, based on an erroneous
12 beliefs of one individual (Mr. Trump). While the several countries Mr. Trump
13 attempted to identify on his Executive Order are not actually specified, and apparently
14 cannot even be ascertained from the document or its references, nevertheless a ban
15 on entry to the United States based solely on foreign citizenship or residency, or
16 religion, facially evidences inhumane discrimination.
17

18 CONGRESS MAY ENACT THE LEGISLATION IF NECESSARY

19 The Legislative branch is charged with enactment of the laws. Mr. Trump can
20 therefore tender his Executive Order as a bill to Congress, so that the legislature can
21 decide whether such a law should be enacted for the benefit of the People of the
22 United States of America. However, no statute or authority exists to support the
23 issuance of this particular Executive Order.
24

25 **SECOND CAUSE OF ACTION TO STRIKE EXECUTIVE**
26 **ORDER AS UNCONSTITUTIONAL INFRINGEMENT ON**
27 **ESTABLISHMENT CLAUSE**

28 7. The First Amendment to the United States Constitution is the cornerstone

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of democracy. The first sentence of the First Amendment provides:

“Congress shall make no law respecting an establishment of religion...”

Mr. Trump’s Executive Order presents a proposed “law” facially prohibiting entry of persons to the United States based on their adherence to religious beliefs shared in certain countries. The Executive Order therefore is facially unconstitutional and must be stricken as an infringement on the Establishment Clause of the First Amendment.

INJUNCTIVE RELIEF PENDING ADJUDICATION

Plaintiffs respectfully move for an immediate injunction of enforcement of Mr. Trump’s Executive Order until it’s validity and constitutionality is adjudicated.

Dated: January 28, 2017

s/Andrew W. Shalaby
Andrew W. Shalaby, Attorney for
Plaintiffs

PROOF OF SERVICE

I, Andrew W. Shalaby, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the within entitled action. I am employed at 7525 Leviston Ave, El Cerrito, CA. On January 28, 2017 I served the attached:

**COMPLAINT FOR INJUNCTION AND REPEAL OF
PRESIDENTIAL EXECUTIVE ORDER DATED
JANUARY 27, 2017 SUSPENDING VISAS AND
IMMIGRATION BENEFITS WITHOUT
CONGRESSIONAL APPROVAL**

on the interested parties in said action, by placing a true copy thereof in sealed envelope(s) addressed as follows:

Office of the Attorney General
455 Golden Gate, Suite 11000
San Francisco, CA 94102-7004

and served the named document in the manner indicated below:

BY MAIL: I am familiar with the practices of the U.S. Postal Service, and I caused true and correct copies of the above documents, by following ordinary business practices, to be placed and sealed in envelopes(s) addressed to the addressees, at an office of the U.S. Postal Service in El Cerrito, California, for collection and mailing by first class mail with the United States Postal Service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed January 28, 2017, at El Cerrito, California.

s/Andrew W. Shalaby

Andrew W. Shalaby

1 Matt Adams
2 Glenda Aldana Madrid
3 NORTHWEST IMMIGRANT RIGHTS PROJECT
4 615 Second Ave., Ste. 400
5 Seattle, WA 98104
6 (206) 957-8611

7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 John DOE 1, John DOE 2)

11 Petitioners,)

12 v.)

Case No.: C17-126

13 Donald TRUMP; President of the United States)

14 of America; John F. Kelly, Secretary of the)

Agency No. A

15 Department of Homeland Security;)

16 DEPARTMENT OF HOMELAND SECURITY;)

**ORDER GRANTING EMERGENCY
MOTION FOR STAY OF REMOVAL**

17 KEVIN K. MCALEENAN, Acting)

18 Commissioner of Customs and Border)

19 Protection; CUSTOMS AND BORDER)

20 PROTECTION; and the UNITED STATES OF)

21 AMERICA,)

22 Respondents.)

23 - 1 -
24 Petition for Writ of Habeas Corpus

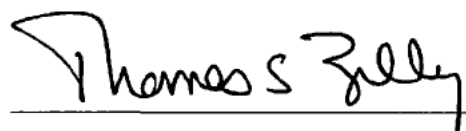
Northwest Immigrant Rights Project
615 Second Ave., Ste. 400
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THIS MATTER HAVING COME TO THE COURT UPON PETITIONERS' EMERGENCY ORDER FOR STAY OF REMOVAL, AND THE COURT HAVING CONSIDERED THE EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS, DOCKET NO. 1, AND THE MOTION FOR EMERGENCY STAY, DOCKET NO. 2, HEREBY GRANTS THE FOLLOWING ORDER:

- 1. THE COURTS GRANTS A STAY OF REMOVAL.
- 2. DEFENDANTS ARE ENJOINED FROM REMOVING JOHN DOE I AND JOHN DOE II FROM THE UNITED STATES PENDING FURTHER ORDER OF THE COURT.
- 3. The Court SETS a hearing for 10:00 a.m. on Friday, February 3, 2017, to determine whether to lift the stay.

DATED this 28th day of January, 2017.



Thomas S. Zilly
United States District Judge

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SHAHIN HASSANPOUR,	§	
	§	
Petitioner,	§	
	§	
v.	§	No. 3:17-cv-270
	§	
DONALD TRUMP, President of the	§	
United States; U.S. DEPARTMENT OF	§	
HOMELAND SECURITY (“DHS”);	§	
U.S. CUSTOMS AND BORDER	§	
PROTECTION (“CBP”); JOHN KELLY,	§	
Secretary of DHS; KEVIN K.	§	
MCALEENAN, Acting Commissioner of	§	
CBP; and CLEATUS P. HUNT, JR.,	§	
Dallas/Ft. Worth International Airport	§	
Port Director, CBP,	§	
	§	
Respondents.	§	

ORDER

Pending before the Court is Petitioner's Motion for Temporary Restraining Order and Preliminary Injunction to stay the removal of Petitioner and persons similarly situated who are detained at DFW International Airport pursuant to the President's January 27, 2017.

On January 28, 2017, the United States District Court for the Eastern District of New York issued a nationwide stay in *Hameed Khalid Darweesh and Haider Sameer Abdulkhaleq Alshawi v. Donald Trump, et. al.*, Case No. 17 Civ. 480, that appears to apply to Petitioner and class members detained in the DFW Airport. That Court has determined that Petitioner and class members have a strong likelihood of success in the litigation, that there is imminent danger that, absent a stay of removal, there will be substantial and irreparable injury to Petitioner and class members subject to the January 27, 2017, and that issuance of the stay will not injure the parties.

Out of an abundance of caution, the Court will stay Petitioner's and class members'

removal in this case pending completion of the proceedings in the Eastern District of New York.

WHEREFORE, IT IS HEREBY ORDERED that the Respondents, their officers, agents, servants, employees, attorneys and all persons acting in concert or participation with them will comply with the nationwide stay issued in *Hameed Khalid Darweesh and Haider Sameer Abdulkhaleq Alshawi v. Donald Trump, et. al.*, Case No. 17 Civ. 480.

IT IS FURTHER ORDERED that to assure compliance with the Court's order, the Court directs service of this Order upon the United States Marshal for the Northern District of Texas, and further directs the United States Marshals Services to take those actions deemed necessary to enforce the provisions and prohibitions set forth in this Order.

So ordered this ___ day of January, 2017.

UNITED STATES DISTRICT JUDGE

members involuntarily withdrew their applications for admission and waived their statutory and constitutional rights. Upon information and belief, Petitioner is scheduled to be deported on a flight at 11AM this morning. **She seeks an emergency stay of removal.**

In support of their motion, Petitioner and others similarly situated would show the following:

1. Petitioner Shahin Hassanpour is a 70 year-old Iranian national who landed in the Dallas/Ft. Worth International Airport ("DFW") on or about January 28, 2017. In September 2016, the United States Department of State (DOS) approved Ms. Hassanpour's application for an immigrant visa to come and live in the United States with her United States citizen son, who petitioned for her visa. Prior to the issuance of her visa, the DOS reviewed Ms. Hassanpour's criminal and immigration background and found her eligible for an immigrant visa.

2. On or about January 27, 2017, Ms. Hassanpour departed from Esfahan on Emirates Airlines.

3. On or about January 28, 2017, Ms. Hassanpour landed at DFW Airport.

4. Pursuant to the January 27, 2017 executive order, Respondents are not allowing Ms. Hassanpour to exit DFW Airport.

5. Respondents are not permitting Ms. Hassanpour to meet with her attorneys who are in Dallas or her United States citizen son was at the DFW Airport.

6. Ms. Hassanpour is an elderly woman who must take cancer and heart medication on a regular basis. The long flight, the stress of detention, and the lack of her medication present unnecessary health risks to Ms. Hassanpour.

7. Upon information and belief, Respondents coerced Ms. Hassanpour to withdraw her application for admission. Respondents told Ms. Hassanpour that she would be permanently

banned from the United States and sent to jail if she did not sign the form withdrawing her admission. Respondents did not translate or interpret the waiver form. Ms. Hassanpour, however, does not speak English, has no knowledge of United States laws, and was denied the opportunity to communicate with her attorneys.

8. Ms. Hassanpour has valid documents to enter the United States. She was previously interviewed and investigated by the State Department. The State Department and the U.S. Citizenship and Immigration Services previously determined that Ms. Hassanpour was not a national security risk. Respondents are detaining Ms. Hassanpour solely because of her national origin and her religion as required by the January 27, 2017 executive order.

9. Upon information and belief, Respondents intend to remove her and others and other similarly situated immigrant and nonimmigrant visa holders from Iran, Iraq, Syria, Yemen, Somalia, Sudan or Libya landed in the United States at the DFW Airport and presented themselves for inspection and admission, notwithstanding the nationwide stay issued in *Darweesh and Alshawi v. Trump et. al.*, Cause No. 17 Civ. 480 (AMD) in the U.S. District Court for the Eastern District of New York on January 28, 2017, relying upon the illegal waivers obtained from class members.

10. Because the executive order is unlawful as applied to Ms. Hassanpour and class members, their continued detention and the denial of admission based solely on the executive order violates their Fifth Amendment procedural and substantive due process, violates the First Amendment Establishment Clause, is ultra vires under the immigration statutes, and violates the Administrative Procedure Act and Religious Freedom Restoration Act. *See* Petitioner's Habeas Petition, ¶¶ 40 – 57. Further, Ms. Hassanpour's and class members continued unlawful detention is part of a widespread policy, pattern and practice applied to many refugees and arriving

noncitizens detained after the issuance of the January 27, 2017 executive order. Therefore, on behalf of herself and a class of similarly situated immigrant and nonimmigrant holders, Ms. Hassanpour respectfully applies to this Court for a stay of removal.

11. As indicated by the nationwide stay issued in *Darweesh and Alshawi v. Trump et. al.*, Cause No. 17 Civ. 480 (AMD) in the U.S. District Court for the Eastern District of New York on January 28, 2017, Petitioner has a strong likelihood of success in establishing that the removal of Petitioner and others similarly situated violates their rights to Due Process and Equal Protection guaranteed by the U.S. Constitution.

12. As indicated by the nationwide stay, there is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to Petitioner and others similarly situated.

13. As indicated by the nationwide stay, the issuance of the stay of removal will not injure the other parties interested in the proceeding.

14. A preliminary injunction is appropriate if the potential harm to the plaintiff outweighs the cost of the injunction, and the injunction “does not disserve the public interest.” *Jackson Women’s Health Org. Ctr.*, 760 F.3d 448, 452 (5th Cir. 2014). In this case, the potential harm to the Petitioner is clearly outweighed by any harm to the defendants.

Conclusion

15. Petitioner and others similarly situated face imminent removal in a few hours. The United States District Court in *Hameed Khalid Darweesh and Haider Sameer Abdulkhaleq Alshawi v. Donald Trump, et. al.*, Case No. 17 Civ. 480, has determined that Petitioner and class members have a strong likelihood of success in the litigation, that there is imminent danger that, absent a stay of removal, there will be substantial and irreparable injury to Petitioner and class members

Therefore, , the Court should grant her Motion for a Temporary Preliminary Injunction.

Emergency Hearing

16. Petitioner considers that the facts and law in this matter permit resolution of the Petition without an evidentiary hearing. In the alternative, Petitioner asks for an emergency hearing this morning to have her arguments heard.

Prayer

WHEREFORE, premises considered, Petitioner respectfully ask this court to GRANT her **Motion for a Temporary Preliminary Injunction** and to issue a preliminary injunction ordering Defendants to:

1. Stay her removal which would be contrary to law;
2. Grant any other and further relief that this Court may deem fit and proper.

Petitioner further requests that they be awarded reasonable attorney's fees and costs associated with the litigation of this motion.

Respectfully submitted,

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHAHIN HASSANPOUR,	§	
	§	
Petitioner,	§	
	§	
v.	§	No. 3:17-cv-270
	§	
DONALD TRUMP, President of the	§	
United States; U.S. DEPARTMENT OF	§	
HOMELAND SECURITY (“DHS”);	§	
U.S. CUSTOMS AND BORDER	§	
PROTECTION (“CBP”); JOHN KELLY,	§	
Secretary of DHS; KEVIN K.	§	
MCALEENAN, Acting Commissioner of	§	
CBP; and CLEATUS P. HUNT, JR.,	§	
Dallas/Ft. Worth International Airport	§	
Port Director, CBP,	§	
	§	
Respondents.	§	

**PETITIONER’S EMERGENCY MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION;
DEPORTATION FLIGHT SCHEDULED FOR 11:00AM TODAY**

Petitioner, by and through counsel, submits this **Emergency Motion for a Temporary Restraining Order and Preliminary Injunction**, pursuant to Federal Rule of Civil Procedure 65(a) and (b). Petitioner tried to file a habeas petition last night, but the ECF site was down. She was able to file a habeas petition at 7:20 this morning. She and others similarly situated immigrant and nonimmigrant visa holders who are detained by Respondents at the Dallas/Ft. Worth International Airport (“DFW”) pursuant to the President’s January 27, 2017 executive order were coerced into withdrawing their applications for admissions. Although a federal court has enjoined Respondents from removing Petitioner and class members, Petitioner is concerned that Respondents will disregard the nationwide stay on the ground that Petitioner and class

members involuntarily withdrew their applications for admission and waived their statutory and constitutional rights. Upon information and belief, Petitioner is scheduled to be deported on a flight at 11AM this morning. **She seeks an emergency stay of removal.**

In support of their motion, Petitioner and others similarly situated would show the following:

1. Petitioner Shahin Hassanpour is a 70 year-old Iranian national who landed in the Dallas/Ft. Worth International Airport ("DFW") on or about January 28, 2017. In September 2016, the United States Department of State (DOS) approved Ms. Hassanpour's application for an immigrant visa to come and live in the United States with her United States citizen son, who petitioned for her visa. Prior to the issuance of her visa, the DOS reviewed Ms. Hassanpour's criminal and immigration background and found her eligible for an immigrant visa.

2. On or about January 27, 2017, Ms. Hassanpour departed from Esfahan on Emirates Airlines.

3. On or about January 28, 2017, Ms. Hassanpour landed at DFW Airport.

4. Pursuant to the January 27, 2017 executive order, Respondents are not allowing Ms. Hassanpour to exit DFW Airport.

5. Respondents are not permitting Ms. Hassanpour to meet with her attorneys who are in Dallas or her United States citizen son was at the DFW Airport.

6. Ms. Hassanpour is an elderly woman who must take cancer and heart medication on a regular basis. The long flight, the stress of detention, and the lack of her medication present unnecessary health risks to Ms. Hassanpour.

7. Upon information and belief, Respondents coerced Ms. Hassanpour to withdraw her application for admission. Respondents told Ms. Hassanpour that she would be permanently

banned from the United States and sent to jail if she did not sign the form withdrawing her admission. Respondents did not translate or interpret the waiver form. Ms. Hassanpour, however, does not speak English, has no knowledge of United States laws, and was denied the opportunity to communicate with her attorneys.

8. Ms. Hassanpour has valid documents to enter the United States. She was previously interviewed and investigated by the State Department. The State Department and the U.S. Citizenship and Immigration Services previously determined that Ms. Hassanpour was not a national security risk. Respondents are detaining Ms. Hassanpour solely because of her national origin and her religion as required by the January 27, 2017 executive order.

9. Upon information and belief, Respondents intend to remove her and others and other similarly situated immigrant and nonimmigrant visa holders from Iran, Iraq, Syria, Yemen, Somalia, Sudan or Libya landed in the United States at the DFW Airport and presented themselves for inspection and admission, notwithstanding the nationwide stay issued in *Darweesh and Alshawi v. Trump et. al.*, Cause No. 17 Civ. 480 (AMD) in the U.S. District Court for the Eastern District of New York on January 28, 2017, relying upon the illegal waivers obtained from class members.

10. Because the executive order is unlawful as applied to Ms. Hassanpour and class members, their continued detention and the denial of admission based solely on the executive order violates their Fifth Amendment procedural and substantive due process, violates the First Amendment Establishment Clause, is ultra vires under the immigration statutes, and violates the Administrative Procedure Act and Religious Freedom Restoration Act. See Petitioner's Habeas Petition, ¶¶ 40–57. Further, Ms. Hassanpour's and class members continued unlawful detention is part of a widespread policy, pattern and practice applied to many refugees and arriving

noncitizens detained after the issuance of the January 27, 2017 executive order. Therefore, on behalf of herself and a class of similarly situated immigrant and nonimmigrant holders, Ms. Hassanpour respectfully applies to this Court for a stay of removal.

11. As indicated by the nationwide stay issued in *Darweesh and Alshawi v. Trump et. al.*, Cause No. 17 Civ. 480 (AMD) in the U.S. District Court for the Eastern District of New York on January 28, 2017, Petitioner has a strong likelihood of success in establishing that the removal of Petitioner and others similarly situated violates their rights to Due Process and Equal Protection guaranteed by the U.S. Constitution.

12. As indicated by the nationwide stay, there is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to Petitioner and others similarly situated.

13. As indicated by the nationwide stay, the issuance of the stay of removal will not injure the other parties interested in the proceeding.

14. A preliminary injunction is appropriate if the potential harm to the plaintiff outweighs the cost of the injunction, and the injunction “does not disserve the public interest.” *Jackson Women's Health Org. Ctr.*, 760 F.3d 448, 452 (5th Cir. 2014). In this case, the potential harm to the Petitioner is clearly outweighed by any harm to the defendants.

Conclusion

15. Petitioner and others similarly situated face imminent removal in a few hours. The United States District Court in *Hameed Khalid Darweesh and Haider Sameer Abdulkhaleq Alshawi v. Donald Trump, et. al.*, Case No. 17 Civ. 480, has determined that Petitioner and class members have a strong likelihood of success in the litigation, that there is imminent danger that, absent a stay of removal, there will be substantial and irreparable injury to Petitioner and class members

Therefore, , the Court should grant her Motion for a Temporary Preliminary Injunction.

Emergency Hearing

16. Petitioner considers that the facts and law in this matter permit resolution of the Petition without an evidentiary hearing. In the alternative, Petitioner asks for an emergency hearing this morning to have her arguments heard.

Prayer

WHEREFORE, premises considered, Petitioner respectfully ask this court to GRANT her **Motion for a Temporary Preliminary Injunction** and to issue a preliminary injunction ordering Defendants to:

1. Stay her removal which would be contrary to law;
2. Grant any other and further relief that this Court may deem fit and proper.

Petitioner further requests that they be awarded reasonable attorney's fees and costs associated with the litigation of this motion.

Respectfully submitted,

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Donald E. Uloth
Texas State Bar No. 20374200

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

SHAHIN HASSANPOUR,	§	
	§	
Petitioner,	§	
	§	
v.	§	No. 3:17-cv-270
	§	
DONALD TRUMP, President of the	§	
United States; U.S. DEPARTMENT OF	§	
HOMELAND SECURITY (“DHS”);	§	
U.S. CUSTOMS AND BORDER	§	
PROTECTION (“CBP”); JOHN KELLY,	§	
Secretary of DHS; KEVIN K.	§	
MCALEENAN, Acting Commissioner of	§	
CBP; and CLEATUS P. HUNT, JR.,	§	
Dallas/Ft. Worth International Airport	§	
Port Director, CBP,	§	
	§	
Respondents.	§	

ORDER

Pending before the Court is Petitioner's Motion for Temporary Restraining Order and Preliminary Injunction to stay the removal of Petitioner and persons similarly situated who are detained at DFW International Airport pursuant to the President's January 27, 2017.

On January 28, 2017, the United States District Court for the Eastern District of New York issued a nationwide stay in *Hameed Khalid Darweesh and Haider Sameer Abdulkhaleq Alshawi v. Donald Trump, et. al.*, Case No. 17 Civ. 480, that appears to apply to Petitioner and class members detained in the DFW Airport. That Court has determined that Petitioner and class members have a strong likelihood of success in the litigation, that there is imminent danger that, absent a stay of removal, there will be substantial and irreparable injury to Petitioner and class members subject to the January 27, 2017, and that issuance of the stay will not injure the parties.

Out of an abundance of caution, the Court will stay Petitioner's and class members'

removal in this case pending completion of the proceedings in the Eastern District of New York.

WHEREFORE, IT IS HEREBY ORDERED that the Respondents, their officers, agents, servants, employees, attorneys and all persons acting in concert or participation with them will comply with the nationwide stay issued in *Hameed Khalid Darweesh and Haider Sameer Abdulkhaleq Alshawi v. Donald Trump, et. al.*, Case No. 17 Civ. 480.

IT IS FURTHER ORDERED that to assure compliance with the Court's order, the Court directs service of this Order upon the United States Marshal for the Northern District of Texas, and further directs the United States Marshals Services to take those actions deemed necessary to enforce the provisions and prohibitions set forth in this Order.

So ordered this ___ day of January, 2017.

UNITED STATES DISTRICT JUDGE

Petitioner Shahin Hassanpour is a 70 year-old Iranian national who landed in the Dallas/Ft. Worth International Airport (“DFW”) on or about January 28, 2017. In September 2016, the United States Department of State (DOS) approved Ms. Hassanpour's application for an immigrant visa to come and live in the United States. Her United States citizen son had petitioned for her to immigrate to the United States as a permanent resident. Prior to the issuance of her visa, the DOS reviewed Ms. Hassanpour's criminal and immigration background and found her eligible for an immigrant visa.

On or about January 28, 2017, Ms. Hassanpour and other similarly situated immigrant and nonimmigrant visa holders landed in the United States at the DFW Airport and presented themselves for inspection and admission. U.S. Customs and Border Protection (CBP) blocked Ms. Hassanpour and class members from exiting DFW Airport even though they presented valid entry documents. CBP continues to detain Ms. Hassanpour and class members and deny them admission. CBP is holding Ms. Hassanpour and class members at DFW Airport solely pursuant to an executive order issued by President Donald Trump on January 27, 2017.

Because the executive order is unlawful as applied to Ms. Hassanpour and class members, their continued detention and the denial of admission based solely on the executive order violates their Fifth Amendment procedural and substantive due process, violates the First Amendment Establishment Clause, is ultra vires under the immigration statutes, and violates the Administrative Procedure Act and Religious Freedom Restoration Act. Further, Ms. Hassanpour's and class members continued unlawful detention is part of a widespread policy, pattern and practice applied to many refugees and arriving noncitizens detained after the issuance of the January 27, 2017 executive order. Therefore, on behalf of herself and a class of similarly situated immigrant and nonimmigrant holders, Ms. Hassanpour respectfully applies to this Court

for a writ of habeas corpus to remedy their unlawful detention, and for declaratory and injunctive relief to prevent such harms from recurring.

CUSTODY

1. Ms. Hassanpour is in the physical custody of Respondent Cleatus P. Hunt, Jr., DFW International Airport Port Director, U.S. Customs and Border Protection, the Department of Homeland Security (DHS). At the time of the filing of this petition, Petitioner is detained at the DFW Airport. Ms. Hassanpour is under the direct control of Respondents and their agents.
2. Class members are immigrant and nonimmigrant holders who are from Iran, Iraq, Syria, Yemen, Somalia, Sudan or Libya, who are detained at DFW Airport pursuant to the January 27, 2017 executive order, and who were coerced into withdrawing their applications for admission.

JURISDICTION

3. This Court has subject matter jurisdiction over this action under 28 U.S.C. §§ 1331, 1361, 2241, 2243, and the Habeas Corpus Suspension Clause of the U.S. Constitution. This court has further remedial authority pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*

VENUE

4. Venue lies in the United States District Court for the Northern District of Texas, the judicial district in which Respondent Cleatus P. Hunt, Jr. resides and where Petitioner is detained. 28 U.S.C. § 1391(e).
5. No petition for habeas corpus has previously been filed in any court to review Petitioner's case.

PARTIES

6. Petitioner Shahin Hassanpour is a national and citizen of Iran who was granted an immigrant visa so that she can come to the United States as a lawful permanent resident. She is

detained by Respondents pursuant to President Trump's January 27, 2017 executive order.

7. Class members are immigrant and nonimmigrant holders who are from Iran, Iraq, Syria, Yemen, Somalia, Sudan or Libya and who are detained at DFW Airport pursuant to the January 27, 2017 executive order and who were coerced into withdrawing their applications for admission.

8. Donald Trump is the President of the United States and is charged with enforcing the immigration laws. He is sued in his official capacity.

9. The U.S. Department of Homeland Security ("DHS") is a cabinet department of the United States federal government with the primary mission of securing the United States.

10. U.S. Customs and Border Protection ("CBP") is an agency within DHS with the primary mission of detecting and preventing the unlawful entry of persons and goods into the United States.

11. Respondent John Kelly is the Secretary of DHS. Secretary Kelly has immediate custody of Petitioner. He is sued in his official capacity.

12. Respondent Kevin K. McAleenan is the Acting Commissioner of CBP. Acting Commissioner McAleenan has immediate custody of Petitioner. He is sued in his official capacity.

13. Respondent Cleatus P. Hunt, Jr. is the Port Director of the Dallas/Ft. Worth International Airport. He has immediate custody of Ms. Hassanpour. He is sued in his official capacity.

STATEMENT OF FACTS

President Trump's January 27, 2017 Executive Order

14. On January 20, 2017, Donald Trump was inaugurated as the forty-fifth President of the United States. During his campaign, he stated that he would ban Muslims from entering the United States.

15. On January 27, one week after his inauguration, President Trump signed an executive order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States," which is attached hereto as Exhibit A and is hereinafter referred to as the "EO."

16. In statements to the press in connection with his issuance of the EO, President Trump stated that his order would help Christian refugees to enter the United States.

17. Citing the threat of terrorism committed by foreign nationals, the EO directs a variety of changes to the manner and extent to which noncitizens may seek and obtain entry to the United States. Among other things, the EO imposes a 120-day moratorium on the refugee resettlement program as a whole; proclaims that "that the entry of nationals of Syria as refugees is detrimental to the interests of the United States"; and therefore singles out Syrian refugees for an indefinite "suspension" on their admission to the country.

18. Most relevant to the instant action is Section 3(c) of the EO, in which President Trump proclaims "that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States," and that he is therefore "suspend[ing] entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order," with narrow exceptions not relevant here.

19. There are seven countries that fit the criteria in 8 U.S.C. § 1187(a)(12): Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen. According to the terms of the EO, therefore, the "entry into

the United States” of noncitizens from those countries is “suspended” from 90 days from the date of the EO.

Petitioner Hassanpour

20. Petitioner Shahin Hassanpour is a 70 year-old Iranian national who is Muslim.
21. Ms. Hassanpour has a United States citizen son who petitioned for Ms. Hassanpour to immigrate to the United States as a lawful permanent resident.
22. In September 2016, the State Department interviewed Ms. Hassanpour in connection with her application for an immigrant visa. After reviewing her application and investigating her criminal background, the State Department determined that Ms. Hassanpour qualified for an immigrant visa. In issuing Ms. Hassanpour an immigrant visa, the State Department determined that Ms. Hassanpour was not a threat to this country's national security but rather that she was worthy of residing here permanently.
23. On or about January 27, 2017, Ms. Hassanpour departed from Esfahan on Emirates Airlines.
24. On or about January 28, 2017, Ms. Hassanpour landed at DFW Airport.
25. Pursuant to the January 27, 2017 executive order, Respondents are not allowing Ms. Hassanpour to exit DFW Airport.
26. Respondents are not permitting Ms. Hassanpour to meet with her attorneys who are in Dallas. Her United States citizen son was at the DFW Airport ready to meet her.
27. Ms. Hassanpour is an elderly woman who must take cancer and heart medication on a regular basis. The long flight, the stress of detention, and the lack of her medication present unnecessary health risks to Ms. Hassanpour.

28. Upon information and belief, Respondents coerced Ms. Hassanpour to withdraw her application for admission. Respondents told Ms. Hassanpour that she would be permanently banned from the United States if she did not sign the form withdrawing her admission. Respondents did not translate or interpret the waiver form. Ms. Hassanpour, however, does not speak English, has no knowledge of United States laws, and was denied the opportunity to communicate with her attorneys.

29. Ms. Hassanpour has valid documents to enter the United States. She was previously interviewed and investigated by the State Department. The State Department and the U.S. Citizenship and Immigration Services previously determined that Ms. Hassanpour was not a national security risk. Respondents are detaining Ms. Hassanpour solely because of her national origin and her religion as required by the January 27, 2017 executive order.

30. Upon information and belief, Respondents intend to remove class members notwithstanding the nationwide stay issued in *Darweesh and Alshawi v. Trump et. al.*, Cause No. 17 Civ. 480 (AMD) in the U.S. District Court for the Eastern District of New York on January 28, 2017, relying upon the illegal waivers obtained from class members.

31. Respondents' decisions to detain Ms. Hassanpour are not unlawful and are capricious and arbitrary. There is no better time for the Court to consider the merits of Ms. Hassanpour's request for release.

Class

32. Class members are immigrant and nonimmigrant visa holders currently detained by Respondents at the DFW Airport.

33. Class members are in the possession of entry documents that were lawfully issued by the State Department and/or the Department of Homeland Security.

34. Prior to issuing entry documents to class members, the State Department and/or the Department of Homeland Security interviewed and investigated class members. The State Department and/or the Department of Homeland Security determined that class members were admissible and were not a threat to the national security.

35. Upon landing at DFW Airport, Respondents detained class members pursuant to the President's January 27, 2017 executive order. Upon information and belief, Respondents denied class members an opportunity to speak with their lawyers.

36. Upon information and belief, Respondents then proceeded to coerce class members to withdraw their applications for admission.

37. Class members do not speak English fluently, are not lawyers, and are not familiar with United States laws.

38. Upon information and belief, Respondents intend to remove class members notwithstanding the nationwide stay issued in *Darweesh and Alshawi v. Trump et. al.*, Cause No. 17 Civ. 480 (AMD) in the U.S. District Court for the Eastern District of New York on January 28, 2017, relying upon the illegal waivers obtained from class members.

39. Respondents' decisions to detain class members are not legally justifiable and are capricious and arbitrary. There is no better time for the Court to consider the merits of the class members' request for release.

CLAIMS FOR RELIEF

COUNT ONE

CONSTITUTIONAL CLAIM--DUE PROCESS

40. Petitioner alleges and incorporates by reference paragraphs 1 through 39 above.

41. Petitioner's and the class members' detention violates her right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO
FIRST AMENDMENT—ESTABLISHMENT CLAUSE

42. Petitioner alleges and incorporates by reference paragraphs 1 through 39 above.
43. The EO exhibits hostility to a specific religious faith, Islam, and gives preference to other religious faiths, principally Christianity. The EO therefore violates the Establishment Clause of the First Amendment by not pursuing a course of neutrality with regard to different religious faiths.

COUNT THREE
FIFTH AMENDMENT—EQUAL PROTECTION

44. Petitioner alleges and incorporates by reference paragraphs 1 through 39 above.
45. The EO discriminates against Petitioner and the class on the basis of their country of origin and religion, without sufficient justification, and therefore violates the equal protection component of the Due Process Clause of the Fifth Amendment.
46. Additionally, the EO was substantially motivated by animus toward—and has a disparate effect on—Muslims, which also violates the equal protection component of the Due Process Clause of the Fifth Amendment.
47. Respondents have demonstrated an intent to discriminate against Petitioner and the class members on the basis of religion through repeated public statements that make clear the EO was designed to prohibit the entry of Muslims to the United States. *See* Michael D. Shear & Helene Cooper, *Trump Bars Refugees and Citizens of 7 Muslim Countries*, N.Y. Times (Jan. 27, 2017), (“[President Trump] ordered that Christians and others from minority religions be granted priority over Muslims.”); Carol Morello, *Trump Signs Order Temporarily Halting Admission of Refugees, Promises Priority for Christians*, Wash. Post (Jan. 27, 2017).

48. Applying a general law in a fashion that discriminates on the basis of religion in this way violates Petitioner's and class members' right to equal protection under the Fifth Amendment Due Process Clause. Petitioner and the class satisfy the Supreme Court's test to determine whether a facially neutral law – in the case, the EO and federal immigration law – has been applied in a discriminatory fashion. *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266-7 (1977).

49. Here, President Donald Trump and senior staff have made clear that EO will be applied to primarily exclude individuals on the basis of their national origin and being Muslim. *See, e.g.*, Donald J. Trump, *Donald J. Trump Statement On Preventing Muslim Immigration*, (Dec. 7, 2015), <https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration> (“Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what is going on.”); Abby Phillip and Abigail Hauslohner, *Trump on the Future of Proposed Muslim Ban, Registry: ‘You know my plans’*, Wash. Post (Dec. 22, 2016). Further, the President has promised that preferential treatment will be given to Christians, unequivocally demonstrating the special preferences and discriminatory impact that the EO has upon Petitioner. *See supra*.

50. Thus, Respondents have applied the EO with forbidden animus and discriminatory intent in violation of the equal protection of the Fifth Amendment and violated Petitioner's and the class members' equal protection rights.

COUNT FOUR ADMINISTRATIVE PROCEDURE ACT

51. Petitioner alleges and incorporates by reference paragraphs 1 through 27 above.

52. Respondents detained and mistreated Petitioner and class members solely pursuant to an executive order issued on January 27, 2017, which expressly discriminates against Petitioner and

the class on the basis of her country of origin and was substantially motivated by animus toward Muslims.

53. The EO exhibits hostility to a specific religious faith, Islam, and gives preference to other religious faiths, principally Christianity.

54. The INA forbids discrimination in issuance of visas based on a person's race, nationality, place of birth, or place of residence. 8 U.S.C. § 1152(a)(1)(A).

55. Respondents' actions in detaining and mistreating Petitioner and class members were arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, in violation of APA § 706(2)(A); contrary to constitutional right, power, privilege, or immunity, in violation of APA § 706(2)(B); in excess of statutory jurisdiction, authority, or limitations, or short of statutory right, in violation of APA § 706(2)(C); and without observance of procedure required by law, in violation of § 706(2)(D).

COUNT FIVE RELIGIOUS FREEDOM RESTORATION ACT

56. Petitioner alleges and incorporates by reference paragraphs 1 through 27 above.

57. The EO will have the effect of imposing a special disability on the basis of religious views or religious status, by withdrawing an important immigration benefit principally from Muslims on account of their religion. In doing so, the EO places a substantial burden on Petitioner's and class members' exercise of religion in a way that is not the least restrictive means of furthering a compelling governmental interest.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be

granted;

3. Issue an order certifying a class of immigrant and nonimmigrant visa holders detained at DFW Airport pursuant to the President's January 27, 2017 executive order and who were coerced into withdrawing their applications for admission and other rights;
4. Issue an injunction ordering Respondents not to detain Petitioner on the basis of the EO;
5. Issue a writ of habeas corpus ordering Respondents to release Ms. Hassanpour;
6. Award Petitioner reasonable costs and attorney's fees; and,
7. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

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ATTORNEYS FOR PETITIONERS

By: /s/ Javier N. Maldonado
Javier N. Maldonado
Texas State Bar No. 00794216

By: /s/ Sejal R. Zota
Sejal R. Zota
North Carolina State Bar No. 36535

By: /s/ Donald E. Uloth
Donald E. Uloth
Texas State Bar No. 20374200

JS 44 (Rev. 08/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

SHAHIN HASSANPOUR AND OTHER SIMILARLY SITUATED

(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number) Donald E. Uloth, 18208 Preston Rd. Suite D-9 # 261, Dallas, TX 75252, (214) 725-0260; Javier N. Maldonado, 8918 Tesoro Dr., Ste. 575, San Antonio, TX 78217, (210) 277-1603

DEFENDANTS

President Donald Trump, et. al.

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1 Incorporated or Principal Place of Business In This State
2 2 Incorporated and Principal Place of Business In Another State
3 3 Foreign Nation
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Contains various legal categories and codes.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. Sec. 1331, 1361, 2241, and 2243.

Brief description of cause: Visa holders detained at DFW are detained pursuant to Jan. 27, 2017 executive order.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 1/29/2017 SIGNATURE OF ATTORNEY OF RECORD /s/ Javier N. Maldonado

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

pursuant to the January 27, 2017 and who were coerced into withdrawing their applications for admission.

3. Donald J. Trump, President of the United States.
4. The U.S. Department of Homeland Security.
5. U.S. Customs and Border Protection.
6. John Kelly, the Secretary of the he U.S. Department of Homeland Security.
7. Kevin K. McAleenan, the Acting Commissioner of U.S. Customs and Border Protection.
8. Cleatus P. Hunt, Jr., the Port Director of the Dallas/Ft. Worth International Airport.

Date: January 29, 2016

Respectfully submitted,

/s/ Javier N. Maldonado
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State Bar No. 00794216
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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MAZDAK POURABDOLLAH
TOOTKABONI and
ARGHAVAN LOUHGHALAM,

Petitioners,

CIVIL ACTION NO. 17-cv-10154

v.

DONALD TRUMP, President of
The United States, et al.,

Respondents

TEMPORARY RESTRAINING ORDER
January 29, 2017

BURROUGHS, U.S.D.J.

On January 28, 2017 the Petitioners filed a Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief.

After consideration of the written submissions, arguments of counsel, and the hearing held on January 28-29, 2017, the Court hereby finds as follows:

1. The petitioners have met their burden of establishing a strong likelihood of success in establishing that the detention and/or removal of the petitioners and others similarly situated would violate their rights to Due Process and Equal Protection as guaranteed by the United States Constitution;
2. Absent a stay of removal, petitioners and others similarly situated, including lawful permanent residents, citizens, visa-holders, approved refugees, and other individuals from nations who are subject to the January 27, 2017 Executive Order, are likely to suffer irreparable harm.

3. The balance of harms favors the issuance of this temporary restraining order and its issuance is in the public interest.

NOW, THEREFORE, IT IS HEREBY ORDERED

I. that respondents, their officers, agents, servants, employees, attorneys, and all members and persons acting in concert or participation with them:

a) shall limit secondary screening to comply with the regulations and statutes in effect prior to the Executive Order, including 8 U.S.C. § 1101(a)(13)(C);

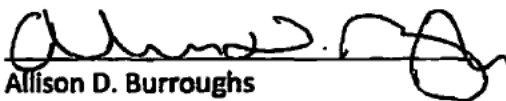
b) shall not, by any manner or means, detain or remove individuals with refugee applications approved by U.S. Citizenship and Immigration Services as part of the U.S. Refugee Admissions Program, holders of valid immigrant and non-immigrant visas, lawful permanent residents, and other individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia and Yemen who, absent the Executive Order, would be legally authorized to enter the United States;

c) to assure compliance with this Order, the United States Marshal for the District of Massachusetts shall be served with this Order and is further directed to take those actions deemed necessary to enforce this Order; and

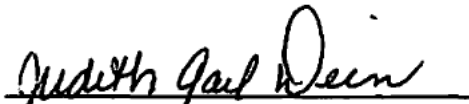
d) Customs and Border Protection shall notify airlines that have flights arriving at Logan Airport of this Order and the fact that individuals on these flights will not be detained or returned based solely on the basis of the Executive Order.

II. This Order shall remain in effect for a period of seven (7) days from the date of this Order. The Court shall schedule a hearing prior to the expiration of this Order.

III. Petitioners shall file an Amended Complaint by January 30, 2017.



Allison D. Burroughs
United States District Judge



Judith Gail Dein
United States Magistrate Judge

January 29, 2017

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

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)**
(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)** {f/n}; **(b)(6), (b)(7)(C)** EO 212(f) Waiver for **(b)(6), (b)(7)(C)** {f/n} **(b)(6), (b)(7)(C)** (MINOR)
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 1st 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
- **(b)(6), (b)(7)(C)**
- XD Hoffman

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

- DXD Hutton
- OFO Field Liaison

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

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

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

Female

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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

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



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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 of 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 (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) examination 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) 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

LONG, KIMBERLY A

From: Owen, Todd C (AC OFO)
Sent: Saturday, January 28, 2017 5:23 PM
To: HUTTON, JAMES R
Cc: DURST, CASEY OWEN; (b)(6), (b)(7)(C); HOFFMAN, TODD A; (b)(6), (b)(7)(C)
Subject: RE: EO 212(f) Exemption Request for (b)(6), (b)(7)(C)

Approved per C1, 1722 hours.

*Todd C. Owen
Executive Assistant Commissioner
Office of Field Operations
U.S. Customs & Border Protection*

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 5:03 PM
To: Owen, Todd C (AC OFO) (b)(6), (b)(7)(C)
Cc: DURST, CASEY OWEN (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C); HOFFMAN, TODD A (b)(6), (b)(7)(C); (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: EO 212(f) Exemption Request for (b)(6), (b)(7)(C)
Importance: High

Exemption to Executive Order Request

January 28, 2017

Title: Exemption to Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States" Request

Summary: CBP, OFO, Baltimore Field Office 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)

(b)(5), (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)



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

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

OCC

(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)



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

From: Owen, Todd C (AC OFO)
Sent: Saturday, January 28, 2017 1:13 PM
To: HUTTON, JAMES R
Cc: HOFFMAN, TODD A; PEREZ, ROBERT E; **(b)(6), (b)(7)(C)**
(b)(6), (b)(7)(C)
Subject: RE: Waiver Request for 212(1) in re **(b)(6), (b)(7)(C)**

Waiver granted by C1, 1312 hours.

Todd C. Owen
Executive Assistant Commissioner
Office of Field Operations
U.S. Customs & Border Protection

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 5:56:22 PM
To: Owen, Todd C (AC OFO)
Cc: HOFFMAN, TODD A; PEREZ, ROBERT E; **(b)(6), (b)(7)(C)** **(b)(6), (b)(7)(C)**
(b)(6), (b)(7)(C)
Subject: Waiver Request for 212(1) in re **(b)(6), (b)(7)(C)**

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)

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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

Washington, DC

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

(b)(7)(E)

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

From: HUTTON, JAMES R
Sent: Sunday, January 29, 2017 11:49 AM
To: HOFFMAN, TODD A; DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS; ENFORCEMENT PROGRAMS DIVISION
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)
Subject: RE: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

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

DFO's
Kindly request that you all Enforcement Programs Division (group mailbox) to all waiver requests. This will help us track the waivers and alleviate field reporting.

Thank very much for all of your flexibility. We are striving not to burden the Field.

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

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



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From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 9:34 PM
To: HOFFMAN, TODD A; (b)(7)(E); 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)

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

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

Importance: High

OFO'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 1st 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
- **(b)(6), (b)(7)(C)**
- XD Hoffman

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

- DXD Hutton
- OFO Field Liaison

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

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

(b)(5), (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)



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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)

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



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

m: HUTTON, JAMES R
sent: Monday, January 30, 2017 9:05 AM
To: SABATINO, DIANE J; (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C) MARTEL, CARLOS C; MURDOCK, JUDSON W; (b)(6), (b)(7)(C) HOFFMAN, TODD A
Subject: Arrival of Central American Minors (CAM) Parolees - Jan 31st
Attachments: PAROLEE 30JAN-2FEB EL SALVADOR_HONDURAS.XLS; Form I-512L CAM Parole Authorization Letter.pdf
Importance: High
Follow Up Flag: Follow Up
Flag Status: Flagged

DFO/PDs

Starting on January 31st, the Ports of (b)(7)(E) will encounter Central American Minors that have been authorized parole into the United States for a period of two (2) years. I have attached a list of the individuals scheduled to arrive to include a exemplar of the document they will present on primary. Just to alleviate any potential confusion, while these are adjudicated by (b)(7)(E) these are not refugees, nor subject to the EO.

ase do not hesitate to contact me should the need arise.

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

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



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ARRIVAL 30 JANUARY

PF #	DOA PoE	Arr Time	Carrier	Case	Family Name	First Name	Middle Name	Birthdate	Relation	Nationality	Size	Po.E					
SVH3012	30-Jan-2017	17:45	AA	(b)(6), (b)(7)(C)													
														PA	SV	1	
														PA	SV	1	
														PA	SV	1	
														PA	SV	1	
														PA	SV	1	
														PA	SV	1	
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														PA	SV	1	
														PA	SV	1	
														PA	SV	1	
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														PA	SV	1	
														PA	SV	1	
														PA	SV	1	
														PA	SV	1	
														PA	SV	1	
														PA	SV	1	

(b)(7)(E)

TOTAL

18

ARRIVAL 1 FEBRUARY

PF #	DOA PoE	Arr Time	Carrier	Case	Family Name	First Name	Middle Name	Birthdate	Relation	Nationalit	Size	Po E
SVH3014	1-Feb-2017	17:45	AA									
				(b)(6), (b)(7)(C)					PA	SV	1	(b)(7)(E)
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
									PA	SV	1	
				PA	SV	1	20					

ARRIVAL 2 FEBRUARY

PF #	DOA PoE	Arr Time	Carrier	Case	Family Name	First Name	Middle Name	Birthdate	Relation	Nationalit	Size	Po E	
SVH3015	2-Feb-2017	17:45	AA										
				(b)(6), (b)(7)(C)						PA	SV	1	(b)(7)(E)
										PA	SV	1	
										PA	SV	1	
										PA	SV	1	
										PA	SV	1	
										PA	SV	1	
										PA	SV	1	
										PA	SV	1	
										PA	SV	1	
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										PA	SV	1	
										PA	SV	1	
										PA	SV	1	
										PA	SV	1	

Department of Homeland Security
Citizenship and Immigration Services

I-512L, Authorization for Parole
of an Alien Into the United States

**AUTHORIZATION TO TRANSPORT FOR PAROLE OF AN ALIEN
INTO THE UNITED STATES**

Date Issued: Aug 7, 2015
This Document Valid Until: Sep 7, 2015

SAMPLE

Name of Bearer: John SMITH
Date/Place of Birth: Jan 1, 2000 San Salvador, El Salvador
Bearer's A-Number: A088888888
Gender: Male
Passport Number: AA 88888888

TO: TRANSPORTATION COMPANY
TO: U.S. CUSTOMS AND BORDER PROTECTION (CBP) OFFICER AT PORT-OF-ENTRY

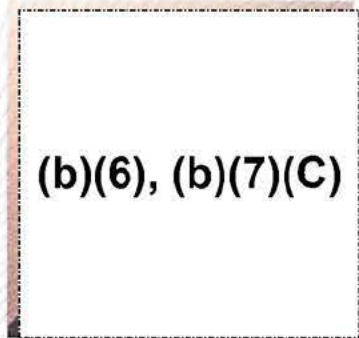
The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS), has **AUTHORIZED PAROLE FOR TWO (2) YEARS** into the United States for the above named bearer under Section 205(d)(A) of the Immigration and Nationality Act. USCIS has waived all ineligibilities for parole purposes only.

Presentation of the original of this document will authorize a transportation line to accept the named bearer, whose photograph is embedded below, on board for travel to the United States on or before Sep 7, 2015 without liability under Section 273(b) of the Immigration and Nationality Act for transporting an alien without a visa to the United States.

Presentation of the original of this document will inform the Customs and Border Protection officer at a port of entry that USCIS has authorized the above named bearer to enter the United States on or before Sep 7, 2015 as an alien paroled pursuant to Section 212(d)(5) of the Immigration and Nationality Act for a period of two (2) years commencing with the alien's arrival in the United States.

Issued by: (b)(6), (b)(7)(C)
Field Office Director
San Salvador, El Salvador

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



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

From: HUTTON, JAMES R
Sent: Monday, January 30, 2017 4:03 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: Re-Delegation of EO Section 5 Refugee Waiver Authority
Attachments: S Signed Action Memo Refugees.pdf; Copy of 30Jan-2 Feb Booking Spreadsheet Details (2).xlsx; 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx
Importance: High

DFOs

In conjunction with Secretary of State and the Secretary of Homeland Security, approx. 842 refugees (complete list attached) have been authorized to travel to the United States from January 30th – February 2nd. These are first time entrants and thus should only arrive to the seven (7) designated POEs:

(b)(7)(E)

The Executive Order (EO) does allow for a waiver pursuant to Section 5(e) with concurrence of the Secretary of State and Secretary of Homeland Security. The Department of State has provided a copy of their concurrence concurring with a waiver **for only the 842 refugees listed in the attached**. The Secretary of Homeland Security has delegated his authority to the Commissioner of U.S. Customs and Border Protection. The Commissioner has further delegated his authority (see below) that allows the listed individuals to effectuate said waiver per Section 5(e) of the EO. The below also outlines the guidelines, systems checks etc, on how waivers should be granted:

(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)



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From: MCALEENAN, KEVIN K

Sent: Monday, January 30, 2017 3:06 PM

To: ALLES, RANDOLPH D (b)(6), (b)(7)(C) Owen, Todd C (AC OFO) (b)(6), (b)(7)(C)

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

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

Subject: Redelegation of Refugee Waiver Authority

Acting Deputy Commissioner/EAC,

Subject to my oversight, direction and guidance, I hereby delegate to the Deputy Commissioner, Executive Assistant Commissioner, Deputy Executive Assistant Commissioner, Executive Director Admissibility and Passenger Programs, Executive Director Operations, Executive Director National Targeting Center, Executive Director, National Targeting Center-Passenger, Directors, Field Operations, Port Director, John F. Kennedy Airport, and Port Director, Los Angeles International Airport, Office of Field Operations, U.S. Customs and Border Protection, the authority under § 5(e) of the Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry Into the United States," (January 27, 2017), to admit individuals to the United States as first-time refugees on a case-by-case basis, but only if the Commissioner 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. (b)(7)(E)

(b)(7)(E)



United States Department of State

Washington, D.C. 20520

January 28, 2017

UNCLASSIFIED

ACTION MEMO FOR ACTING SECRETARY (b)(6)

FROM: PRM - (b)(6), (b)(7)(C) Acting

SUBJECT: (SBU) Determination to exempt certain refugees from the President's Executive Order so they may enter the United States

Recommendation

(SBU) That you determine to admit the 872 refugees listed in Tab 1 scheduled to enter the United States through February 2 because their admission is in the national interest and would not pose a risk to the security or welfare of the United States.

Approve (b)(6), (b)(7)(C) Disapprove _____

Background

(SBU) The Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States" (EO) suspends certain aspects of the US Refugee Admissions Program for 120 days, including the entry of refugees. Section 5(e) of the EO provides that "the Secretaries of State and Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the admission of such refugees is in the national interest – including ... when the person is already in transit and denying admission would cause undue hardship – and it would not pose a risk to the security or welfare of the United States."

(SBU) PRM is seeking for you and DHS to determine jointly to admit 872 refugees who are already in transit through February 2. This group does not include nationals from the specific countries restricted in the Executive Order (Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen). A list of these individuals is attached at Tab 1. Many of these individuals have already been moved from camps or other remote locations to U.S.-run refugee processing hubs in preparation for departure. Most have sold or relinquished their accommodations, household effects and other belongings; given up employment; and or discontinued schooling

UNCLASSIFIED

UNCLASSIFIED- 2 -

for their children. Many have had their residency permits rescinded by their countries of asylum once granted exit permits to imminently depart to the United States and others have been preparing for life in the United States to join U.S. family members who are already here. These individuals are mostly families with children and immediate cancellation of their travel would impose extreme hardship on people who have fled persecution and conflict in order to be resettled in the U.S. Without this humanitarian measure, some refugees could be stuck in limbo or even risk being returned to a country where they would face persecution. As such, each individual in this group is in transit and denying them admission would cause undue hardship.

(b)(7)(E)

(SBU) This exemption must be jointly determined by the Secretaries of State and Homeland Security. We have coordinated with the Department of Homeland Security and understand that its Secretary is prepared to make this determination for these individuals jointly with you. Because of the nature of travel bookings, this waiver must be issued today or tomorrow to allow such travel.

Attachment:

Tab 1: List of individuals

Tab 2: Executive Order

UNCLASSIFIED

Approved: A/S (b)(6), (b)(7)(C) Acting (ok)

Drafted: PRM/A (b)(6), (b)(7)(C)

Cleared: L (b)(6), (b)(7)(C) (ok)

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

PROTECTING THE NATION FROM FOREIGN TERRORIST
ENTRY INTO THE UNITED STATES

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 et seq., and section 301 of title 3, United States Code, and to protect the American people from terrorist attacks by foreign nationals admitted to the United States, it is hereby ordered as follows:

Section 1. Purpose. The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States.

Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.

In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. The United States cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law. In addition, the United States should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation.

consultation with the Secretary of State and the Director of National Intelligence, shall immediately conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat.

(b) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the President a report on the results of the review described in subsection (a) of this section, including the Secretary of Homeland Security's determination of the information needed for adjudications and a list of countries that do not provide adequate information, within 30 days of the date of this order. The Secretary of Homeland Security shall provide a copy of the report to the Secretary of State and the Director of National Intelligence.

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

(d) Immediately upon receipt of the report described in subsection (b) of this section regarding the information needed for adjudications, the Secretary of State shall request all foreign governments that do not supply such information to start providing such information regarding their nationals within 60 days of notification.

(e) After the 60-day period described in subsection (d) of this section expires, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of foreign nationals (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas) from countries that do not provide the

(g) Notwithstanding a suspension pursuant to subsection (c) of this section or pursuant to a Presidential proclamation described in subsection (e) of this section, the Secretaries of State and Homeland Security may, on a case-by-case basis, and when in the national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.

(h) The Secretaries of State and Homeland Security shall submit to the President a joint report on the progress in implementing this order within 30 days of the date of this order, a second report within 60 days of the date of this order, a third report within 90 days of the date of this order, and a fourth report within 120 days of the date of this order.

Sec. 4. Implementing Uniform Screening Standards for All Immigration Programs. (a) The Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall implement a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission. This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

(b) The Secretary of Homeland Security, in conjunction with the Secretary of State, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall submit to the President an initial report on the progress of this directive within 60 days of the date of this order, a second report within 100 days of the date of this order, and a third report within 200 days of the date of this order.

Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. (a) The Secretary of State shall suspend the U.S. Refugee Admissions Program (USRAP) for 120 days. During the 120-day period, the Secretary of State, in conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, shall

nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States.

(b) Upon the resumption of USRAP admissions, the Secretary of State, in consultation with the Secretary of Homeland Security, is further directed to make changes, to the extent permitted by law, to prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality. Where necessary and appropriate, the Secretaries of State and Homeland Security shall recommend legislation to the President that would assist with such prioritization.

(c) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of nationals of Syria as refugees is detrimental to the interests of the United States and thus suspend any such entry until such time as I have determined that sufficient changes have been made to the USRAP to ensure that admission of Syrian refugees is consistent with the national interest.

(d) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States, and thus suspend any such entry until such time as I determine that additional admissions would be in the national interest.

(e) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretaries of State and Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the admission of such individuals as refugees is in the national interest -- including when the person is a religious minority in his country of nationality facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship -- and it would not pose a risk to the security or welfare of the United States.

(f) The Secretary of State shall submit to the President an initial report on the progress of the directive in subsection (b) of this section regarding prioritization of claims made by individuals on the basis of religious-based persecution within 100 days of the date of this order and shall submit a second report within 200 days of the date of this order.

resettlement of refugees in their jurisdictions, and shall devise a proposal to lawfully promote such involvement.

Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.

Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System. (a) The Secretary of Homeland Security shall expedite the completion and implementation of a biometric entry-exit tracking system for all travelers to the United States, as recommended by the National Commission on Terrorist Attacks Upon the United States.

(b) The Secretary of Homeland Security shall submit to the President periodic reports on the progress of the directive contained in subsection (a) of this section. The initial report shall be submitted within 100 days of the date of this order, a second report shall be submitted within 200 days of the date of this order, and a third report shall be submitted within 365 days of the date of this order. Further, the Secretary shall submit a report every 180 days thereafter until the system is fully deployed and operational.

Sec. 8. Visa Interview Security. (a) The Secretary of State shall immediately suspend the Visa Interview Waiver Program and ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of State shall immediately expand the Consular Fellows Program, including by substantially increasing the number of Fellows, lengthening or making permanent the period of service, and making language training at the Foreign Service Institute available to Fellows for assignment to posts outside of their area of core linguistic ability, to ensure that non-immigrant visa-interview wait times are not unduly affected.

Sec. 9. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal insofar as practicable with respect to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment. If a country does not treat United States nationals seeking

consultation with the Attorney General, shall, consistent with applicable law and national security, collect and make publicly available within 180 days, and every 180 days thereafter:

(i) information regarding the number of foreign nationals in the United States who have been charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons since the date of this order or the last reporting period, whichever is later;

(ii) information regarding the number of foreign nationals in the United States who have been radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States, since the date of this order or the last reporting period, whichever is later; and

(iii) information regarding the number and types of acts of gender-based violence against women, including honor killings, in the United States by foreign nationals, since the date of this order or the last reporting period, whichever is later; and

(iv) any other information relevant to public safety and security as determined by the Secretary of Homeland Security and the Attorney General, including information on the immigration status of foreign nationals charged with major offenses.

(b) The Secretary of State shall, within one year of the date of this order, provide a report on the estimated long-term costs of the USRAP at the Federal, State, and local levels.

Sec. 11. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

DONALD J. TRUMP

THE WHITE HOUSE,
January 27, 2017.

#

SUMMARY OF NATIONALITY CODES

AF	Afghanistan
BI	Burundi
BT	Bhutan
CD	Democratic Republic of Congo
CF	Central African Republic
CI	Cote d'Ivoire
CM	Cameroon
CO	Colombia
ER	Eritrea
ET	Ethiopia
GN	Guinea
HN	Honduras
ID	India
JO	Jordan
LK	Sri Lanka
MM	Burma
NP	Nepal
PK	Pakistan
PS	Palestine
RW	Rwanda
SL	Sierra Leone
SS	South Sudan
SV	El Salvador
UA	Ukraine
UG	Uganda

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

m: HUTTON, JAMES R
nt: Monday, January 30, 2017 9:17 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)**
Subject: **(b)(6), (b)(7)(C)**
Guidance on Withdrawal - Court Compliance

DFO's

As pertains to applicants for admission subject to the EO, please ensure Officers within your AOR receive the below guidance from OCC:

(b)(5)

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

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



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

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

Subject: Guidance on Withdrawal

(b)(5)

(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)

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

From: HUTTON, JAMES R
Sent: Monday, January 30, 2017 9:57 AM
To: (b)(6), (b)(7)(C)
Cc:
Subject: Refugee Arrivals
Attachments: Results of 30Jan-2 Feb Booking Spreadsheet Details_Master-2.xlsx

This is what I have.

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

Deputy Executive Director
Admissibility and Passenger Programs

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

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



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ARRIVALS - 30 JANUARY 2017

PF #	DOA PoE	Arr Time	Carrier	Case	Individual Name	Birthdate	Relation	Nationality	Size	Po E	FBI Response	
EGH0034	01/30/17	13:10	LH	(b)(6), (b)(7)(C)	(b)(7)(E)							
						PA	ET	1				
						PA	ER	1				
GHH0012	01/30/17	16:34	DL									
						PA	CI	3				
						DA	CI					
						DA	CI					
IDH0014	01/30/17	19:25	CI									
						PA	AF	3				
						WI	AF					
						SO	AF					
IDH0023	01/30/17	20:25	CI									
						PA	AF	1				
KEH7067	01/30/17	13:30	UA									
						PA	CD	1				
						PA	CD	5				
				DA	CD							
				SO	CD							
				SO	CD							
				SO	CD							
				PA	CD	1						
				PA	CD	1						
				PA	CD	1						
				PA	CD	1						
				PA	CD	1						

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					PA	CD	4
					DA	CD	
					DA	CD	
					SO	CD	
					PA	CD	1
KEH7328	01/30/17	12:45	EK				
					PA	CD	1
LBH0006	01/30/17	12:55	LH				
					PA	ER	1
					PA	ET	1
LBH0030	01/30/17	14:05	LH				
					PA	ER	1
NPH5016	01/30/17	06:40	CX				
					PA	BT	1
					PA	BT	5
					DA	BT	
					SO	BT	
					DA	BT	
					GD	BT	
					PA	BT	3
					WI	BT	
					SO	BT	
					PA	BT	1
					PA	BT	4
					WI	BT	
					DA	BT	

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

(b)(7)(E)

ARRIVALS - 30 JANUARY 2017

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

PA	SV	1
PA	SV	1
PA	SV	1
PA	SV	3
SO	SV	
SO	SV	
PA	SV	1

97 pax

(b)(7)(E)

ARRIVALS - 31 JANUARY 2017

PF #	DOA PoE	Arr Time	Carrier	Flt	Total Pax	Case	Individual Name	Birthdate	Relation	Nationality	Size	Po E	FBI Res							
ATH0545	01/31/17	16:50	UA	085	5	(b)(6), (b)(7)(C)														
																PA	ER	1		
																PA	ER	1		
																PA	ER	1		
																PA	ER	1		
																PA	ER	1		
					SubTotal															
ETH0074	01/31/17	13:25	QR	725	3															
																PA	ER	2		
																SO	ER			
					SubTotal															
ETH0075	01/31/17	19:15	ET	508	6															
																PA	ER	6		
																WI	ET			
																DA	ER			
									SD	ET										
									SN	ET										
									SO	ER										
					SubTotal															
GHH0002	01/31/17	15:05	UA	951	19															
									PA	CF	1									
									PA	CF	2									
									DA	CF										
									PA	CF	1									
									PA	CF	1									
									PA	CF	1									
									PA	CF	1									
									PA	CF	1									
									PA	CF	1									
									PA	CF	2									

(b)(7)(E)

ARRIVALS - 31 JANUARY 2017

IDH0017	01/31/17	14:15	QR	701	1
					SubTota
IDH0019	01/31/17	14:15	QR	701	3
					SubTota
JOH5105	01/31/17	18:10	AF	010	1
					SubTota
KEH7013	01/31/17	16:00	LX	008	20
					SubTota
KEH7330	01/31/17	11:50	AA	087	1
					SubTota
MYH0014	01/31/17	13:15	QR	739	11
NPH4011	01/31/17	08:10	EK	231	4
					SubTota

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

	PA	PK	1
	PA	MM	3
	WI	MM	
	DA	MM	
	PA	CD	1
	PA	SS	1
	PA	ET	1
	PA	MM	3
	WI	MM	
	SO	MM	
	PA	MM	3
	WI	MM	
	SO	MM	
	PA	AF	4
	SO	AF	
	DA	AF	
	SO	AF	

(b)(7)(E)

ARRIVALS - 31 JANUARY 2017

NPH4015	01/31/17	07:55	QR	703	5
					SubTotal
NPH4026	01/31/17	13:35	QR	725	2
					SubTotal
NPH5014	01/31/17	13:35	QR	725	3
					SubTotal
NPH5018	01/31/17	16:35	QR	777	27

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

PA	AF		1
PA	PK		4
HU	PK		
SO	PK		
SO	PK		
PA	LK		2
BR	LK		
PA	NP		1
PA	NP		1
PA	NP		1
PA	BT		2
DA	BT		
PA	BT		2
WI	BT		
PA	BT		1
PA	BT		3
WI	BT		
SO	BT		
PA	BT		2
WI	BT		
PA	BT		2
WI	BT		
PA	BT		4

(b)(7)(E)

ARRIVALS - 31 JANUARY 2017

SVH0021	01/31/17	11:07	AV	522	1
					SubTotal
UAH0010	01/31/17	13:45	PS	231	34

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

PA	SV	1
PA	UA	2
SO	UA	
PA	UA	5
HU	UA	
DA	UA	
SO	UA	
SO	UA	
PA	UA	5
WI	UA	
SO	UA	
DA	UA	
DA	UA	
PA	ER	3
WI	ER	
SO	ER	
PA	UA	5
HU	UA	
DA	UA	
SO	UA	
SO	UA	
PA	UA	2
WI	UA	
PA	UA	1
PA	UA	2
WI	UA	
PA	UA	2

(b)(7)(E)

ARRIVALS - 31 JANUARY 2017

					SubTotal
UGH5045	01/31/17	13:35	QR	725	4
					SubTotal
UGH5047	01/31/17	13:35	QR	725	1
					SubTotal
ZAH3014	01/31/17	06:15	SA	209	22

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

SO	CD	
DA	CD	
DA	CD	
PA	ER	1
PA	CD	1
PA	ET	2
PA	BI	1
PA	CD	4
SO	CD	
SO	CD	
SO	CD	
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	3
HU	CD	
SO	CD	
PA	CD	3
DA	CD	
DA	CD	
PA	RW	1
PA	RW	5
WI	BI	

(b)(7)(E)

ARRIVALS - 31 JANUARY 2017

					SubTotal
ZAH3024	01/31/17	06:40	SA	203	6
					SubTotal
ZMH0004	01/31/17	14:55	EK	235	30

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

SD	BI	
SO	RW	
SO	RW	
PA	CD	1
PA	CD	4
HU	CD	
DA	CD	
SO	CD	
PA	CD	1
PA	CD	1
PA	CD	3
WI	CD	
DA	CD	
PA	CD	1
PA	CD	1
PA	CD	1
PA	BI	1
PA	CD	1
PA	CD	9
DA	CD	
DA	CD	
DA	CD	
SO	CD	
SO	CD	
DA	CD	
DA	CD	

(b)(7)(E)

ARRIVALS - 31 JANUARY 2017

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

SO	CD	
DA	CD	
SO	CD	
SO	CD	
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	3
DA	CD	
DA	CD	
PA	CD	1

(b)(7)(E)

288 pax

ARRIVALS - 31 JANUARY 2017

PF #	DOA PoE	Arr Time	Carrier	Flt	Total Pax	Case	Individual Name	Birthdate	Relation	Nationality	Size	Po E	FBI Res			
ATH0545	01/31/17	16:50	UA	085	5	(b)(6), (b)(7)(C)										
											PA	ER		1		
											PA	ER		1		
											PA	ER		1		
											PA	ER		1		
											PA	ER		1		
											SubTotal					
ETH0074	01/31/17	13:25	QR	725	3											
												PA	ER		2	
												SO	ER			
												SubTotal				
ETH0075	01/31/17	19:15	ET	508	6											
												PA	ER		6	
												WI	ET			
												DA	ER			(b)(7)(E)
									SD	ET						
									SN	ET						
									SO	ER						
									SubTotal							
GHH0002	01/31/17	15:05	UA	951	19											
									PA	CF		1				
									PA	CF		2				
									DA	CF						
									PA	CF		1				
									PA	CF		1				
									PA	CF		1				
									PA	CF		1				
									PA	CF		1				
									PA	CF		1				
									PA	CF		2				

ARRIVALS - 31 JANUARY 2017

IDH0017	01/31/17	14:15	QR	701	1
					SubTotal
IDH0019	01/31/17	14:15	QR	701	3
					SubTotal
JOH5105	01/31/17	18:10	AF	010	1
					SubTotal
KEH7013	01/31/17	16:00	LX	008	20
					SubTotal
KEH7330	01/31/17	11:50	AA	087	1
					SubTotal
MYH0014	01/31/17	13:15	QR	739	11
NPH4011	01/31/17	08:10	EK	231	4
					SubTotal

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

PA	PK	1
PA	MM	3
WI	MM	
DA	MM	
PA	CD	1
PA	SS	1
PA	ET	1
PA	MM	3
WI	MM	
SO	MM	
PA	MM	3
WI	MM	
SO	MM	
PA	AF	4
SO	AF	
DA	AF	
SO	AF	

(b)(7)(E)

ARRIVALS - 31 JANUARY 2017

SVH0021	01/31/17	11:07	AV	522	1
					SubTotal
UAH0010	01/31/17	13:45	PS	231	34

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

PA	SV	1
PA	UA	2
SO	UA	
PA	UA	5
HU	UA	
DA	UA	
SO	UA	
SO	UA	
PA	UA	5
WI	UA	
SO	UA	
DA	UA	
DA	UA	
PA	ER	3
WI	ER	
SO	ER	
PA	UA	5
HU	UA	
DA	UA	
SO	UA	
SO	UA	
PA	UA	2
WI	UA	
PA	UA	1
PA	UA	2
WI	UA	
PA	UA	2

(b)(7)(E)

ARRIVALS - 31 JANUARY 2017

					SubTotal	
UGH5045	01/31/17	13:35	QR	725	4	
					SubTotal	
UGH5047	01/31/17	13:35	QR	725	1	
					SubTotal	
ZAH3014	01/31/17	06:15	SA	209	22	

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

SO	CD	
DA	CD	
DA	CD	
PA	ER	1
PA	CD	1
PA	ET	2
PA	BI	1
PA	CD	4
SO	CD	
SO	CD	
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	3
HU	CD	
SO	CD	
PA	CD	3
DA	CD	
DA	CD	
PA	RW	1
PA	RW	5
WI	BI	

(b)(7)(E)

ARRIVALS - 31 JANUARY 2017

						SubTotal
ZAH3024	01/31/17	06:40	SA	203	6	
						SubTotal
ZMH0004	01/31/17	14:55	EK	235	30	

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

SD	BI	
SO	RW	
SO	RW	
PA	CD	1
PA	CD	4
HU	CD	
DA	CD	
SO	CD	
PA	CD	1
PA	CD	1
PA	CD	3
WI	CD	
DA	CD	
PA	CD	1
PA	CD	1
PA	CD	1
PA	BI	1
PA	CD	1
PA	CD	9
DA	CD	
DA	CD	
DA	CD	
SO	CD	
SO	CD	
DA	CD	
DA	CD	

(b)(7)(E)

ARRIVALS - 31 JANUARY 2017

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

SO	CD	
DA	CD	
SO	CD	
SO	CD	
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	3
DA	CD	
DA	CD	
PA	CD	1

(b)(7)(E)

288 pax

ARRIVALS - 1 FEBRUARY 2017

PF #	DOA PoE	Arr Time	Carrier	Flt	Total Pax	Case	Individual Name	Birthdate	Relation	Nationality	Size	Po E	FBI Res			
EGH0039	02/01/17	13:10	LH	430	33	(b)(6), (b)(7)(C)			PA	ET	1					
									PA	ER	1					
									PA	ER	1					
EGH4022	02/01/17	13:10	LH	430	2							PA	CI	2		
									WI	CM						
					SubTotal											
ETH0009	02/01/17	09:00	ET	504	26							PA	ER	4		
												WI	ER			
												SO	ER			
												SO	ER			
												PA	ER	6		(b)(7)(E)
												WI	ER			
												SO	ER			
												SO	ER			
												SO	ER			
												SO	ER			
												PA	ER	3		
												DA	ER			
												DA	ER			
												PA	ER	1		
									PA	ER	2					
									SO	ER						
									PA	ER	1					
									PA	ER	1					
					SubTotal											

ARRIVALS - 1 FEBRUARY 2017

GHH0013	02/01/17	16:34	DL	220	10
					SubTotal
GHH0020	02/01/17	18:50	TK	005	7
					SubTotal
JOH5033	02/01/17	16:15	RJ	263	40
					SubTotal
NPH5020	02/01/17	12:25	CX	806	25

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

PA	SL	1
PA	SL	1
PA	SL	1
PA	CI	5
DA	CI	
GD	CI	
DA	CI	
DA	CI	
PA	CF	1
PA	CF	6
DA	CF	
DA	CF	
DA	CF	
SO	CF	
SO	CF	
PA	CF	1
PA	PS	6
WI	PS	
DA	PS	
DA	PS	
SD	PS	
DA	PS	
PA	BT	3

(b)(7)(E)

ARRIVALS - 1 FEBRUARY 2017

					SubTotal
UAH0032	02/01/17	14:45	PS	231	17
					SubTotal
UAH0036	02/01/17	12:55	LH	456	6
					SubTotal
UGH5026	02/01/17	19:05	TK	007	21

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

PA	UA		2
WI	UA		
PA	UA		3
WI	UA		
DA	UA		
PA	UA		1
PA	UA		5
HU	UA		
DA	UA		
SO	UA		
DA	UA		
PA	UA		1
PA	UA		4
HU	UA		
DA	UA		
SO	UA		
PA	UA		1
PA	UA		6
HU	UA		
DA	UA		
DA	UA		
DA	UA		
DA	UA		
PA	CD		5

(b)(7)(E)

2-Feb-17

					SubTotal
NPH5021	02/02/17	12:25	CX	806	27

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

HU	MM	
SO	MM	
PA	BT	2
WI	IN	
PA	BT	1
PA	BT	1
PA	BT	4
WI	NP	
DA	BT	
DA	BT	
PA	BT	1
PA	BT	2
WI	BT	
PA	BT	2
WI	BT	
PA	BT	1
PA	BT	1
PA	BT	3
WI	BT	
SO	BT	
PA	BT	3
SO	BT	
DA	BT	
PA	BT	6
WI	NP	
DA	BT	
SO	BT	
DA	BT	

(b)(7)(E)

2-Feb-17

THH0017	02/02/17	12:40	CI	006	7
					SubTotal
THH0129	02/02/17	12:40	CI	006	4
					SubTotal
THH0170	02/02/17	08:30	KE	037	1
					SubTotal
TRH0151	02/02/17	12:55	LH	456	5
					SubTotal
UAH0011	02/02/17	13:45	PS	231	40

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

PA	MM	7
WI	MM	
SO	MM	
DA	MM	
SO	MM	
SO	MM	
SO	MM	
PA	MM	4
WI	MM	
DA	MM	
DA	MM	
PA	MM	1
PA	AF	3
BR	AF	
BR	AF	
PA	AF	1
PA	AF	1
PA	UA	1
PA	UA	1
PA	UA	2
HU	UA	

(b)(7)(E)

2-Feb-17

					SubTotal
UGH5035	02/02/17	14:00	QR	725	35

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

DA	UA	
SO	UA	
DA	UA	
PA	UA	3
WI	UA	
SO	UA	
PA	CD	2
SO	CD	
PA	CD	6
HU	CD	
SO	CD	
SO	CD	
SO	CD	
SO	CD	
PA	CD	1
PA	CD	4
HU	CD	
DA	CD	
SO	CD	
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	1
PA	CD	2
DA	CD	
PA	CD	1
PA	CD	4
DA	CD	

(b)(7)(E)

Executive Order Tracking - Cumulative Totals

Field Office: ALL

Date: 1/27/2017 -1/31/2017

Report Time: 5:00 AM

Cumulative										
Country	Number of Non-Immigrant Visa Encounters	Number of Immigrant Visa Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number Immigrants not granted waivers
Iran	69	10	688	1	54	0	(b)(6), (b)(7)(C)	3	19	0
Iraq	65	9	353	0	64	0		0	3	0
Libya	1	3	7	0	0	0		0	1	0
Somalia	0	5	24	0	2	0		0	0	0
Sudan	14	8	69	0	18	0		0	4	0
Syria	32	16	100	0	35	0		0	4	1
Yemen	12	15	33	0	13	0		0	8	0
Total	193	66	1274	1	186	0		3	39	1

Executive Order Tracking - Reporting Period Totals

2100-0500 January 31, 2017

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number Immigrants not granted waivers
Iran	6	0	30	0	4	0	0	0	2	0
Iraq	0	0	42	0	0	0	0	0	0	0
Libya	0	0	1	0	0	0	0	0	0	0
Somalia	0	0	2	0	0	0	0	0	0	0
Sudan	0	0	5	0	0	0	0	0	0	0
Syria	2	1	7	0	2	0	0	0	0	0
Yemen	0	0	1	0	0	0	0	0	0	0
Total	8	1	88	0	6	0	0	0	2	0

From: MARTEL, CARLOS C
Sent: Friday, February 03, 2017 7:06 PM
To: HOFFMAN, TODD A
Subject: RE: Potential EO Guidance

10-4

Carlos C. Martel
Director, Field Operations
Los Angeles Field Office
U. S. Customs and Border Protection
(b)(6), (b)(7)(C) Office
Mobile

From: HOFFMAN, TODD A
Sent: Friday, February 03, 2017 3:42 PM
To: DIRECTORS FIELD OPS <(b)(7)(E)>, EXECUTIVE DIRECTORS HQ
<(b)(7)(E)>
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: Potential EO Guidance
Importance: High

Directors,

We may need to take immediate action this evening related to the EO. Once I receive word, I will send out policy guidance and reach out via phone tree.

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

From: MARTEL, CARLOS C
Sent: Friday, February 03, 2017 8:59 PM
To: HUTTON, JAMES R
Subject: RE: EO Reporting

10 4
Carlos C. Martel
Director, Field Operations
Los Angeles Field Office
U.S. Customs and Border Protection

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

From: HUTTON, JAMES R
Sent: Saturday, February 04, 2017 1:55:02 AM
To: DIRECTORS FIELD OPS; BORDER SECURITY ASST DIRECTORS
Cc: ENFORCEMENT PROGRAMS DIVISION; (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)
Subject: EO Reporting

DFO's
Kindly request that all POEs within your AOR provide report to Enforcement Program Division for all encounters of those individuals subject to EO from last reporting period (noon - February 3rd) to 21:30EST.

Thank you

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

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



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From: MARTEL, CARLOS C
Sent: Friday, February 03, 2017 4:17 PM
To: (b)(6), (b)(7)(C)
Subject: RE: OIG Investigation - Questions

Sounds like line of questioning is from me to you rather than HQ to me.

Carlos C. Martel
Director, Field Operations
Los Angeles Field Office
U. S. Customs and Border Protection
(b)(6), (b)(7)(C) Office
Mobile

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 1:00 PM
To: MARTEL, CARLOS C (b)(6), (b)(7)(C)
Subject: FW: OIG Investigation - Questions

FYSA

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 10:35 AM
To: (b)(6), (b)(7)(C)
Subject: FW: OIG Investigation - Questions

(b)(6), (b)(7)(C) – See below. It was pretty standard questioning.

(b)(6), (b)(7)(C)
Port Director
U.S. Customs and Border Protection
JFK Airport
Office: (b)(6), (b)(7)(C)
Cell: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 1:03 PM
To: (b)(6), (b)(7)(C)
Cc: PEREZ, ROBERT E (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

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

Subject: RE: OIG Investigation - Questions

(b)(6), (b)(7)(C)- For your awareness, below is a list of questions both (b)(6), (b)(7)(C) and I were asked today. If I remember any others, I will pass them along. OIG was advised to reach out to you for any copies of policies and emails.

(b)(7)(A)

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

Port Director
U.S. Customs and Border Protection
JFK Airport
Office: (b)(6), (b)(7)(C)
Cell: (b)(6), (b)(7)(C)

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

Sent: Friday, February 03, 2017 7:35 AM

To: PEREZ, ROBERT E (b)(6), (b)(7)(C)

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

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

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

Subject: OIG Investigation - Requests for CBP records

Mr. Perez, Ms. (b)(6), (b)(7)(C), Mr. (b)(6), (b)(7)(C)

(b)(5)

Thank you very much in advance.

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

Senior Attorney
U.S. Customs and Border Protection
Office of Associate Chief Counsel, New York
One World Trade Center, 50th Floor, Suite 50.100
New York, NY 10007

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

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From: MARTEL, CARLOS C
Sent: Friday, February 03, 2017 9:28 PM
To: (b)(6), (b)(7)(C)
Subject: RE: draft message

(b)(6), (b)(7)(C) sorry i was driving. Looks good. Short and sweet. I would just add the following:

Inquiries should be directed to Mr. (b)(6), (b)(7)(C) CBP Public Affairs Branch Chief at (b)(6), (b)(7)(C)

Carlos C. Martel
Director, Field Operations
Los Angeles Field Office
U.S. Customs and Border Protection

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

From: (b)(6), (b)(7)(C)
Sent: Saturday, February 04, 2017 2:07:57 AM
To: MARTEL, CARLOS C; (b)(6), (b)(7)(C)
Subject: draft message

Carlos, (b)(5)

(b)(5)

(b)(6), (b)(7)(C)
Area Port Director
Los Angeles International Airport

From: MARTEL, CARLOS C
Sent: Friday, February 03, 2017 10:09 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Important: Update to Executive Order 13769 entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017)

Importance: High

Okay, now you are killing me. Message from LAX PD (b)(6), (b)(7)(C) Done in true Trump fashion.

Carlos C. Martel
 Director, Field Operations
 Los Angeles Field Office
 U.S. Customs and Border Protection
 (b)(6), (b)(7)(C) - Office
 (b)(6), (b)(7)(C) - Mobile

From: (b)(6), (b)(7)(C) on behalf of LAX-AREA PORT DIRECTOR (b)(6), (b)(7)(C)
Sent: Saturday, February 04, 2017 2:56:57 AM
To: (b)(6), (b)(7)(C)

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

Cc: MARTEL, CARLOS C; (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C) LAX-WATCH COMMANDER; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

Subject: Important: Update to Executive Order 13769 entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017)

LAX Stakeholders:

Effective immediately, U.S. Customs and Border Protection will suspend any and all actions implementing the below sections of the Executive Order 13769 entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017):

- Section 3(c)
- Section 5(a)
- Section 5(b)
- Section 5(c)
- Section 5(e)

CBP will immediately resume inspection of travelers in accordance with standard policy and procedures.

Additional information will be provided as available.

Inquiries should be directed to Mr. (b)(6), (b)(7)(C) CBP Public Affairs Branch Chief at (b)(6), (b)(7)(C)

Regards,

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

Area Port Director

Los Angeles International Airport

From: MARTEL, CARLOS C
Sent: Friday, February 03, 2017 9:13 PM
To: (b)(6), (b)(7)(C)
Subject: RE: draft message

Standby: (b)(5)

Carlos C. Martel
Director, Field Operations
Los Angeles Field Office
U.S. Customs and Border Protection

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

From: (b)(6), (b)(7)(C)
Sent: Saturday, February 04, 2017 2:07:57 AM
To: MARTEL, CARLOS C; (b)(6), (b)(7)(C)
Subject: draft message

Carlos, (b)(5)

(b)(5)

(b)(6), (b)(7)(C)
Area Port Director
Los Angeles International Airport

From: MARTEL, CARLOS C
Sent: Friday, February 03, 2017 1:34 PM
To: (b)(6), (b)(7)(C)
Subject: RE: CBP News Clips 03 February 2017

Please verify.

Carlos C. Martel
Director, Field Operations
Los Angeles Field Office
U. S. Customs and Border Protection
(b)(6), (b)(7)(C) Office
(b)(6), (b)(7)(C) Mobile

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

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 10:32 AM
To: MARTEL, CARLOS C (b)(6), (b)(7)(C)
Subject: FW: CBP News Clips 03 February 2017

Carlos, as a follow up to the (b)(6), (b)(7)(C) news report, their flight arrived/cleared at Teterboro, NJ on 013017, and was processed by CBPO Officer (b)(6), (b)(7)(C) Did not arrive in LAX.

We did however clear (b)(6), (b)(7)(C) and his plane yesterday.

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

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

From: CBP Public Affairs (b)(7)(E)
Sent: Friday, February 03, 2017 7:02 AM
To: OFO-FIELD LIAISON (b)(7)(E)
Subject: CBP News Clips 03 February 2017

(b)(7)(E)

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

From: MARTEL, CARLOS C
Sent: Friday, February 03, 2017 11:38 AM
To: OFO-FIELD LIAISON
Subject: RE: CBP News Clips 03 February 2017

10-4

Carlos C. Martel
Director, Field Operations
Los Angeles Field Office
U. S. Customs and Border Protection

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

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

From: (b)(6), (b)(7)(C) On Behalf Of OFO-FIELD LIAISON
Sent: Friday, February 03, 2017 8:34 AM

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

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

Cc: OFO-FIELD LIAISON (b)(7)(E) (b)(6), (b)(7)(C)

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

Subject: CBP News Clips 03 February 2017

Importance: High

Good Morning DFO Martel and LA Field Office,

As per EAC Owen's request, please refer to the (b)(6), (b)(7)(C), (b)(7)(E) hyperlink below in reference media coverage of the (b)(6), (b)(7)(C) arriving at LAX from SJO. At your earliest convenience kindly provide a timeline and/or any issues encounter while processing their arrival.

Best regards, (b)(6), (b)(7)(C)

(b)(7)(E)

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

(b)(6), (b)(7)(C)
U.S. Customs and Border Protection
Office of Field Operations
Field Liaison Division

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

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

From: CBP Public Affairs [redacted] (b)(7)(E)

Sent: Friday, February 03, 2017 7:02 AM

To: OFO-FIELD LIAISON [redacted] (b)(7)(E)

Subject: CBP News Clips 03 February 2017

[redacted] (b)(7)(E)

From: MARTEL, CARLOS C
Sent: Wednesday, February 01, 2017 2:18 AM
To: MARTEL, CARLOS C
Subject: FW: Re-Delegation of EO Section 5 Refugee Waiver Authority
Attachments: S Signed Action Memo Refugees.pdf; Copy of 30Jan-2 Feb Booking Spreadsheet Details (2).xlsx; 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx

Importance: High

Carlos C. Martel
 Director, Field Operations
 Los Angeles Field Office
 U.S. Customs and Border Protection

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

From: HUTTON, JAMES R
Sent: Monday, January 30, 2017 9:02:59 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: Re-Delegation of EO Section 5 Refugee Waiver Authority

DFOs

In conjunction with Secretary of State and the Secretary of Homeland Security, approx. 842 refugees (complete list attached) have been authorized to travel to the United States from January 30th – February 2nd. These are first time entrants and thus should only arrive to the seven (7) designated POEs:

JFK
 Newark
 Miami
 Chicago
 Dulles
 LAX
 Houston

The Executive Order (EO) does allow for a waiver pursuant to Section 5(e) with concurrence of the Secretary of State and Secretary of Homeland Security. The Department of State has provided a copy of their concurrence concurring with a waiver **for only the 842 refugees listed in the attached**. The Secretary of Homeland Security has delegated his authority to the Commissioner of U.S. Customs and Border Protection. The Commissioner has further delegated his authority (see below) that allows the listed individuals to effectuate said waiver per Section 5(e) of the EO. The below also outlines the guidelines, systems checks etc, on how waivers should be granted:

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)

(b)(7)(E)

(b)(7)(E)

This authority may not

be further delegated.

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

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



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From: MCALEENAN, KEVIN K
Sent: Monday, January 30, 2017 3:06 PM
To: ALLES, RANDOLPH D (b)(6), (b)(7)(C) Owen, Todd C (AC OFO) (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) FLANAGAN, PATRICK S (b)(6), (b)(7)(C)
Subject: Redelegating of Refugee Waiver Authority

Acting Deputy Commissioner/EAC,

Subject to my oversight, direction and guidance, I hereby delegate to the Deputy Commissioner, Executive Assistant Commissioner, Deputy Executive Assistant Commissioner, Executive Director Admissibility and Passenger Programs, Executive Director Operations, Executive Director National Targeting Center, Executive Director, National Targeting Center-Passenger, Directors, Field Operations, Port Director, John F. Kennedy Airport, and Port Director, Los Angeles International Airport, Office of Field Operations, U.S. Customs and Border Protection, the authority under § 5(e) of the Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry Into the United States," (January 27, 2017), to admit individuals to the United States as first-time refugees on a case-by-case basis, but only if the Commissioner 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)

(b)(7)(E)

This authority may not be further delegated.



United States Department of State

Washington, D.C. 20520

January 28, 2017

UNCLASSIFIED

ACTION MEMO FOR ACTING SECRETARY (b)(6)

FROM: PRM (b)(6), (b)(7)(C) Acting

SUBJECT: (SBU) Determination to exempt certain refugees from the President's Executive Order so they may enter the United States

Recommendation

(SBU) That you determine to admit the 872 refugees listed in Tab 1 scheduled to enter the United States through February 2 because their admission is in the national interest and would not pose a risk to the security or welfare of the United States.

Approve

(b)(6)

Disapprove _____

Background

(SBU) The Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States" (EO) suspends certain aspects of the US Refugee Admissions Program for 120 days, including the entry of refugees. Section 5(e) of the EO provides that "the Secretaries of State and Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the admission of such refugees is in the national interest – including ... when the person is already in transit and denying admission would cause undue hardship – and it would not pose a risk to the security or welfare of the United States."

(SBU) PRM is seeking for you and DHS to determine jointly to admit 872 refugees who are already in transit through February 2. This group does not include nationals from the specific countries restricted in the Executive Order (Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen). A list of these individuals is attached at Tab 1. Many of these individuals have already been moved from camps or other remote locations to U.S.-run refugee processing hubs in preparation for departure. Most have sold or relinquished their accommodations, household effects and other belongings; given up employment; and or discontinued schooling

UNCLASSIFIED

UNCLASSIFIED- 2 -

for their children. Many have had their residency permits rescinded by their countries of asylum once granted exit permits to imminently depart to the United States and others have been preparing for life in the United States to join U.S. family members who are already here. These individuals are mostly families with children and immediate cancellation of their travel would impose extreme hardship on people who have fled persecution and conflict in order to be resettled in the U.S. Without this humanitarian measure, some refugees could be stuck in limbo or even risk being returned to a country where they would face persecution. As such, each individual in this group is in transit and denying them admission would cause undue hardship.

(b)(7)(E)

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-
-

(b)(7)(E)

(SBU) This exemption must be jointly determined by the Secretaries of State and Homeland Security. We have coordinated with the Department of Homeland Security and understand that its Secretary is prepared to make this determination for these individuals jointly with you. Because of the nature of travel bookings, this waiver must be issued today or tomorrow to allow such travel.

Attachment:

Tab 1: List of individuals

Tab 2: Executive Order

UNCLASSIFIED

Approved: A/S (b)(6), (b)(7)(C) Acting (ok)

Drafted: PRM/A - (b)(6), (b)(7)(C) and cell: (b)(6), (b)(7)(C)

Cleared: L - (b)(6), (b)(7)(C) (ok)
C - (b)(6), (b)(7)(C) (ok)

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

January 27, 2017

EXECUTIVE ORDER

- - - - -

PROTECTING THE NATION FROM FOREIGN TERRORIST
ENTRY INTO THE UNITED STATES

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Immigration and Nationality Act (INA), 8 U.S.C. 1101 *et seq.*, and section 301 of title 3, United States Code, and to protect the American people from terrorist attacks by foreign nationals admitted to the United States, it is hereby ordered as follows:

Section 1. Purpose. The visa-issuance process plays a crucial role in detecting individuals with terrorist ties and stopping them from entering the United States. Perhaps in no instance was that more apparent than the terrorist attacks of September 11, 2001, when State Department policy prevented consular officers from properly scrutinizing the visa applications of several of the 19 foreign nationals who went on to murder nearly 3,000 Americans. And while the visa-issuance process was reviewed and amended after the September 11 attacks to better detect would-be terrorists from receiving visas, these measures did not stop attacks by foreign nationals who were admitted to the United States.

Numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes since September 11, 2001, including foreign nationals who entered the United States after receiving visitor, student, or employment visas, or who entered through the United States refugee resettlement program. Deteriorating conditions in certain countries due to war, strife, disaster, and civil unrest increase the likelihood that terrorists will use any means possible to enter the United States. The United States must be vigilant during the visa-issuance process to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism.

In order to protect Americans, the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles. The United States cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law. In addition, the United States should not admit those who engage in acts of bigotry or hatred (including "honor" killings, other forms of violence against women, or the persecution of those who practice religions different from their own) or those who would oppress Americans of any race, gender, or sexual orientation.

Sec. 2. Policy. It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

Sec. 3. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. (a) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall immediately conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the INA (adjudications) in order to determine that the individual seeking the benefit is who the individual claims to be and is not a security or public-safety threat.

(b) The Secretary of Homeland Security, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the President a report on the results of the review described in subsection (a) of this section, including the Secretary of Homeland Security's determination of the information needed for adjudications and a list of countries that do not provide adequate information, within 30 days of the date of this order. The Secretary of Homeland Security shall provide a copy of the report to the Secretary of State and the Director of National Intelligence.

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and maximum utilization of available resources for the screening of foreign nationals, and to ensure that adequate standards are established to prevent infiltration by foreign terrorists or criminals, pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the immigrant and nonimmigrant entry into the United States of aliens from countries referred to in section 217(a)(12) of the INA, 8 U.S.C. 1187(a)(12), would be detrimental to the interests of the United States, and I hereby suspend entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas).

(d) Immediately upon receipt of the report described in subsection (b) of this section regarding the information needed for adjudications, the Secretary of State shall request all foreign governments that do not supply such information to start providing such information regarding their nationals within 60 days of notification.

(e) After the 60-day period described in subsection (d) of this section expires, the Secretary of Homeland Security, in consultation with the Secretary of State, shall submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of foreign nationals (excluding those foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas) from countries that do not provide the

information requested pursuant to subsection (d) of this section until compliance occurs.

(f) At any point after submitting the list described in subsection (e) of this section, the Secretary of State or the Secretary of Homeland Security may submit to the President the names of any additional countries recommended for similar treatment.

(g) Notwithstanding a suspension pursuant to subsection (c) of this section or pursuant to a Presidential proclamation described in subsection (e) of this section, the Secretaries of State and Homeland Security may, on a case-by-case basis, and when in the national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.

(h) The Secretaries of State and Homeland Security shall submit to the President a joint report on the progress in implementing this order within 30 days of the date of this order, a second report within 60 days of the date of this order, a third report within 90 days of the date of this order, and a fourth report within 120 days of the date of this order.

Sec. 4. Implementing Uniform Screening Standards for All Immigration Programs. (a) The Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation shall implement a program, as part of the adjudication process for immigration benefits, to identify individuals seeking to enter the United States on a fraudulent basis with the intent to cause harm, or who are at risk of causing harm subsequent to their admission. This program will include the development of a uniform screening standard and procedure, such as in-person interviews; a database of identity documents proffered by applicants to ensure that duplicate documents are not used by multiple applicants; amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; a mechanism to ensure that the applicant is who the applicant claims to be; a process to evaluate the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest; and a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

(b) The Secretary of Homeland Security, in conjunction with the Secretary of State, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall submit to the President an initial report on the progress of this directive within 60 days of the date of this order, a second report within 100 days of the date of this order, and a third report within 200 days of the date of this order.

Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. (a) The Secretary of State shall suspend the U.S. Refugee Admissions Program (USRAP) for 120 days. During the 120-day period, the Secretary of State, in conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, shall

review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat to the security and welfare of the United States, and shall implement such additional procedures. Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures. Upon the date that is 120 days after the date of this order, the Secretary of State shall resume USRAP admissions only for nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States.

(b) Upon the resumption of USRAP admissions, the Secretary of State, in consultation with the Secretary of Homeland Security, is further directed to make changes, to the extent permitted by law, to prioritize refugee claims made by individuals on the basis of religious-based persecution, provided that the religion of the individual is a minority religion in the individual's country of nationality. Where necessary and appropriate, the Secretaries of State and Homeland Security shall recommend legislation to the President that would assist with such prioritization.

(c) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of nationals of Syria as refugees is detrimental to the interests of the United States and thus suspend any such entry until such time as I have determined that sufficient changes have been made to the USRAP to ensure that admission of Syrian refugees is consistent with the national interest.

(d) Pursuant to section 212(f) of the INA, 8 U.S.C. 1182(f), I hereby proclaim that the entry of more than 50,000 refugees in fiscal year 2017 would be detrimental to the interests of the United States, and thus suspend any such entry until such time as I determine that additional admissions would be in the national interest.

(e) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretaries of State and Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the admission of such individuals as refugees is in the national interest -- including when the person is a religious minority in his country of nationality facing religious persecution, when admitting the person would enable the United States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship -- and it would not pose a risk to the security or welfare of the United States.

(f) The Secretary of State shall submit to the President an initial report on the progress of the directive in subsection (b) of this section regarding prioritization of claims made by individuals on the basis of religious-based persecution within 100 days of the date of this order and shall submit a second report within 200 days of the date of this order.

(g) It is the policy of the executive branch that, to the extent permitted by law and as practicable, State and local jurisdictions be granted a role in the process of determining the placement or settlement in their jurisdictions of aliens eligible to be admitted to the United States as refugees. To that end, the Secretary of Homeland Security shall examine existing law to determine the extent to which, consistent with applicable law, State and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions, and shall devise a proposal to lawfully promote such involvement.

Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility. The Secretaries of State and Homeland Security shall, in consultation with the Attorney General, consider rescinding the exercises of authority in section 212 of the INA, 8 U.S.C. 1182, relating to the terrorism grounds of inadmissibility, as well as any related implementing memoranda.

Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System. (a) The Secretary of Homeland Security shall expedite the completion and implementation of a biometric entry-exit tracking system for all travelers to the United States, as recommended by the National Commission on Terrorist Attacks Upon the United States.

(b) The Secretary of Homeland Security shall submit to the President periodic reports on the progress of the directive contained in subsection (a) of this section. The initial report shall be submitted within 100 days of the date of this order, a second report shall be submitted within 200 days of the date of this order, and a third report shall be submitted within 365 days of the date of this order. Further, the Secretary shall submit a report every 180 days thereafter until the system is fully deployed and operational.

Sec. 8. Visa Interview Security. (a) The Secretary of State shall immediately suspend the Visa Interview Waiver Program and ensure compliance with section 222 of the INA, 8 U.S.C. 1222, which requires that all individuals seeking a nonimmigrant visa undergo an in-person interview, subject to specific statutory exceptions.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of State shall immediately expand the Consular Fellows Program, including by substantially increasing the number of Fellows, lengthening or making permanent the period of service, and making language training at the Foreign Service Institute available to Fellows for assignment to posts outside of their area of core linguistic ability, to ensure that non-immigrant visa-interview wait times are not unduly affected.

Sec. 9. Visa Validity Reciprocity. The Secretary of State shall review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal insofar as practicable with respect to validity period and fees, as required by sections 221(c) and 281 of the INA, 8 U.S.C. 1201(c) and 1351, and other treatment. If a country does not treat United States nationals seeking

nonimmigrant visas in a reciprocal manner, the Secretary of State shall adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country, to the extent practicable.

Sec. 10. Transparency and Data Collection. (a) To be more transparent with the American people, and to more effectively implement policies and practices that serve the national interest, the Secretary of Homeland Security, in consultation with the Attorney General, shall, consistent with applicable law and national security, collect and make publicly available within 180 days, and every 180 days thereafter:

(i) information regarding the number of foreign nationals in the United States who have been charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons since the date of this order or the last reporting period, whichever is later;

(ii) information regarding the number of foreign nationals in the United States who have been radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States, since the date of this order or the last reporting period, whichever is later; and

(iii) information regarding the number and types of acts of gender-based violence against women, including honor killings, in the United States by foreign nationals, since the date of this order or the last reporting period, whichever is later; and

(iv) any other information relevant to public safety and security as determined by the Secretary of Homeland Security and the Attorney General, including information on the immigration status of foreign nationals charged with major offenses.

(b) The Secretary of State shall, within one year of the date of this order, provide a report on the estimated long-term costs of the USRAP at the Federal, State, and local levels.

Sec. 11. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,
January 27, 2017.

#

From: HOFFMAN, TODD A
Sent: Saturday, January 28, 2017 1:07 AM
To: DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST
DIRECTORS
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; 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"
Attachments: Executive Order - Protecting the Nation from Foreign Terrorist Entry into the United States.pdf; FW: Delegation of Case-by-Case Waiver Authority per Executive Order on Protection 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

1300 Pennsylvania Avenue NW
Washington, DC 20229



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

JAN 28 2017

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman (b)(6), (b)(7)(C)
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) (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) (A) Director, Enforcement Programs Division, at (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

Subject: FW: Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

From: MCALEENAN, KEVIN K

Sent: Saturday, January 28, 2017 12:22:59 AM

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

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

Subject: Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

Acting Deputy Commissioner/EAC,

Subject to my oversight, direction and guidance, I hereby delegate to the Deputy Commissioner, Executive Assistant Commissioner, Deputy Executive Assistant Commissioner, Executive Director Admissibility and Passenger Programs, Executive Director Operations, Executive Director National Targeting Center, Executive Director, National Targeting Center-Passenger, Directors, Field Operations, Port Director, John F. Kennedy Airport, and Port Director, Los Angeles International Airport, Office of Field Operations, U.S. Customs and Border Protection, the authority, on a case-by-case basis, and when in the national interest, and only with respect to Lawful Permanent Residents of the United States, 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 President's Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry Into the United States," (January 27, 2017). Prior to taking any such action, the Lawful Permanent Resident who is the subject of the action must be subjected to a thorough examination by an immigration officer. This authority may not be further delegated.

KM



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) (MINOR)
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 1st 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
- (b)(6), (b)(7)(C)
- DXD Hutton
- OFO Field Liaison




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

(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)**



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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

From: Owen, Todd C (AC OFO)
Sent: Saturday, January 28, 2017 5:23 PM
To: HUTTON, JAMES R
Cc: DURST, CASEY OWEN; (b)(6), (b)(7)(C); HOFFMAN, TODD A; MURDOCK, JUDSON W; (b)(6), (b)(7)(C)
Subject: RE: EO 212(f) Exemption Request for (b)(6)

Approved per C1, 1722 hours.

*Todd C. Owen
 Executive Assistant Commissioner
 Office of Field Operations
 U.S. Customs & Border Protection*

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 5:03 PM
To: Owen, Todd C (AC OFO); (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); HOFFMAN, TODD A; (b)(6), (b)(7)(C); MURDOCK, JUDSON W; (b)(6), (b)(7)(C); (b)(6), (b)(7)(C)
Subject: EO 212(f) Exemption Request for (b)(6)
Importance: High

Exemption to Executive Order Request

January 28, 2017

Title: Exemption to Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States" Request

Summary: CBP, OFO, Baltimore Field Office recommends that you (b)(5), (b)(6), (b)(7)(C)

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

Details:

- Subject arrived aboard (b)(6), (b)(7)(C) USC Father:
 - (b)(6), (b)(7)(C)

- Waiver request is for the accompanying minor child. Child is (b)(6), (b)(7)(C) years old.

- Child is a first-time immigrant, entering on an IR2 visa.

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

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

- (b)(6), (b)(7)(C) was out of the country for approximately 10 months.

- (b)(6), (b)(7)(C) went to (b)(6), (b)(7)(C) to get immigrant packet for son.

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

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

- (b)(6), (b)(7)(C) works as a (b)(6), (b)(7)(C)

- (b)(7)(E)

- (b)(7)(E)

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

Timeline:

- 0815 Subject arrived aboard (b)(6), (b)(7)(C)
- (b)(7)(E)
-
-
-

Contacts:

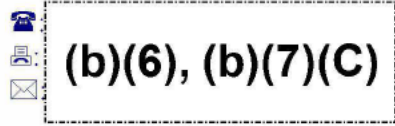
(b)(7)(E)

Area Port contacted at 1230 hours.

Field Office contacted at 1244hours.

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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

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



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From: Owen, Todd C (AC OFO)
Sent: Saturday, January 28, 2017 1:13 PM
To: HUTTON, JAMES R
Cc: HOFFMAN, TODD A; PEREZ, ROBERT E; (b)(6), (b)(7)(C)
MURDOCK, JUDSON W
Subject: RE: Waiver Request for 212(1) in re (b)(6), (b)(7)(C)

Waiver granted by C1, 1312 hours.

Todd C. Owen
Executive Assistant Commissioner
Office of Field Operations
U.S. Customs & Border Protection

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 5:56:22 PM
To: Owen, Todd C (AC OFO)
Cc: HOFFMAN, TODD A; PEREZ, ROBERT E; (b)(6), (b)(7)(C) MURDOCK, JUDSON W
Subject: Waiver Request for 212(1) in re (b)(6), (b)(7)(C)

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

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

Subject (b)(6), (b)(7)(C) arrived at JFK aboard Norwegian Air Shuttle (b)(6), (b)(7)(C) on 01/28/2017 from (b)(6), (b)(7)(C) at Terminal One at (b)(6), (b)(7)(C) hours.

The subject was in possession of Iraqi passport # (b)(6), (b)(7)(C) and valid ZZ refugee Classification Foil # (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

- Subject was referred to Passport Control Secondary for a 1 day Augmented (b)(7)(E) interview
- The subject was born and raised in (b)(6), (b)(7)(C) and has been living there (b)(6), (b)(7)(C)
- The subject left Iraq about (b)(6), (b)(7)(C) ago due to death threats and an attempted kidnapping
- The subject left Iraq and traveled to (b)(6), (b)(7)(C) and then onward to (b)(6), (b)(7)(C)
- The subject has been living (b)(6), (b)(7)(C) and remained unemployed

- The subject attended [redacted (b)(6), (b)(7)(C)]
- While in Iraq he worked for [redacted (b)(6), (b)(7)(C)]
- [redacted (b)(6), (b)(7)(C)]
- The subject is intending to travel to [redacted (b)(6), (b)(7)(C)]
- This is the subject's first trip to the United States
- Previous travel outside of Iraq is [redacted (b)(6), (b)(7)(C)]
- Subject states that [redacted (b)(6), (b)(7)(C)]
- [redacted (b)(7)(E)] checked [redacted (b)(7)(E)]

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

• [redacted (b)(6), (b)(7)(C)]
 7
 •

[cid:image001.png@01D00E30.B35BEEB0]

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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) (MINOR)
Importance: High

OCC

Please see below a waiver request involving (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)

OFO recommends that (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)



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From: Owen, Todd C (AC OFO)
Sent: Saturday, January 28, 2017 10:34 PM
To: DIRECTORS FIELD OPS
Subject: Federal Court Stay - Hold all departures. Need confirmation

Importance: High

DFOs,

Based on this evening's federal court stay, we are to **suspend all departures** of those found inadmissible under the Executive Order, including those who wished to voluntarily depart. We should freeze all departures but continue to detain the individuals in the airports while we await further legal guidance. All pre-departure actions will remain underway.

Need confirmation from each DFO.

*Todd C. Owen
Executive Assistant Commissioner
Office of Field Operations
U.S. Customs & Border Protection*

From: MCALEENAN, KEVIN K
Sent: Sunday, January 29, 2017 1:39 AM
To: Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C) HOFFMAN, TODD A; HUTTON, JAMES R; DIRECTORS FIELD OPS
Cc: (b)(6), (b)(7)(C) ALLES, RANDOLPH D; FLANAGAN, PATRICK S
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: Sunday, January 29, 2017 2:00 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
Attachments: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist
 Entry into the United States
Importance: High

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)



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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)(6), (b)(7)(C) 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: 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) RE: Waiver Request for 212(1) in re: (b)(6) EO 212(f) Waiver for (b)(6) (MINOR)
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 1st 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
- (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)

(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)**



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From: HOFFMAN, TODD A
Sent: Saturday, January 28, 2017 1:07 AM
To: DIRECTORS FIELD OPS <**(b)(6), (b)(7)(C)**> EXECUTIVE DIRECTORS HQ
(b)(6), (b)(7)(C) BORDER SECURITY ASST DIRECTORS
(b)(6), (b)(7)(C)
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 (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) (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: Owen, Todd C (AC OFO)
Sent: Saturday, January 28, 2017 5:23 PM
To: HUTTON, JAMES R
Cc: (b)(6), (b)(7)(C); HOFFMAN, TODD A; MURDOCK, JUDSON W; (b)(6), (b)(7)(C)
Subject: RE: EO 212(f) Exemption Request for (b)(6), (b)(7)(C)

Approved per C1, 1722 hours.

*Todd C. Owen
 Executive Assistant Commissioner
 Office of Field Operations
 U.S. Customs & Border Protection*

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 5:03 PM
To: Owen, Todd C (AC OFO); (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); HOFFMAN, TODD A; (b)(6), (b)(7)(C); MURDOCK, JUDSON W; (b)(6), (b)(7)(C); (b)(6), (b)(7)(C)
Subject: EO 212(f) Exemption Request for (b)(6)
Importance: High

Exemption to Executive Order Request

January 28, 2017

Title: Exemption to Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States" Request

Summary: CBP, OFO, Baltimore Field Office recommends that you (b)(5), (b)(6), (b)(7)(C)

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

Details:

- Subject arrived aboard (b)(6), (b)(7)(C) with USC Father:
 - (b)(6), (b)(7)(C)

- Waiver request is for the accompanying minor child. Child is (b)(6), (b)(7)(C) years old.
 - Child is a first-time immigrant, entering on an IR2 visa.
- (b)(6), (b)(7)(C), (b)(7)(E)
 - (b)(6), (b)(7)(C)
 - (b)(6), (b)(7)(C) was out of the country for approximately 10 months.
 - (b)(6), (b)(7)(C) went to (b)(6), (b)(7)(C) to get immigrant packet for son.
 - (b)(6), (b)(7)(C)
 - (b)(6), (b)(7)(C)
 - (b)(6), (b)(7)(C) works as a (b)(6), (b)(7)(C)
- (b)(7)(E)
- (b)(7)(E)

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

Timeline:

- 0815 Subject arrived aboard (b)(6), (b)(7)(C)
- (b)(7)(E)
- (b)(7)(E)
- (b)(7)(E)
- (b)(7)(E)




Contacts:

(b)(7)(E)
Area Port contacted at 1230 hours.

Field Office contacted at 1244hours.

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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

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



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From: Owen, Todd C (AC OFO)
Sent: Saturday, January 28, 2017 1:13 PM
To: HUTTON, JAMES R
Cc: HOFFMAN, TODD A; PEREZ, ROBERT E; (b)(6), (b)(7)(C)
 MURDOCK, JUDSON W
Subject: RE: Waiver Request for 212(1) (b)(6), (b)(7)(C)

Waiver granted by C1, 1312 hours.

Todd C. Owen
 Executive Assistant Commissioner
 Office of Field Operations
 U.S. Customs & Border Protection

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 5:56:22 PM
To: Owen, Todd C (AC OFO)
Cc: HOFFMAN, TODD A; PEREZ, ROBERT E; (b)(6), (b)(7)(C) MURDOCK, JUDSON W
Subject: Waiver Request for 212(1) (b)(6), (b)(7)(C)

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

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

Subject (b)(6), (b)(7)(C) arrived at JFK aboard Norwegian Air Shuttle (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) on 01/28/2017 from (b)(6), (b)(7)(C) at Terminal One at (b)(6), (b)(7)(C) hours.

The subject was in possession of Iraqi passport (b)(6), (b)(7)(C) and valid ZZ refugee Classification Foil # (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

- Subject was referred to Passport Control Secondary for a 1 day Augmented (b)(7)(E) interview
- The subject was born and raised in (b)(6), (b)(7)(C) and has been living there (b)(6), (b)(7)(C)
- The subject left Iraq (b)(6), (b)(7)(C) ago due to death threats and an attempted kidnapping
- The subject left Iraq and traveled to (b)(6), (b)(7)(C) and then onward to (b)(6), (b)(7)(C)
- The subject has been living (b)(6), (b)(7)(C) and remained unemployed

- The subject attended [redacted (b)(6), (b)(7)(C)]
- While in Iraq he worked for [redacted (b)(6), (b)(7)(C)]
- [redacted (b)(6), (b)(7)(C)]
- The subject is intending to travel to [redacted (b)(6), (b)(7)(C)]
- This is the subject's first trip to the United States
- Previous travel outside of Iraq is [redacted (b)(6), (b)(7)(C)]
- Subject states that [redacted (b)(6), (b)(7)(C)]
- [redacted (b)(7)(E)] checked [redacted (b)(7)(E)]

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

[redacted (b)(6), (b)(7)(C)]

[cid:image001.png@01D00E30.B35BEEB0]

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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) (MINOR)
Importance: High

OCC

Please see below a waiver request involving (b)(6), (b)(7)(C)

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

OFO recommends that (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)



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From: HUTTON, JAMES R
Sent: Sunday, January 29, 2017 2:44 AM
To: MANNING, REGINALD I; JAMES, MICHELE; DURST, CASEY OWEN; HUMPHREY, BRIAN J (DFO); MARTEL, CARLOS C; FLORES, (b)(5), (b)(6), (b)(7)(C), (b)(7)(E) SHOBERG, ERIK
Cc: (b)(6), (b)(7)(C)
Subject: FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

Importance: High

DFO's
 Just clarified with (b)(6), (b)(7)(C) OCC, (b)(5)
 (b)(5)

My apologies for conflicting/multiple messages, I need to sleep but will be around tomorrow for any questions.

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

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



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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: Monday, January 30, 2017 4:03 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)
Subject: Re-Delegation of EO Section 5 Refugee Waiver Authority
Attachments: S Signed Action Memo Refugees.pdf; Copy of 30Jan-2 Feb Booking Spreadsheet Details (2).xlsx; 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx
Importance: High

DFOs

In conjunction with Secretary of State and the Secretary of Homeland Security, approx. 842 refugees (complete list attached) have been authorized to travel to the United States from January 30th – February 2nd. These are first time entrants and thus should only arrive to the seven (7) designated POEs:

JFK
Newark
Miami
Chicago
Dulles
LAX
Houston

The Executive Order (EO) does allow for a waiver pursuant to Section 5(e) with concurrence of the Secretary of State and Secretary of Homeland Security. The Department of State has provided a copy of their concurrence concurring with a waiver **for only the 842 refugees listed in the attached**. The Secretary of Homeland Security has delegated his authority to the Commissioner of U.S. Customs and Border Protection. The Commissioner has further delegated his authority (see below) that allows the listed individuals to effectuate said waiver per Section 5(e) of the EO. The below also outlines the guidelines, systems checks etc, on how waivers should be granted:

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)

be further delegated. (b)(7)(E) *This authority may not*

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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

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



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From: MCALEENAN, KEVIN K
Sent: Monday, January 30, 2017 3:06 PM
To: ALLES, RANDOLPH D (b)(6), (b)(7)(C) Owen, Todd C (AC OFO) (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) FLANAGAN, PATRICK S (b)(6), (b)(7)(C)
Subject: Redelegation of Refugee Waiver Authority

Acting Deputy Commissioner/EAC,

Subject to my oversight, direction and guidance, I hereby delegate to the Deputy Commissioner, Executive Assistant Commissioner, Deputy Executive Assistant Commissioner, Executive Director Admissibility and Passenger Programs, Executive Director Operations, Executive Director National Targeting Center, Executive Director, National Targeting Center-Passenger, Directors, Field Operations, Port Director, John F. Kennedy Airport, and Port Director, Los Angeles International Airport, Office of Field Operations, U.S. Customs and Border Protection, the authority under § 5(e) of the Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry Into the United States," (January 27, 2017), to admit individuals to the United States as first-time refugees on a case-by-case basis, but only if the Commissioner 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)
(b)(7)(E) This authority may not be further delegated.



United States Department of State

Washington, D.C. 20520

January 28, 2017

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ACTION MEMO FOR ACTING SECRETARY SHANNON

FROM: PRM – (b)(6) Acting

SUBJECT: (SBU) Determination to exempt certain refugees from the President's Executive Order so they may enter the United States

Recommendation

(SBU) That you determine to admit the 872 refugees listed in Tab 1 scheduled to enter the United States through February 2 because their admission is in the national interest and would not pose a risk to the security or welfare of the United States.

Approve (b)(6) Disapprove _____

Background

(SBU) The Executive Order “Protecting the Nation from Foreign Terrorist Entry into the United States” (EO) suspends certain aspects of the US Refugee Admissions Program for 120 days, including the entry of refugees. Section 5(e) of the EO provides that “the Secretaries of State and Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the admission of such refugees is in the national interest – including ... when the person is already in transit and denying admission would cause undue hardship – and it would not pose a risk to the security or welfare of the United States.”

(SBU) PRM is seeking for you and DHS to determine jointly to admit 872 refugees who are already in transit through February 2. This group does not include nationals from the specific countries restricted in the Executive Order (Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen). A list of these individuals is attached at Tab 1. Many of these individuals have already been moved from camps or other remote locations to U.S.-run refugee processing hubs in preparation for departure. Most have sold or relinquished their accommodations, household effects and other belongings; given up employment; and or discontinued schooling

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UNCLASSIFIED- 2 -

for their children. Many have had their residency permits rescinded by their countries of asylum once granted exit permits to imminently depart to the United States and others have been preparing for life in the United States to join U.S. family members who are already here. These individuals are mostly families with children and immediate cancellation of their travel would impose extreme hardship on people who have fled persecution and conflict in order to be resettled in the U.S. Without this humanitarian measure, some refugees could be stuck in limbo or even risk being returned to a country where they would face persecution. As such, each individual in this group is in transit and denying them admission would cause undue hardship.

(SBU) You must also determine jointly with the Secretary of Homeland Security that the admission of each of these individuals would not pose a risk to the security or welfare of the United States. Refugees under this exemption request have cleared security vetting. All of the information (including biographic and biometric) collected on applicants has been screened; (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

(SBU) This exemption must be jointly determined by the Secretaries of State and Homeland Security. We have coordinated with the Department of Homeland Security and understand that its Secretary is prepared to make this determination for these individuals jointly with you. Because of the nature of travel bookings, this waiver must be issued today or tomorrow to allow such travel.

Attachment:

Tab 1: List of individuals

Tab 2: Executive Order

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Approved: A/S (b)(6) Acting (ok)

Drafted: PRM/A - (b)(6) ext. (b)(6) and cell: (b)(6)

Cleared: L - (b)(6) (ok)
C - (b)(6) (ok)