

From: HUMPHREY, BRIAN J (DFO)
Sent: Thursday, February 02, 2017 1:52 AM
To:

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

Subject: FW: Redelegation of 3(g) Authority
Attachments: Executive Order Redelegation From Commissioner to OFO SES Draft 2-1-17.docx

DFOs now have delegated authority for all waivers under the Executive Order. Please adjudicate future encounters following our existing DFO waiver process. Thank you

Brian J. Humphrey
 Director, Field Operations
 San Francisco/Portland

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

From: HOFFMAN, TODD A
Sent: Wednesday, February 01, 2017 10:28:30 PM
To: DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ
Cc: (b)(6), (b)(7)(C) Owen, Todd C (AC OFO); WAGNER, JOHN P; ENFORCEMENT PROGRAMS DIVISION
Subject: FW: Redelegation of 3(g) Authority

Directors,

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

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

J. Ryan Hutton
 Deputy Executive Director
 Admissibility and Passenger Programs

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

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



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

DELEGATED BY

Commissioner

DELEGATED TO

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

SOURCE OF AUTHORITY BEING DELEGATED

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

DELEGATION

Authority under Section 3(g) of the Executive Order to issue a visa or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked under Section 3 of the Executive Order, on a case-

by-case basis, and when in the national interest of the United States. Prior to taking any such action, the individual who is the subject of the action must be subjected to a thorough examination by an immigration officer. Pursuant to clarifying and authoritative guidance received from Counsel to the President on February 1, 2017, Sections 3(c) and 3(e) of the Executive Order do not apply to lawful permanent residents of the United States.

Authority under Section 5(e) of the Executive Order to admit individuals to the United States as first-time refugees on a case-by-case basis, but only if the Commissioner (or appropriate designee pursuant to this delegation) and the Secretary of State, or his designee, jointly determine that the admission of such individuals as refugees is in the national interest and would not pose a risk to the security or welfare of the United States. Prior to any such admission as a first-time refugee, each such individual must be subjected to a thorough examination by an immigration officer, to include (b)(7)(E)

(b)(7)(E)

This authority may not be further delegated.

Commissioner

From: MCALEENAN, KEVIN K
Sent: Wednesday, February 1, 2017 9:55 PM
To: (b)(6) Owen, Todd C (AC OFO); (b)(6) WAGNER, JOHN P; (b)(6) HOFFMAN, TODD A; (b)(6) HUTTON, JAMES R; (b)(6)
Cc: ALLES, RANDOLPH D; (b)(6) FLANAGAN, PATRICK S; (b)(6)
Subject: RE: Redlegation

Thank you. (b)(5)

From: (b)(6)
Sent: Wednesday, February 01, 2017 9:54:00 PM
To: MCALEENAN, KEVIN K; Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; HUTTON, JAMES R
Cc: ALLES, RANDOLPH D; FLANAGAN, PATRICK S; (b)(6)
Subject: RE: Redlegation

(b)(5)

(b)(5)

**U.S. CUSTOMS AND BORDER PROTECTION
DELEGATION ORDER**

ORIGINATING OFFICE: OC

DISTRIBUTION:

ORDER NUMBER:

ISSUE DATE: February 1, 2017

EFFECTIVE DATE: February 1, 2017

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

DELEGATED BY

DELEGATED TO

Commissioner

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

SOURCE OF AUTHORITY BEING DELEGATED

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

DELEGATION

Authority under Section 3(g) of the Executive Order to issue a visa or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked under Section 3 of the Executive Order, on a case-by-case basis, and when in the national interest of the United States. Prior to taking any such action, the individual who is the subject of the action must be

subjected to a thorough examination by an immigration officer. Pursuant to clarifying and authoritative guidance received from Counsel to the President on February 1, 2017, Sections 3(c) and 3(e) of the Executive Order do not apply to lawful permanent residents of the United States.

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

(b)(7)(E)

(b)(7)(E)

This authority may not be further delegated.

Commissioner

From: (b)(6), (b)(7)(C)
Sent: Friday, January 27, 2017 1:03 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Congressional Inquiries Regarding Executive Orders

Thank you!

From: (b)(6), (b)(7)(C)
Sent: Friday, January 27, 2017 9:51 AM
To: (b)(6), (b)(7)(C)

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

Subject: FW: Congressional Inquiries Regarding Executive Orders

Field Liaison has been receiving notifications that some Ports and Field Offices are receiving inquiries from congressional staffers regarding the recent Executive Orders that were signed. The Office of Congressional Affairs (OCA) has provided the following guidance:

Please refer all congressional inquiries to OCAInquiry@cbp.dhs.gov.

At this time, the Office of Congressional Affairs is under strict instruction to forward such inquiries to DHS. OCA will log and coordinate all inquiries with DHS.

Thank you.

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

(b)(6), (b)(7)(C)
Area Port Director
Area Port of Portland, OR
U.S. Customs and Border Protection

O: (b)(6), (b)(7)(C) **C:** (b)(6), (b)(7)(C)
F: (b)(6), (b)(7)(C) **E:** (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Friday, January 27, 2017 9:43 AM
To: (b)(6), (b)(7)(C)
Subject: FW: Congressional Inquiries Regarding Executive Orders

(b)(6), (b)(7)(C)
Program Manager, Public Affairs Liaison
Customs and Border Protection

San Francisco Field Office

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

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

Sent: Friday, January 27, 2017 3:23:23 PM

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

Subject: FW: Congressional Inquiries Regarding Executive Orders

Greetings,

Please ensure your staff are aware of the following guidance for congressional inquiries.

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

Program Manager; Public Affairs Liaison
Customs and Border Protection
San Francisco Field Office

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

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

Sent: Friday, January 27, 2017 1:16:24 AM

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

Subject: FW: Congressional Inquiries Regarding Executive Orders

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

Assistant Director Field Operations
Border Security
San Francisco Field Office
US Customs and Border Protection

From: (b)(6), (b)(7)(C) on behalf of OFO-FIELD LIAISON

Sent: Thursday, January 26, 2017 4:25:08 PM

To: (b)(6), (b)(7)(C) MANNING, REGINALD I; (b)(6), (b)(7)(C) DURST,
CASEY OWEN; (b)(6), (b)(7)(C) FERRARA,
WILLIAM; (b)(6), (b)(7)(C) HILMEY, ROSE M; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) WHITE, ROBERT
E; (b)(6), (b)(7)(C) PERRY, CHRISTOPHER M; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MANCHA, HECTOR; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) SHOBERG, ERIK; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MARTEL, CARLOS C; (b)(6), (b)(7)(C) SABATINO, DIANE J;
(b)(6), (b)(7)(C) STAVINOHA, STEVEN; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) PEREZ, ROBERT E; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) HOWE, RANDY J; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) FLORES, PETE ROMERO; (b)(6), (b)(7)(C) HUMPHREY,
BRIAN J (DFO); (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C); JAMES, MICHELE (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) BROOKS, WILLIAM K; (b)(6), (b)(7)(C)
Cc: CBP-CAT; MURDOCK, JUDSON W; (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) OFO-FIELD LIAISON

Subject: Congressional Inquiries Regarding Executive Orders

Good evening Directors,

Field Liaison has been receiving notifications that some Ports and Field Offices are receiving inquiries from congressional staffers regarding the recent Executive Orders that were signed. The Office of Congressional Affairs (OCA) has provided the following guidance:

Please refer all congressional inquiries to OCAInquiry@cbp.dhs.gov.

At this time, the Office of Congressional Affairs is under strict instruction to forward such inquiries to DHS. OCA will log and coordinate all inquiries with DHS.

Thank you.

Respectfully,

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

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

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

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

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

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 7:10 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Hq

We are being overwhelmed with media requests nationwide. They all pretty much want the same thing. We are in a holding pattern.

(b)(6), (b)(7)(C)
Program Manager; Public Affairs Liaison
Customs and Border Protection
San Francisco Field Office
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 12:06:30 AM
To: (b)(6), (b)(7)(C)
Subject: RE: Hq

10 4

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 4:04:14 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Hq

I'm not answering my phone either. The media is just going to have to be patient until HQ and DHS respond.

(b)(6), (b)(7)(C)
Program Manager; Public Affairs Liaison
Customs and Border Protection
San Francisco Field Office
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 12:02:34 AM
To: (b)(6), (b)(7)(C)
Subject: Hq

I'm getting reports there is no one answering phones at hq where cbp is directing calls for the executive order

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 7:03 PM
To: (b)(6), (b)(7)(C)
Subject: Automatic reply: Hq

To Members of the media:

Please direct all inquiries related to the President's Executive Order to:

cbpmidiarelations@cbp.dhs.gov

Thank you.

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 10:14 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: IMMEDIATE ACTION/INFO: Revised Executive Order Reporting Guidelines

Chief,

10-4, (b)(6), (b)(7)(C) called just moments ago, we will stand down until further notice.

(b)(6), (b)(7)(C) asked if there had been any activity to report, I told we would have been sending a negative report.

(b)(6), (b)(7)(C)
Supervisory CBP Officer, Public Affairs Liaison
 Area Port of Portland, OR
 U.S. Customs and Border Protection

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

Urgent after-hours media inquiries: cbpmidiarelations@dhs.gov

Sign up for e-mail updates:
https://service.govdelivery.com/service/multi_subscribe.html?code=USDHSCBP&origin=http://www.cbp.gov/
 from CBP.gov Join us on OurBorder <<http://ourborder.ning.com/>> , YouTube
 <<http://www.youtube.com/customsborderprotect>>

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From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 7:11 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: FW: IMMEDIATE ACTION/INFO: Revised Executive Order Reporting Guidelines

Do not send any more reports.

Thanks.

Chief (b)(6), (b)(7)(C)
 Assistant Area Port Director

Area Port of Portland

Sent via Android device

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

Sent: Friday, February 03, 2017 7:03:38 PM

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

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

Cc: HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)

Subject: RE: IMMEDIATE ACTION/INFO: Revised Executive Order Reporting Guidelines

Everyone

Please be advised the below EO reporting requirement has been suspend by CBP HQ EO CAT until further notice.

Thank you

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

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

San Francisco Field Office
US Customs and Border Protection

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

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

Sent: Friday, February 3, 2017 1:05 PM

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

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

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

Cc: HUMPHREY, BRIAN J (DFO) <[redacted] (b)(6), (b)(7)(C)>

[redacted] (b)(6), (b)(7)(C)

Subject: RE: IMMEDIATE ACTION/INFO: Revised Executive Order Reporting Guidelines

ALCON,

Please use the attached Reporting Template along with the Waiver Request/Encounter spreadsheet as necessary for the twice daily reporting that begins at 2000 hrs tonight. There is no need to capture the previous or future running totals.

[redacted] (b)(6), (b)(7)(C)

SCBPO, Border Security Coordinator

[redacted] (b)(6), (b)(7)(C)

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From: [redacted] (b)(6), (b)(7)(C)

Sent: Friday, February 03, 2017 11:11 AM

To: [redacted] (b)(6), (b)(7)(C)

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

Cc: HUMPHREY, BRIAN J (DFO) [redacted] (b)(6), (b)(7)(C)

[redacted] (b)(6), (b)(7)(C)

Subject: IMMEDIATE ACTION/INFO: Revised Executive Order Reporting Guidelines

Importance: High

ALCON,

The reporting guidelines for the Executive Order encounters have been revised with adjustment to the reporting templates and reporting times.

- Reporting times are adjusted to twice daily at **0800 (PST) and 2000 (PST)**.
 - **Beginning with this evening's (February 3) 2000 report, please use the attached templates for reporting submitting them daily by the times indicated** to [redacted] (b)(6), (b)(7)(C)

and (b)(6), (b)(7)(C) for compilation and entry into Sharepoint. Please note in the body of your message whether there were any encounters.

- Please review the attached templates for the changes to what is reported and how.
 - The 'Reporting ' Template replaces what you currently have and reflects changes that have recently occurred (ie. exemption of LPRS (LPRS must not be captured on the spreadsheet)).
 - The 'Waiver Requests' Template has tabs for details about travelers encountered. Included is a tab for DFO/SES PD considered exceptions, Refugees, Canadian Landed Immigrants, EO affected aliens encountered without identity documents. The spreadsheet must be filled out completely, to include country of citizenship, how the subject presented themselves, the final disposition and high level bullets in the appropriate column.

If you have any questions or require additional information, please let me know.

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

SCBPO, Border Security Coordinator

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

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From: (b)(6), (b)(7)(C) on behalf of OFO-FIELD LIAISON

Sent: Friday, February 03, 2017 12:07:00 AM

To: DIRECTORS FIELD OPS; BORDER SECURITY ASST DIRECTORS; TRADE OPERATIONS ASST DIRECTORS; MISSION SUPPORT ASST DIRECTORS; EXECUTIVE DIRECTORS HQ

Cc: ENFORCEMENT PROGRAMS DIVISION; OFO-FIELD LIAISON; (b)(6), (b)(7)(C)

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

Subject: Revised Executive Order Reporting Guidelines

Directors,

Thank you for your outstanding support, flexibility and response over the past week in regard to the changing Executive Order (EO) reporting requirements.

The EO Crisis Action Team (CAT) is working to automate, streamline, and reduce the number of reporting periods currently required of the Field.

For today's 0500 and 1500 (EST) reports, please use the existing template and submit via email. It will not be necessary to submit a 2100 report today.

Beginning Saturday, February 4, 2017, Field Offices will only need to submit stats twice daily via SharePoint, as shown on the attached revised templates.

Guidance for use of revised templates:

The EO CAT has created a page on the Incident Management Division SharePoint site.

Beginning Saturday, February 4, 2017, reports must be submitted via the site:

(b)(7)(E)

in the "Revised EO Reporting 24 HR Period" file.

Starting Saturday, February 4, 2017, reports must be submitted via SharePoint by 0001 (EST) and 1200 (EST).

Each Field Office (FO) must submit the name(s) of FO points of contact (POC) for reporting. The POCs will be granted access to the SharePoint site. It is imperative that the spreadsheets are provided timely and accurately. POCs should ensure the date and time on the submission is modified once the information has been submitted. POC names must be forwarded to the EO CAT NLT 1300 (EST) February 3, 2017.

A consolidated "Waiver Request" file is also available via the SharePoint site. This spreadsheet has tabs for details about travelers encountered. Included is a tab for DFO/SES PD considered exceptions, Refugees, Canadian Landed Immigrants, EO affected aliens encountered without identity documents. The spreadsheet must be filled out completely, to include country of citizenship, how the subject presented themselves, the final disposition and high level bullets in the appropriate column.

For any EO waiver exceptions granted by a Director of Field Operations, Port Director, John F. Kennedy Airport or Port Director, Los Angeles International Airport, please include bullets listing the country of citizenship of the subject, how the subject presented themselves and the final disposition. If a waiver is denied, please provide an explanation.

In regards to withdrawals (WD) tab, please only report on aliens granted I-275 WD who actually depart the United States or are referred to Enforcement and Removal Operations. Do not report pending aliens, or those granted an EO exception. For each withdrawal, please include bullets regarding the reason for the withdrawal and the type of admission intended (i.e.; B1/B2, etc.).

In accordance with the February 1, 2017 White House Guidance, Sections 3(c) and 3(e) of the EO do not apply to Lawful Permanent Residents (LPR) returning to the United States. LPR information should not be captured on the spreadsheet.

Please keep in mind that the (b)(7)(E) mailbox is for internal operational use only and is not to be provided to individuals or components outside of CBP.

Specifics for each column in the revised "Revised EO Reporting 24 HR Period" template is outlined below:

- Number of non-immigrant visa encounters
 - List number of travelers from EO countries who present themselves as non-immigrants.
- Number of immigrant visa encounters
 - List number of travelers from EO countries who physically present an immigrant visa
- Canadian Landed Encounters
 - List of the number of Canadian Landed Immigrants from EO countries who present themselves for admission.
- Returning Refugees Encounters
 - List the number of travelers from EO countries who present themselves as returning refugees.
- Undocumented Encounters
 - List the number of travelers with no documents from EO countries.
- Number of I-512 applicants impacted by E.O

- List the number of applicants from EO countries presenting Form I-512 regardless if waiver is granted.
- Number of withdrawals granted
 - List the number of applicants from EO countries permitted to withdraw.
- Number of expedited removals
 - List the number of applicants nonimmigrants from EO countries placed in expedited removal proceedings.
- Returning Refugee not granted waiver
 - List the number of returning refugees from EO countries not granted a waiver.
- Returning Refugee granted waiver
 - List the number of refugees from EO countries granted a waiver.
- Number of Expedited Removals with Fear Claim
 - List the number of applicants from EO countries claiming fear of return and processed for expedited removal.
- Number of non-immigrants not granted waiver
 - Record the number of nonimmigrants from EO countries not granted a waiver.
- Number of non-immigrants granted waiver
 - Record the number of nonimmigrants from EO countries granted a waiver.
- Number of immigrants not granted waiver
 - Record the number of immigrants from EO countries not granted a waiver.
- Number of immigrants granted a waiver
 - Record the number of immigrants from EO countries granted a waiver.
- Canadian Landed Waiver NOT Granted
 - Record the number of Canadian Landed Immigrants from EO countries not granted a waiver.
- Canadian Landed Waiver Granted
 - Record the number of Canadian Landed Immigrants from EO countries granted a waiver.
- I-512 waiver NOT granted
 - Record subjects with I-512s from EO countries not granted a waiver:
- I-512 waiver Granted
 - Record subjects with I-512 from EO countries granted a waiver.

(b)(6)

Field Liaison Division \ EO CAT
Office of Field Liaison
U.S. Customs and Border Protection

(b)(6)

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From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 10:43 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: Executive Order Reporting Portland, OR 2000 hrs_ 03 FEB 2017

ALCON,

The earlier sent message should be disregarded, it was sent in error.

Apologize for any confusion or inconvenience caused.

v/r

(b)(6), (b)(7)(C)
Supervisory CBP Officer, Public Affairs Liaison
Area Port of Portland, OR
U.S. Customs and Border Protection
☎ (b)(6), (b)(7)(C) ☎ (b)(6), (b)(7)(C) (BlackBerry)
(b)(6), (b)(7)(C)

Urgent after-hours media inquiries: cbpmediarelations@dhs.gov

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From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 4:48 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: Executive Order Reporting Portland, OR 2000 hrs_ 03 FEB 2017

San Francisco Field Office,

Please attached: Executive Order 2000 hour reporting period February 3, 2017 for the Area Port of Portland, Oregon.

Negative report.

v/r

(b)(6), (b)(7)(C)
Supervisory CBP Officer, Public Affairs Liaison
Area Port of Portland, OR
U.S. Customs and Border Protection

☎ (b)(6), (b)(7)(C) ☎ (b)(6), (b)(7)(C)
✉ (b)(6), (b)(7)(C) ✉ (b)(6), (b)(7)(C)

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<<http://www.youtube.com/customsborderprotect>>

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From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 2:40 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Implementation

Ok also they are traveling on b1/b2 visa due to ESTA Denial.

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 11:36 AM
To: (b)(6), (b)(7)(C)
Subject: RE: Implementation

This may require C1 waiver.

Chief (b)(6), (b)(7)(C)
Assistant Area Port Director
Area Port of Portland

Sent via Android device

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 11:18:12 AM
To: (b)(6), (b)(7)(C)
Subject: RE: Implementation

Thank you. I will call Mr. Humphrey with thorough information/facts.

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

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 10:59 AM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: Implementation

Yes, we should also report to the DFO. (b)(5)
(b)(5)

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 10:25:35 AM
To: (b)(6), (b)(7)(C)
Subject: RE: Implementation

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

(b)(6), (b)(7)(C)
Asst. Area Port Director

Area Port of Portland OR
US Customs & Border Protection
Department of Homeland Security

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

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

ⓧ Please consider the environment before printing this email.

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

From: **(b)(6), (b)(7)(C)**
Sent: Sunday, January 29, 2017 10:21 AM
To: **(b)(6), (b)(7)(C)**
Subject: RE: Implementation

Yes, read guidance and eo and it applies to nationality only _____

From: **(b)(6), (b)(7)(C)**
Sent: Sunday, January 29, 2017 10:14:14 AM
To: **(b)(6), (b)(7)(C)**
Subject: Implementation

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

I read the guidance the same way as you, if they are a citizen of one of the 7 countries, the action applies to them. If they are a citizen of a 3rd country, it does not apply.

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

Sent via Android device

From: (b)(6), (b)(7)(C)
Sent: Friday, January 27, 2017 10:57 PM
To:
Cc: (b)(6), (b)(7)(C)
Subject: RE: FINAL SIGNED EO FOR ACTION

Yes verified with DFO

From: (b)(6), (b)(7)(C)
Sent: Friday, January 27, 2017 7:41:43 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: FINAL SIGNED EO FOR ACTION

Agreed. We may have additional information tonight. The supervisor's will have to brief tomorrow, Sunday, and Monday morning.

We should be able to report to SF after the Amsterdam flight each day, as I don't think we get any of the desired travelers on Alaska or Volaris.

Did you send your acknowledgement to the DFO?

Chief (b)(6), (b)(7)(C)
Assistant Area Port Director
Area Port of Portland

Sent via Android device

From: (b)(6), (b)(7)(C)
Sent: Friday, January 27, 2017 7:36:38 PM
To:
Cc: (b)(6), (b)(7)(C)
Subject: FW: FINAL SIGNED EO FOR ACTION

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

See instructions below from DFO Humphrey. Very specific instructions for us for individuals arriving from Syria, Iraq, Iran, Libya, Sudan, Yemen, and Somalia. Until our officers are used to the procedures I'd like all incidents to be communicated to you and I before being sent home or released.

From: HUMPHREY, BRIAN J (DFO)
Sent: Friday, January 27, 2017 7:14:34 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

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

Subject: FW: FINAL SIGNED EO FOR ACTION

The attached executive order is effective immediately. Because of the urgency and sensitivity, I ask that each Area PD acknowledge receipt. Thank you.

Detailed guidance is expected within the hour, including reporting requirements. In the interim, this is my summary of tonight's conference call with HQ.

Affected countries: Iran, Iraq, Syria, Libya, Sudan, Somalia, Yemen

Effective immediately, all immigrant (including refugees) and non-immigrant visas of citizens from these countries are revoked. These passengers are to be offered withdrawal of application for admission. If they do not agree to withdrawal, they will be expeditiously removed. If they claim credible fear, they will be processed accordingly. A/G/NATO visa holders are exempt and allowed entry.

LPRs presenting passports from these countries are included in the executive order. However, the Secretary has delegated waiver authority to DFOs to admit LPRs after undergoing a **(b)(7)(E)** (secondary where we don't have **(b)(7)(E)** with proper notation of the DFO waiver in the remarks section. No LPR is to be removed.

Unaccompanied Alien Children, previously admitted refugees, previously admitted asylees, and persons with approved advanced paroles are included in the executive order. These individuals currently require a Secretary approved waiver. HQ guidance will cover the waiver procedures. HQ is requesting DFO delegated authority for these groups as well, but it is not yet approved. Such individuals will also be referred for secondary exam **(b)(7)(E)** where teams exist), with notation of the approved waiver in the remarks. Until such time that waiver authority is delegated (if at all), we will need to hold the passengers pending Secretary approval of the waiver. These individuals will not be expeditiously removed.

At this time, these procedures are to be followed for the next 90 days. Further guidance will follow at that time.

The State Department has already cancelled all the immigrant and non-immigrant visas, and **(b)(7)(E)**

(b)(7)(E)

Reporting: Eventually an automated report is expected from **(b)(7)(E)** but in the meantime, we will owe HQ a report each morning by 0500 hours Eastern Time. We will need the information in the SFFO by midnight Pacific Time in order to compile a consolidated FO response. Please copy **(b)(6), (b)(7)(C)** and I. A spreadsheet of the report fields is expected with the guidance due out soon from HQ.

Any questions, please feel free to call me.

Brian J. Humphrey
Director, Field Operations
San Francisco and Portland Field Offices

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

Sent: Friday, January 27, 2017 6:07 PM

To: DIRECTORS FIELD OPS **(b)(7)(E)**

Subject: FW: FINAL SIGNED EO FOR ACTION

Thank you,

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

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

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

From: (b)(6), (b)(7)(C)
Sent: Friday, January 27, 2017 10:37 PM
To:
Cc: (b)(6), (b)(7)(C)
Subject: FW: FINAL SIGNED EO FOR ACTION
Attachments: 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx
Importance: High

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

See instructions below from DFO Humphrey. Very specific instructions for us for individuals arriving from Syria, Iraq, Iran, Libya, Sudan, Yemen, and Somalia. Until our officers are used to the procedures I'd like all incidents to be communicated to you and I before being sent home or released.

From: HUMPHREY, BRIAN J (DFO)
Sent: Friday, January 27, 2017 7:14:34 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C); HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: FINAL SIGNED EO FOR ACTION

The attached executive order is effective immediately. Because of the urgency and sensitivity, I ask that each Area PD acknowledge receipt. Thank you.

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LPRs presenting passports from these countries are included in the executive order. However, the Secretary has delegated waiver authority to DFOs to admit LPRs after undergoing a (b)(7)(E) (secondary where we don't have (b)(7)(E) with proper notation of the DFO waiver in the remarks section. No LPR is to be removed.

Unaccompanied Alien Children, previously admitted refugees, previously admitted asylees, and persons with approved advanced paroles are included in the executive order. These individuals currently require a Secretary approved waiver. HQ guidance will cover the waiver procedures. HQ is requesting DFO delegated authority for these groups as well, but it is not yet approved. Such individuals will also be referred for secondary exam (b)(7)(E) where teams exist), with notation of the approved waiver in the remarks. Until such time that waiver authority is delegated (if at all), we will need to hold the passengers pending Secretary approval of the waiver. These individuals will not be expeditiously removed.

At this time, these procedures are to be followed for the next 90 days. Further guidance will follow at that time.

The State Department has already cancelled all the immigrant and non-immigrant visas, and [redacted] (b)(7)(E)
[redacted] (b)(7)(E)

Reporting: Eventually an automated report is expected from [redacted] (b)(7)(E) but in the meantime, we will owe HQ a report each morning by 0500 hours Eastern Time. We will need the information in the SFFO by midnight Pacific Time in order to compile a consolidated FO response. Please copy [redacted] (b)(6), (b)(7)(C) and I. A spreadsheet of the report fields is expected with the guidance due out soon from HQ.

Any questions, please feel free to call me.

Brian J. Humphrey
Director, Field Operations
San Francisco and Portland Field Offices
[redacted] (b)(6), (b)(7)(C)
[redacted] (b)(6), (b)(7)(C)

From: [redacted] (b)(6), (b)(7)(C)
Sent: Friday, January 27, 2017 6:07 PM
To: DIRECTORS FIELD OPS <[redacted] (b)(7)(E)>
Subject: FW: FINAL SIGNED EO FOR ACTION

Thank you,

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

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From: [redacted] (b)(6), (b)(7)(C)
Sent: Friday, January 27, 2017 6:41 PM
To: HOFFMAN, TODD A [redacted] (b)(6), (b)(7)(C) HUTTON,
JAMES R [redacted] (b)(6), (b)(7)(C)

[redacted] (b)(6), (b)(7)(C)

[redacted] (b)(6), (b)(7)(C) LANDERIED, PHILA

[redacted] (b)(6), (b)(7)(C)
[redacted] (b)(6), (b)(7)(C) MURDOCK, JUDSON W

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

Subject: FW: FINAL SIGNED EO FOR ACTION

From: MCALEENAN, KEVIN K

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

To: WAGNER, JOHN P

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

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

FLANAGAN, PATRICK S

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

Subject: FINAL SIGNED EO FOR ACTION

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 12:24 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Guidance: Reporting Guidance for Actions Taken Related to Executive Order: Protecting the Nation from Foreign Terrorist Entry Into the United States
Attachments: image001.jpg

See additional reporting requirements below _____

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 9:12:55 AM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C); HUMPHREY, BRIAN J (DFO)
Subject: FW: Guidance: Reporting Guidance for Actions Taken Related to Executive Order: Protecting the Nation from Foreign Terrorist Entry Into the United States

Port Directors,

If your port detains a returning refugee, please submit bullets for each encounter as soon as possible to the Field Office. Please copy DFO Humphrey, (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C)
 Assistant Director Field Operations
 Border Security
 San Francisco Field Office
 US Customs and Border Protection

From: (b)(6), (b)(7)(C) on behalf of OFO-FIELD LIAISON
Sent: Saturday, January 28, 2017 9:03:26 AM
To: DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS; TRADE OPERATIONS ASST DIRECTORS; MISSION SUPPORT ASST DIRECTORS
Cc: (b)(6), (b)(7)(C); MURDOCK, JUDSON W; (b)(6), (b)(7)(C); (b)(6), (b)(7)(C) OFO-FIELD LIAISON
Subject: Guidance: Reporting Guidance for Actions Taken Related to Executive Order: Protecting the Nation from Foreign Terrorist Entry Into the United States

Greetings Directors,

Due to the President of the United States Executive Order, if your field office detains a returning refugee, the Field Liaison Division will need bullets for each encounter as soon as possible. This information is time sensitive and will be forwarded to C1, C2, EAC, DEAC, XD Ops, DXD Ops, XD (b)(6), (b)(7)(C) XD Hoffman and DXD Hutton. Thank you in advance.

Respectfully,

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

Program Manager, Field Liaison Division
Office of Field Operations
U.S. Customs & Border Protection
1300 Pennsylvania Avenue, NW

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

Washington, DC 20229

(Office)

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

(Fax)

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

"A team is greater than the sum of its parts"

Preparation+Attitude+Opportunity+Action=Luck

[cid:image001.jpg@01D1600E.F2626B80]

From: (b)(6), (b)(7)(C) On Behalf Of OFO-FIELD LIAISON

Sent: Saturday, January 28, 2017 1:09 AM

To: DIRECTORS FIELD OPS (b)(7)(E) EXECUTIVE DIRECTORS HQ

(b)(7)(E); BORDER SECURITY ASST DIRECTORS

(b)(7)(E) TRADE OPERATIONS ASST DIRECTORS

(b)(7)(E) MISSION SUPPORT ASST DIRECTORS

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

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

MURDOCK, JUDSON W (b)(6), (b)(7)(C)

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

Subject: Reporting Guidance for Actions Taken Related to Executive Order: Protecting the Nation from Foreign Terrorist Entry Into the United States

MEMORANDUM FOR: Directors, Field Operations
Director, Pre-Clearance

FROM: (b)(6), (b)(7)(C) /s/
Deputy Executive Director, Operations (Acting)
Office of Field Operations

SUBJECT: Reporting Guidance for Actions Taken Related to Executive Order: Protecting the Nation from Foreign Terrorist Entry Into the United States

On January 27, 2017, President Donald Trump issued Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States. 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.

As we push forward in our efforts to protect our Nation, OFO Operations will require daily reporting on our activities as related to this Executive Order. Reporting will include encounters in the air, land and sea environments with anyone who arrives into the U.S. from the seven (7) countries (Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen) that meets the criteria outlined in the Executive Order and the instructions issued to the field by Admissibility and Passenger Programs.

Using the attached spreadsheet, data should be captured daily for the 24-hour time period beginning at 0300 (EST) – and ending at 0259 hours (EST). By 0500 hours (EST) daily, each Field Office is required to submit their data from the previous 24-hours to OFO Field Liaison ([REDACTED]). Reports must be submitting using the attached Microsoft Excel template document. Field Liaison will consolidate these reports into a final report senior CBP and DHS leadership.

If you have any questions regarding to reporting, please contact the Field Liaison Division, at: [REDACTED] For questions pertaining to the implementation of the new policy, please contact Ryan Hutton, Deputy Executive Director, Admissibility and Passenger Programs at: [REDACTED].

From: (b)(6), (b)(7)(C)
Sent: Tuesday, January 31, 2017 5:53 PM
To: (b)(6), (b)(7)(C)
Subject: (b)(6), (b)(7)(C)
FW: ACTION:MS: Project Code for Executive Order "Protecting the Nation for Foreign Terrorist Entry into the United States" (b)(7)(E)

The Office of Finance has created Project code: (b)(7)(E) to track CBP costs associated with Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017).

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

(b)(6), (b)(7)(C)
Area Port Director
Area Port of Portland, OR
U.S. Customs and Border Protection
O: (b)(6), (b)(7)(C) C: (b)(6), (b)(7)(C)
F: (b)(6), (b)(7)(C) E: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Tuesday, January 31, 2017 12:49 PM
To: (b)(6), (b)(7)(C)

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

Cc: HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)

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

Subject: FW: ACTION:MS: Project Code for Executive Order "Protecting the Nation for Foreign Terrorist Entry into the United States" (b)(7)(E)

PDs,

Please see Project Code for your use as described below. If any questions, let me know.

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

(b)(6), (b)(7)(C)
*Assistant Director Field Operations
Mission Support*

San Francisco and Portland Field Office
Office of Field Operations
U.S. Customs and Border Protection

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

From: (b)(6), (b)(7)(C)
Sent: Tuesday, January 31, 2017 12:47 PM
To: DIRECTORS FIELD OPS
Cc: MISSION SUPPORT ASST DIRECTORS; BORDER SECURITY ASST DIRECTORS; TRADE OPERATIONS ASST DIRECTORS;
(b)(6), (b)(7)(C)
Subject: ACTION:MS: Project Code for Executive Order "Protecting the Nation for Foreign Terrorist Entry into the United States" - (b)(7)(E)

Directors, Field Operations, and Executive Directors,

The Office of Finance has created Project code (b)(7)(E) to track CBP costs associated with Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017).

This project code is intended to capture all costs as a direct result of the E.O. that are not for work already being captured by a previously issued national project code. For example, if your office is already using a project code to track a certain activity ongoing prior to the issuance of this E.O. then you should continue to do so. However, if your office does see an increase in expenses and workload as a direct result of the E.O. then utilize this project code. This code can be used to track both operational expenses and overtime costs associated with activity driven by the E.O.

Please let me know if you have any questions for what should be included with this project code or have a member of your staff contact (b)(6), (b)(7)(C) of my staff. Thank you.

(b)(6), (b)(7)(C)
Director, Budget
Office of Field Operations

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 2:01 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: Contact From Rep. Bonamici's Staff

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

They can contact (b)(6), (b)(7)(C) for information.

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

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 10:38:43 AM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: Re: Contact From Rep. Bonamici's Staff

(b)(6), (b)(7)(C): I've now been asked by (b)(6), (b)(7)(C) a staff member for Senator Merkley, if anyone has been detained at PDX under the executive order. If you can give me the answer to that question, I'm happy to pass it on to the staff member. Otherwise, would you like me to put him in touch with you? Thanks.

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

Federal Affairs Manager
Port of Portland

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

> On Jan 28, 2017, at 5:26 PM, (b)(6), (b)(7)(C) wrote:

>
> Thanks (b)(6), (b)(7)(C) As of now I am not authorized to speak on the executive order.

> **From:** (b)(6), (b)(7)(C)
> **Sent:** Saturday, January 28, 2017 5:17:05 PM
> **To:** (b)(6), (b)(7)(C)
> **Cc:** (b)(6), (b)(7)(C)
> **Subject:** Contact From Rep. Bonamici's Staff

> (b)(6), (b)(7)(C) I wanted to let you know that I just got a call from (b)(6), (b)(7)(C) who is Rep. Bonamici's District Director. (b)(6), (b)(7)(C) was calling about the entry restrictions that are being implemented for people from certain countries. She wanted to offer her office as a resource for anyone arriving at PDX who might be affected by the restrictions.

> I explained to (b)(6), (b)(7)(C) that CBP exclusively would handle this matter at PDX, and I gave her your contact information in case she wanted to contact you. I kind of got the impression that she would not contact you, but I wanted to let you know, just in case she does.

> Thanks.

>

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

> Federal Affairs Manager

> Port of Portland

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

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

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

>

>

>

From: (b)(6), (b)(7)(C)
Sent: Friday, January 27, 2017 10:28 PM
To: HUMPHREY, BRIAN J (DFO)
Cc: (b)(6), (b)(7)(C)
Subject: RE: FINAL SIGNED EO FOR ACTION

Received

From: HUMPHREY, BRIAN J (DFO)
Sent: Friday, January 27, 2017 7:14:34 PM

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

(b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)

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

Subject: FW: FINAL SIGNED EO FOR ACTION

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Affected countries: Iran, Iraq, Syria, Libya, Sudan, Somalia, Yemen

Effective immediately, all immigrant (including refugees) and non-immigrant visas of citizens from these countries are revoked. These passengers are to be offered withdrawal of application for admission. If they do not agree to withdrawal, they will be expeditiously removed. If they claim credible fear, they will be processed accordingly. A/G/NATO visa holders are exempt and allowed entry.

LPRs presenting passports from these countries are included in the executive order. However, the Secretary has delegated waiver authority to DFOs to admit LPRs after undergoing a (b)(7)(E) secondary where we don't have (b)(7)(E) with proper notation of the DFO waiver in the remarks section. No LPR is to be removed.

Unaccompanied Alien Children, previously admitted refugees, previously admitted asylees, and persons with approved advanced paroles are included in the executive order. These individuals currently require a Secretary approved waiver. HQ guidance will cover the waiver procedures. HQ is requesting DFO delegated authority for these groups as well, but it is not yet approved. Such individuals will also be referred for secondary exam (b)(7)(E) where teams exist), with notation of the approved waiver in the remarks. Until such time that waiver authority is delegated (if at all), we will need to hold the passengers pending Secretary approval of the waiver. These individuals will not be expeditiously removed.

At this time, these procedures are to be followed for the next 90 days. Further guidance will follow at that time.

The State Department has already cancelled all the immigrant and non-immigrant visas, and (b)(7)(E)
(b)(7)(E)

Reporting: Eventually an automated report is expected from (b)(7)(E) but in the meantime, we will owe HQ a report each morning by 0500 hours Eastern Time. We will need the information in the SFFO by midnight Pacific Time in order to

compile a consolidated FO response. Please copy: (b)(6), (b)(7)(C) and I. A spreadsheet of the report fields is expected with the guidance due out soon from HQ.

Any questions, please feel free to call me.

Brian J. Humphrey
Director, Field Operations
San Francisco and Portland Field Offices

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

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

Thank you,

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

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

From: MCALEENAN, KEVIN K
Sent: Friday, January 27, 2017 6:41 PM

To: WAGNER, JOHN P <

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

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

FLANAGAN, PATRICK S

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

Subject: FINAL SIGNED EO FOR ACTION

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 6:55 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Executive Order question for maritime

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

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

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

(b)(6), (b)(7)(C)
Area Port Director
Area Port of Portland, OR
U.S. Customs and Border Protection
O (b)(6), (b)(7)(C) C (b)(6), (b)(7)(C)
F E

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 3:47 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: Executive Order question for maritime

I know within EO, sea environment is also included.

But as you all are aware, crewmembers with valid C1/D visa from one of 7 countries are not technically speaking applying for an admission to US.

(b)(5)

(b)(6), (b)(7)(C)
Supervisory CBPO
Area Port of Portland, OR
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 7:02 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Executive Order question for maritime

Thanks

(b)(6), (b)(7)(C)
Area Port Director
Area Port of Portland, OR
U.S. Customs and Border Protection
O (b)(6), (b)(7)(C) C (b)(6), (b)(7)(C)
F: (b)(6), (b)(7)(C) E: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 4:00 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: Executive Order question for maritime

I will discuss with (b)(6), (b)(7)(C) tomorrow, but, I would agree.

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

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From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 3:55 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Executive Order question for maritime

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

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

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

(b)(6), (b)(7)(C)
Area Port Director
Area Port of Portland, OR
U.S. Customs and Border Protection

O
F: (b)(6), (b)(7)(C) C
E: (b)(6), (b)(7)(C)

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

Sent: Monday, January 30, 2017 3:47 PM

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

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

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

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

Subject: Executive Order question for maritime

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(b)(5)

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

Supervisory CBPO
Area Port of Portland, OR

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

From: (b)(6), (b)(7)(C)
Sent: Tuesday, January 31, 2017 10:58 AM
To: (b)(6), (b)(7)(C)
Cc:
Subject: RE: Executive Order question for maritime

I'll be out in Astoria today. Call my cellphone when you want to discuss.

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

(b)(6), (b)(7)(C)
Area Port Director
Area Port of Portland, OR
U.S. Customs and Border Protection

O: (b)(6), (b)(7)(C) **C:** (b)(6), (b)(7)(C)
F: (b)(6), (b)(7)(C) **E:** (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 6:46 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: RE: Executive Order question for maritime

(b)(5) Let's talk tomorrow

(b)(6), (b)(7)(C)
Assistant Director Field Operations
Border Security
San Francisco Field Office
US Customs and Border Protection

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 4:00:06 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: FW: Executive Order question for maritime

I will discuss with (b)(6), (b)(7)(C) tomorrow, but, I would agree.

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

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From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 3:55 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Executive Order question for maritime

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

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

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

Area Port Director
Area Port of Portland, OR
U.S. Customs and Border Protection

O: (b)(6), (b)(7)(C) **C:** (b)(6), (b)(7)(C)
F: (b)(6), (b)(7)(C) **E:** (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 3:47 PM
To: (b)(6), (b)(7)(C)

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

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

Subject: Executive Order question for maritime

I know within EO, sea environment is also included.

But as you all are aware, crewmembers with valid C1/D visa from one of 7 countries are not technically speaking applying for an admission to US.

(b)(5)

(b)(6), (b)(7)(C)
Supervisory CBPO
Area Port of Portland, OR
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Tuesday, January 31, 2017 11:01 AM
To: (b)(6), (b)(7)(C)
Subject: RE: Executive Order question for maritime

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

This is a question for when we get these crewmembers. We don't currently have any.

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

(b)(6), (b)(7)(C)
Area Port Director
Area Port of Portland, OR
U.S. Customs and Border Protection
O: (b)(6), (b)(7)(C) C: (b)(6), (b)(7)(C)
F: (b)(6), (b)(7)(C) E: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Tuesday, January 31, 2017 7:59 AM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: Executive Order question for maritime

(b)(5)

(b)(6), (b)(7)(C)
Assistant Director Field Operations
Border Security
San Francisco Field Office
(b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Tuesday, January 31, 2017 7:58 AM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: Executive Order question for maritime

I'll be out in Astoria today. Call my cellphone when you want to discuss.

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

Area Port Director
Area Port of Portland, OR
U.S. Customs and Border Protection

O: (b)(6), (b)(7)(C) C: (b)(6), (b)(7)(C)
F: (b)(6), (b)(7)(C) E: (b)(6), (b)(7)(C)

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

Sent: Monday, January 30, 2017 6:46 PM

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

Cc:

Subject: RE: Executive Order question for maritime

(b)(5) Let's talk tomorrow

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

Assistant Director Field Operations
Border Security
San Francisco Field Office
US Customs and Border Protection

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

Sent: Monday, January 30, 2017 4:00:06 PM

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

Cc:

Subject: FW: Executive Order question for maritime

I will discuss with (b)(6), (b)(7)(C) tomorrow, but, I would agree.

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

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

Sent: Monday, January 30, 2017 3:55 PM

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

Subject: FW: Executive Order question for maritime

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

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

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

Area Port Director
Area Port of Portland, OR
U.S. Customs and Border Protection

O: **(b)(6), (b)(7)(C)** C: **(b)(6), (b)(7)(C)**
F: **(b)(6), (b)(7)(C)** E: **(b)(6), (b)(7)(C)**

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

Sent: Monday, January 30, 2017 3:47 PM

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

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

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

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

Subject: Executive Order question for maritime

I know within EO, sea environment is also included.

But as you all are aware, crewmembers with valid C1/D visa from one of 7 countries are not technically speaking applying for an admission to US.

(b)(5)

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

Supervisory CBPO
Area Port of Portland, OR

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

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 8:28 PM
To:

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

Cc:
Subject: RE: CAIR/Attorney Inquiry

Portland is reporting negative.

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 5:06:03 PM
To: (b)(6), (b)(7)(C)

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

Cc: (b)(6), (b)(7)(C)
Subject: FW: CAIR/Attorney Inquiry

Please let me know if this is happening at any of your ports?

From: (b)(6), (b)(7)(C) On Behalf Of OFO-FIELD LIAISON
Sent: Saturday, January 28, 2017 5:03 PM
To: DIRECTORS FIELD OPS (b)(7)(E) BORDER SECURITY ASST DIRECTORS

(b)(7)(E) TRADE OPERATIONS ASST DIRECTORS
(b)(7)(E) MISSION SUPPORT ASST DIRECTORS

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

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

Subject: CAIR/Attorney Inquiry

Directors,

Operations received reports of requests and/or attempts by private attorneys or attorneys with the Council on American-Islamic Relations (CAIR) to gain access to observe secondary inspections or represent aliens in secondary. Can you advise if this is occurring in your AOR? Negative responses requested.

Thank you,

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

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

Field Liaison Division

Desk:

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

Fax:

[\[cid:image001.jpg@01D15FFA.F92A59A0\]](#)

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From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 12:08 PM
To: (b)(6), (b)(7)(C)
Subject: RE: New Directive

Good

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 8:41:14 AM
To: (b)(6), (b)(7)(C)
Subject: New Directive

No NIV, IV, LPR, Refugees, Asylees, and advance Paroles on DL 68 and DL 179.
We will check Alaska and Volaris.

(b)(6), (b)(7)(C) Supervisory CBP Officer
A-TCET/Seaport Unit
Area Port of Portland, OR
US Customs & Border Protection
Office: (b)(6), (b)(7)(C)
Cell:
Fax: (b)(6), (b)(7)(C)
(b)(7)(E)

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 8:14 AM
To: (b)(6), (b)(7)(C)
Subject: New Directive

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

Here are the Two individuals that were traveling from Iran with IV. They were both pulled from the flight by IAP Amsterdam. It appears they were a husband/wife both with IV.

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

Officer (b)(6), (b)(7)(C)
U.S Customs & Border Protection
Passenger Analysis unit
Portland International Airport
P:
F: (b)(6), (b)(7)(C)
C:

If the Freedom of speech is taken away then the dumb and silent we may be led, like sheep to the slaughter. George Washington

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 4:27 PM
To: (b)(6), (b)(7)(C)
Cc: HUMPHREY, BRIAN J (DFO)
Subject: RE: EO Request

Thank you

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 1:20:06 PM
To: (b)(6), (b)(7)(C)
Cc: HUMPHREY, BRIAN J (DFO)
Subject: RE: EO Request

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

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 1:00 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Cc: HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)
Subject: RE: EO Request

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

Please call me ASAP regarding these passengers.

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 12:14 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Cc: HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)
Subject: RE: EO Request

(b)(5), (b)(6), (b)(7)(C), (b)(7)(E) r. More information to follow as it is developed.

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

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 12:12 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Cc: HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: EO Request

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

Thank you,

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

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

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 11:15 AM
To: (b)(6), (b)(7)(C)
Subject: FW: Redelegation of 3(g) Authority
Attachments: Executive Order Redelegation From Commissioner to OFO SES Draft 2-1-17.docx

DFOs now have delegated authority for all waivers under the Executive Order. Please adjudicate future encounters following our existing DFO waiver process. Thank you

Regarding immigrants

(b)(6), (b)(7)(C)
 Area Port Director
 Area Port of Portland, OR
 U.S. Customs and Border Protection
 (b)(6), (b)(7)(C)

From: HUMPHREY, BRIAN J (DFO)
Sent: Wednesday, February 01, 2017 10:52 PM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)

Subject: FW: Redelegation of 3(g) Authority

DFOs now have delegated authority for all waivers under the Executive Order. Please adjudicate future encounters following our existing DFO waiver process. Thank you

Brian J. Humphrey
 Director, Field Operations
 San Francisco/Portland
 (b)(6), (b)(7)(C)

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

From: HOFFMAN, TODD A
Sent: Wednesday, February 01, 2017 10:28:30 PM
To: DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ
Cc: (b)(6), (b)(7)(C); HERRIAM, MITCHELL M; Owen, Todd C (AC OFO); WAGNER, JOHN P; ENFORCEMENT PROGRAMS DIVISION
Subject: FW: Redefinition of 3(g) Authority

Directors,

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

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

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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



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

DELEGATED BY	DELEGATED TO
Commissioner	Deputy Commissioner

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

SOURCE OF AUTHORITY BEING DELEGATED

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

DELEGATION

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

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

(b)(7)(E)

(b)(7)(E)

This authority may not be further delegated.

Commissioner

From: MCALEENAN, KEVIN K

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

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

(b)(6), (b)(7)(C) HUTTON, JAMES R (b)(6)

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

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

Subject: RE: Redefinition

Thank you. (b)(5)

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

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

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

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

Subject: RE: Redefinition

(b)(5)

**U.S. CUSTOMS AND BORDER PROTECTION
DELEGATION ORDER**

ORIGINATING OFFICE: OC

DISTRIBUTION:

ORDER NUMBER:

ISSUE DATE: February 1, 2017

EFFECTIVE DATE: February 1, 2017

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

DELEGATED BY

DELEGATED TO

Commissioner

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

SOURCE OF AUTHORITY BEING DELEGATED

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

DELEGATION

Authority under Section 3(g) of the Executive Order to issue a visa or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked under Section 3 of the Executive Order, on a case-by-case basis, and when in the national interest of the United States. Prior to taking any such action, the individual who is the subject of the action must be

subjected to a thorough examination by an immigration officer. Pursuant to clarifying and authoritative guidance received from Counsel to the President on February 1, 2017, Sections 3(c) and 3(e) of the Executive Order do not apply to lawful permanent residents of the United States.

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

(b)(7)(E)

(b)(7)(E)

This authority may not be further delegated.

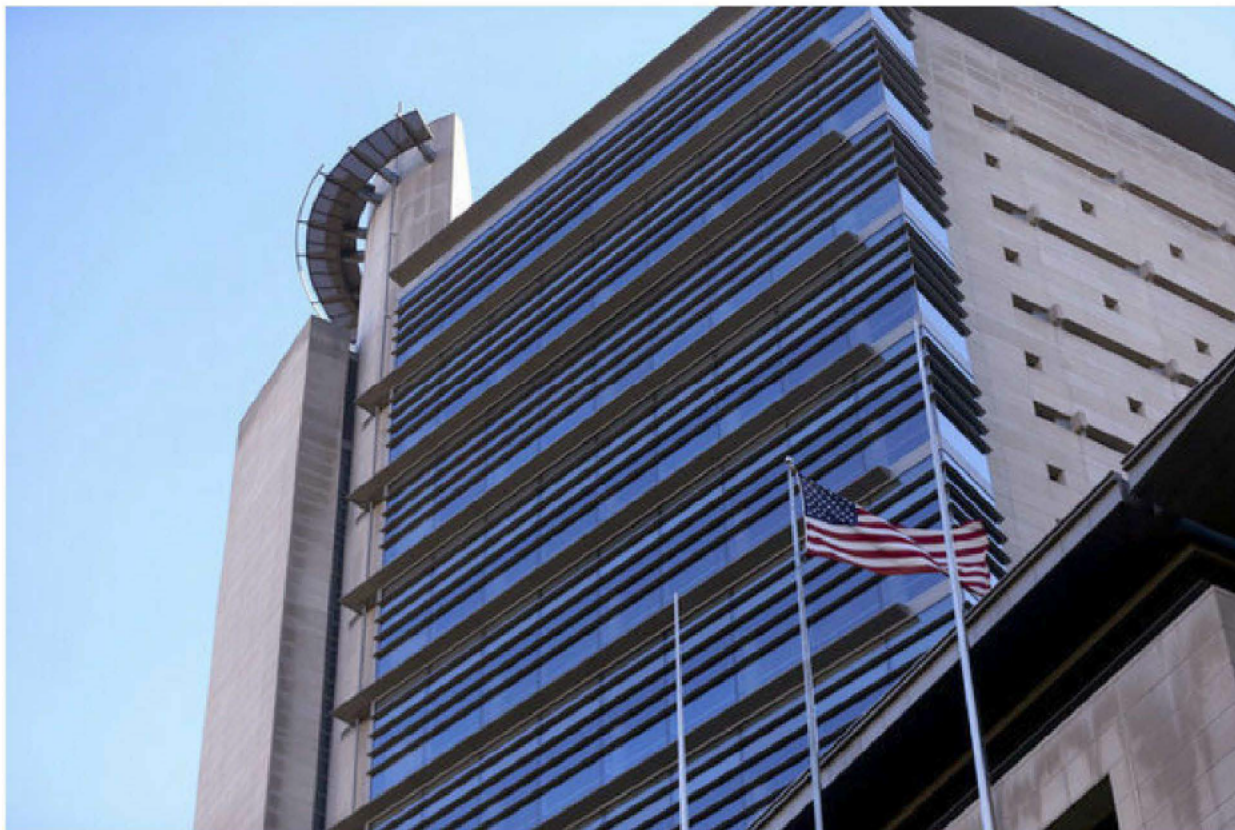
Commissioner

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017, 11:39 AM
To: HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)
Subject: FYI-ACLU Suit Filed Last Night
Attachments: ACLUsuit.pdf

This is on many news outlets. I am named with Mr. Trump, Mr. Kelly and Mr. Mcaleenan. See attached.



Oregon group files federal lawsuit against Trump immigration ban



"The Executive Order targets individuals for discriminatory treatment based on their national origin and religion without lawful justification," the suit says. "The Executive Order was motivated by animus and a desire to harm a particular group." (Dave Killen|Staff)

[Print Email](#)



By Maxine Bernstein | The Oregonian/OregonLive The Oregonian

Email the author | Follow on Twitter

on February 01, 2017 at 5:30 PM, updated February 01, 2017 at 7:36 PM

comments

An immigrants' rights group Wednesday filed [a lawsuit in federal court](#) in Portland against President Donald Trump, seeking an injunction against his controversial executive order on immigration.

The suit brought by Unite Oregon asks the court to bar the government from "unconstitutionally banishing" lawful immigrants or refugees who seek to return to their homes, jobs or reunite with families at Portland International Airport.

Mathew dos Santos, legal director of the American Civil Liberties Union of Oregon, said the civil liberties group doesn't know of anyone sent back to their country after being detained at Portland International Airport, but the ACLU has been helping one to three people a day who have been stopped by immigration agents and questioned. He said they know there are others who have been stopped, as well.

U.S. Customs and Border Protection agents are providing "humane treatment" at the airport, dos Santos said at a news conference. People are getting food and don't have to stay overnight, he said.

"Right now we're just basically trying everything that we can to get these folks released," he said.

The lawsuit marks the latest legal challenge to [Trump's executive order](#), which bans people from seven predominantly Muslim countries from entering the United States for 90 days. Trump also suspended the admission of all refugees for 120 days and indefinitely suspended the Syrian refugee program.

Earlier this week, Washington's attorney general, Bob Ferguson, a Democrat, filed a similar lawsuit, making Washington the first state to take action against the president's order.

"The Executive Order targets individuals for discriminatory treatment based on their national origin and religion without lawful justification," the Oregon suit says. "The Executive Order was motivated by animus and a desire to harm a particular group."

The suit asks a federal judge to declare the order unconstitutional and bar federal Homeland Security and Customs and Border Protection officers from carrying it out. The order bars

immigrants and refugees from protections under the Constitution's due process and equal protection guarantees, the suit contends.

It also urges the court to require lawyers be afforded to anyone detained at the airport before they're questioned.

On Sunday, for example, a lawful permanent resident from Iran was stopped at Portland International Airport and denied access to an immigration attorney, the suit claims.

Unite Oregon is a nonprofit consisting of refugees, immigrants and people of color in the state. The suit is signed by the ACLU's dos Santos and attorney Stephen Manning of the Immigration Law Group.

The ACLU and the local chapter of the American Immigration Lawyers Association have organized attorneys to offer free legal counsel at the airport to anyone detained, the suit says.

On Sunday, the ACLU urged people in Oregon to call the agency if they knew of anyone who would be arriving at Portland's airport within the next 72 hours from Iraq, Syria, Iran, Libya, Somalia, Sudan or Yemen, or of anyone detained already by Customs officers.

"Because of the Executive Order, members of Unite Oregon cannot travel unencumbered, cannot reunite with their families, cannot complete legitimate business and social obligations unencumbered," the suit says.

On Saturday, a federal judge in Brooklyn blocked part of the president's actions, preventing the government from deporting some arrivals to the country. But the judge stopped short of letting them into the country or issuing a broader ruling on the constitutionality of Trump's order.

Muwafaq Alkattan, outreach coordinator for Unite Oregon, said at the news conference that he expected America would be a "safe place" for his family when he, his wife and four daughters fled Iraq and moved to the United States in August 2012. Alkattan, 69, has a green card.

With Trump's new order, "My whole community is afraid, confused and we wonder what's next."

He said the lawsuit gives him hope that America will return to a place that's safe, just and fair.

He fears that family will never be able to visit them in Oregon -- to see his daughters' college graduations or marriages, for example.

"It feels risky to be a refugee," Alkattan said.

Unite Oregon co-chair Manijeh Mehrnoosh said she moved to the U.S. from Iran in 1986. She became a U.S. citizen in 2004, she said, but still holds Iranian citizenship.

"It's really hard to describe how this America that I know is changing in front of my eyes," said Mehrnoosh, 64.

She has friends who have called off trips or had their families cancel U.S visits since Trump signed the order.

"Everybody's so scared of airports now," she said.

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Area Port Director

Area Port of Portland, OR

U.S. Customs and Border Protection

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**UNITED STATES DISTRICT COURT
 DISTRICT OF OREGON
 [PORTLAND DIVISION]**

UNITE OREGON,

Plaintiff

v.

DONALD J. 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; KEVEN K.

Case No.

COMPLAINT FOR DECLATORY
 AND INJUNCTIVE RELIEF

MCALEENAN, Acting Commissioner
of CBP; JOHN D. BARNES, CBP Area
Director, Port of Portland,

Defendants

Introduction

1. This is a complaint for declaratory and injunctive relief to prevent Defendants from unconstitutionally banishing Plaintiffs – lawful immigrant, nonimmigrants, or refugees who seek to return to their homes or jobs or reunite with their families in Oregon – from the Portland International Airport under President Donald J. Trump’s January 27, 2017 Executive Order (“Executive Order”) and to provide Plaintiffs with access to legal counsel.

2. Under the authority of the Executive Order, as implemented at the Portland International Airport, the Defendants have unlawfully detained and will continue to unlawfully detain Oregonians, family members of Oregonians, individuals working in and supporting Oregon business, among others all of whom are lawful immigrants, nonimmigrants, or refugees because of their religion and national origin without due process of law. Under the Executive Order, during these unlawful detentions, immigrant and refugee travelers are subject to extended detention, and interrogation to determine whether they qualify for a waiver. This arbitrary and capricious adjudication at the hands of federal agents determines whether immigrants and refugees are subject to banishment from the United States without a

hearing. Moreover, the Defendants have unlawfully denied and will continue to unlawfully deny these Oregonians access to counsel. Therefore, on behalf of itself and others similarly situated who are detained or interrogated at the Portland International Airport, Unite Oregon seeks a declaration that the application of the Executive Order to them is unconstitutional and that the Executive Order as applied to them should be enjoined.

Subject Matter Jurisdiction

3. The court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question). The statute provides that “[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” This action arises under the U.S. Constitution and the Immigration and Nationality Act which is a law of the United States.

4. The court has subject matter jurisdiction under 28 U.S.C. § 1346(a)(2) (United States as defendant). This is a civil action against the officers and agencies of the United States founded upon an Executive Order of the President.

5. Jurisdiction lies to grant declaratory relief pursuant to 28 U.S.C. §§ 2201-2202 (Declaratory Judgment Act).

Venue

6. Pursuant to 28 U.S.C. § 1391(b)(2) and 1391(e)(1), venue is proper in the

District of Oregon because the Defendants are officers of the United States and a substantial part of the events or omissions giving rise to this claim occurred or will occur in Oregon.

Parties

7. Plaintiff, Unite Oregon, is a membership-based nonprofit corporation organized under Oregon and based in Oregon. It is led by people of color, immigrants and refugees, rural communities, and people experiencing poverty who work across Oregon to build a unified intercultural movement for justice. Unite Oregon operates several programs designed around their core values of inclusivity, racial justice, social justice, empowerment, stewardship, respect, transparency, and equity to increase the public leadership, expand civic engagement, important public policy advocacy. Unite Oregon is suing on behalf of itself and in its associational capacity.

8. Defendant Donald J. Trump is the President of the United States and he is being sued in his official capacity.

9. Defendant John F. Kelly is the Secretary of Homeland Security and is the head of the U.S. Department of Homeland Security (DHS) and has ultimate responsibility for the administration and enforcement of the immigration laws. He is sued in his official capacity.

10. Defendant Kevin K. McAleenan is the Acting Commissioner of U.S.
Page 4 - COMPLAINT

Customs and Border Protection and is responsible for the implementation of the Executive Order at the ports of entry of the United States. He is sued in his official capacity.

11. Defendant, John D. Barnes is CBP Area Director for the Port of Portland is responsible for the implementation of the Executive Order at the Portland International Airport. He is sued in his official capacity.

12. Defendant, U.S. Department of Homeland Security is a cabinet department of the United States federal government with the primary mission of securing the United States.

13. Defendant, U.S. Customs and Border Protection is an agency within DHS with the primary mission of detecting and preventing the unlawful entry of persons and goods into the United States.

Legal Framework

President Trump's Executive Order

14. President Donald Trump notoriously campaigned on the promise to ban Muslims from entering the United States and burden the lives of those living in the United States.

15. Throughout his presidential campaign, candidate Trump repeatedly expressed views on Islam and Muslims that were rooted in Islamophobia and hateful

stereotypes of Muslims. These views included statements like, “Islam hates us” and accusing Muslim-Americans of protecting terrorists.

16. For example, on December 7, 2015, Donald Trump called “for a total and complete shutdown of Muslims entering the United States.” As of the date of this filing, the press release remains available on Trump's campaign website.

17. On June 14, 2016, Donald Trump promised to ban all Muslims from entering the United States until “we as a nation are in a position to properly and perfectly screen those people coming into our country.”

18. On July 24, 2016, Donald Trump explained that his June 14 comments were an expansion on his ban on Muslims.

19. On August 15, 2016, in a foreign policy speech, Donald Trump proposed creating an ideological screening test for immigration applicants, which would “screen out any who have hostile attitudes towards our country or its principles — or who believe that Sharia law should supplant American law.” During the speech, he referred to his proposal as “extreme, extreme vetting.”

20. On January 20, 2017, Donald Trump was inaugurated as the forty-fifth President of the United States.

21. One week later, on January 27, 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 “Executive Order.” President Trump executed on his hateful campaign rhetoric with the Executive Order.

22. In statements to the press in connection with his issuance of the Executive Order, President Trump prioritized admitting Christian refugees to the United States over Muslims.

23. This prioritization of Christians is written into the Executive Order in Section 5 (b), which states in part, that Department of Homeland Security (DHS) should “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.”

24. There are no majority Christian countries in the Middle East.

25. Citing the threat of terrorism committed by foreign nationals, the Executive Order directs a variety of changes to the manner and extent to which non-citizens may seek and obtain admission to the United States, particularly (although not exclusively) as refugees. Among other things, the Executive Order 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 “suspend[s]” indefinitely their entry to the country; similarly proclaims that “the entry of more than 50,000 refugees in fiscal year 2017 would be

detrimental to the interests” of the country.

26. Most relevant to the instant action is Section 3(c) of the Executive Order, 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.

27. 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 Executive Order, therefore, the “entry into the United States” of non-citizens from those countries is “suspended” from 90 days from the date of the Executive Order.

28. Section 3(c) of the Executive Order forbids any entry of immigrants and nonimmigrants from countries referred to in section 217(a)(12) of the Immigration and Nationality Act, 8 U.S.C. § 1187(a)(12), i.e., Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen “for 90 days from the date of this order.”

29. Section 3(e) of the Executive Order calls for recommendations from the Secretary of State and Homeland Security for countries to be extended indefinitely.

30. Section 3(g) provides that only immigrants who are issued a “case-by-case” waiver by the Secretaries of State and Homeland Security may enter the country. All

other immigrants must be immediately removed.

31. Sections 5(a)—(b) of the Executive Order suspend the U.S. Refugee Admissions Program in its entirety for 120 days and Section 5(c) of the Executive Order proclaims that entry of Syrian refugees is "detrimental to the interests of the United States" and suspends their entry indefinitely."

32. Section 5(e) provides that only refugees who are issued a "case-by-case" waiver by the Secretaries of State and Homeland Security may enter the country. All other refugees will be immediately banished.

33. Soon after the Executive Order was issued, many immigrants and refugees across the country were subject to interrogation without counsel, detention, and, in at least one case, expedited removal pursuant to Section 3(c).

Implementation and Impact of the Executive Order in Oregon

34. Portland International Airport ("PDX") is Oregon's largest airport and accounts for nearly all public, flight travel of the state.

35. The operation of PDX provides an enormous economic benefit to the state. According to the PDX Community Advisory Committee's April 11, 2013 Regional Economic Impact of Portland International Airport, PDX accounted for \$1.5 Billion in person income, \$5.57 Billion in business revenue, \$411 Million in local purchases, and \$168 Million in state and local taxes. According to the same report, air visitors

spent \$1.8 Billion in the local visitor industry.

36. On January 28, 2017, the Honorable Ann M. Donnelly of the U.S. District Court for the Eastern District of New York issued a nationwide stay of removal which provides that the federal government is “enjoined and restrained from, in any manner, 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.” The court found that the “petitioners have a strong likelihood of success in establishing that the removal of the petitioner and other similarly situation violates their rights to Due Process and Equal Protection guaranteed by the United States Constitution.”

37. On January 28, 2017, the Honorable Leonie M. Brinkema of the U.S. District Court for the Eastern District of Virginia issued a Temporary Restraining Order ordering “respondents shall permit lawyers access to all legal permanent residents being detained at Dulles International Airport.”

38. Upon information and belief, all lawful immigrants and nonimmigrants or individuals from the seven target countries and all refugees have been detained or will be detained in PDX under the authority of the Executive Order.

39. Although an individual cannot presently be removed from the United States

under the Executive Order because of the temporary injunction, the injunction does not require that an individual be released from detention.

40. Instead, on information and belief, at PDX, individuals from the targeted countries, all lawful immigrants and nonimmigrants including lawful permanent residents, are subjected to an extended detention during which they are interrogated by CBP. The purpose of the interrogation is to make an adjudication under the Executive Order for the individual's release from detention (or, in the absence of the injunction, the individual's deportation).

41. Under the Executive Order, the CBP adjudicates critically important rights during the period it detains the individual including whether the individual will continue to be detained. The detained individuals must make important decisions about their legal rights including whether or not to withdraw their applications for admission and their legal obligations, such as answering or responding to interrogations under the Executive Order.

42. Being accompanied, represented, or advised by counsel in making these life altering decisions will limit the risk of erroneous deprivation of individual liberty interests and provide transparency and procedural protections in the face of an opaque Executive Order that does not provide for a meaningful standard for adjudication, does not limit the type of interrogation and does not limit the period of detention.

43. Because of the importance of access to counsel in light of the unprecedented Executive Order and its implementation at PDX, the Oregon Chapter of the American Immigration Lawyers Association and the American Civil Liberties Union of Oregon have organized pro bono attorneys at PDX to accompany, represent, and advise individuals detained and interrogated under the Executive Order.

44. On January 29, 2017, the ACLU released a statement asking Oregonians to call in if they or someone they know “has a family member who will be arriving in the next 72-hours from Iraq, Syria, Iran, Libya, Somalia, Sudan or Yemen at Portland International Airport (PDX), or who was detained already by Customs pursuant to President Trump’s Executive Order.” The program was created to provide free legal counsel to anyone detained, interrogated, searched, or subject to deportation because of the Executive Order and its application.

45. On information and belief, the Defendants have denied individuals detained under the Executive Order the ability to be accompanied, represented or advised by counsel. The Defendants have implemented a policy at PDX to prohibit access to counsel to individuals detained under the Executive Order and will continue to deny access to counsel for individuals detained under the Executive Order.

46. For example, on January 29, 2017, a lawful permanent resident detained under the Executive Order because he was Iranian was denied access to a pro bono

immigration attorney.

47. Lawful permanent residents enjoy the ability to travel to and from the United States without encumbrance subject to § 101(a)(13)(C) of the Immigration and Nationality Act. This is an important benefit of lawful permanent residence.

48. Under the immigration laws, Congress created a unified status of lawful permanent residence. *See* INA § 101(a)(20). A permanent resident is “accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.” *Id.* Under the immigration laws, there is no statutory subsets of limited rights or benefits to different classes of lawful permanent residents.

49. Section 3 of the Executive Order imposes a minimum 90-day ban on the ability to travel of lawful permanent residents based on national origin and religion. The 90-day period banning travel by individuals from targeted countries, including lawful permanent residents, may be extended under the standard established in Section 3. According to more than one thousand foreign service officers and civil servants of the U.S. State Department, “[t]his ban, which can only be lifted under conditions which will be difficult or impossible for countries to meet, will not achieve its stated goal of to protect the American people from terrorist attacks by foreign nationals admitted to the United States.” *See* Jeffery Gettleman, *State Dept. Dissent Cable on Trump’s Ban Draws 1,000 Signatures*, NY Times at A1 (Feb. 1,

2017) (citing and linking to a draft Dissent Channel message).

50. The Executive Order applies to lawful permanent residents of the targeted countries and requires them to undergo detention and interrogation and therefore encumbers their ability to travel.

Unite Oregon

51. Unite Oregon is a nonprofit organization incorporated in Oregon whose mission is to work across Oregon to build a unified intercultural movement for justice that is led by people of color, immigrants and refugees, rural communities and people experiencing poverty.

52. Unite Oregon is a membership organization.

53. Unite Oregon's membership consists of numerous immigrants and refugees from Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen.

54. Unite Oregon's membership consists of numerous immigrants and refugees who are Muslim from each of the enumerated countries.

55. Unite Oregon's membership consists of lawful permanent residents, nonimmigrants, and refugees from each of the enumerated countries.

56. These Muslim immigrant and refugee members of Unite Oregon lawfully travel to and from the United States to visit family members, for legitimate social and business reasons, and have sought and will seek to have family members from

the enumerated countries reunite with them in Oregon.

57. These Muslim immigrant and refugee members of Unite Oregon have contributed substantially to the shared prosperity of Oregon, including, in particular its rural communities.

58. Because of the Executive Order, members of Unite Oregon cannot travel unencumbered, cannot reunite with their families, cannot complete legitimate business and social obligations unencumbered.

59. Because of the Executive Order, members of Unite Oregon will be detained and denied access to counsel.

60. The Executive Order did not and does not provide for a meaningful hearing on the ability to travel for lawful permanent residents.

Causes of Action

Count 1

Access to Counsel

Fifth Amendment – Due Process

61. All previous paragraphs are incorporated as though fully set forth herein.

62. Defendants' acts of preventing attorneys to access individuals detained in their custody under the Executive Order at PDX violates the Due Process Clause of the Fifth Amendment.

Count 2
Access to Counsel
5 U.S.C. § 555(b)

63. All previous paragraphs are incorporated as though fully set forth herein.

64. Defendants' acts of preventing attorneys to access individuals detained in their custody under the Executive Order at PDX violates 5 U.S.C. § 555(b).

Count 3
Access to Counsel
Immigration and Nationality Act

65. All previous paragraphs are incorporated as though fully set forth herein.

66. Defendants' acts of preventing attorneys to access individuals detained in their custody under the Executive Order at PDX violates 8 C.F.R. § 292.5(b) and INA § 103.

Count 4
Arbitrary Detention in Violation of Due Process

67. All previous paragraphs are incorporated as though fully set forth herein.

68. Defendants have detained and will continue to detain individuals at PDX under the Executive Order or under color of the Executive Order in violation of the Due Process Clause of the Fifth Amendment.

Count 5
Equal Protection
Fifth Amendment to the U.S. Constitution

69. All previous paragraphs are incorporated as though fully set forth herein.

70. The Defendants have denied equal protection of the laws under the Executive Order.

71. The Executive Order targets individuals for discriminatory treatment based on their national origin and religion without lawful justification.

72. The Executive Order was motivated by animus and a desire to harm a particular group.

73. The discriminatory terms and application of the Executive Order are arbitrary and cannot be sufficiently justified by federal interests.

Count 6
Establishment Clause
First Amendment to the U.S. Constitution

74. All previous paragraphs are incorporated as though fully set forth herein.

75. The Defendants have violated the Establishment Clause of the First Amendment.

76. The Establishment Clause of the First Amendment prohibits the federal government from officially preferring one religion over another.

77. The Executive Order, together with statements made the Defendants concerning their intent and application, are intended to disfavor Islam and favor

Christianity.

Count 7
Procedural Due Process
Fifth Amendment to the U.S. Constitution

78. All previous paragraphs are incorporated as though fully set forth herein.

79. The Due Process Clause of the Fifth Amendment prohibits the federal government from depriving individuals of their liberty interests without due process of law.

80. Where Congress has granted statutory rights and authorized procedures applicable to noncitizens, minimum due process rights attach to those statutory rights.

81. In issuing and implementing the Executive Order, the Defendants have violated the Due Process Clause of the Fifth Amendment.

Count 8
Religious Freedom Restoration Act

82. All previous paragraphs are incorporated as though fully set forth herein.

83. The Religious Freedom Restoration Act, 42 U.S.C. § 2000bb-1(a), prohibits the federal government from substantially burdening the exercise of religion, even if the burden results from a rule of general applicability.

84. The Executive Order as implemented in Oregon has resulted in substantial

burdens on the exercise of religion by noncitizen immigrants and refugees by, for example, preventing them from returning to their religious communities in Oregon and abroad. Such burdens on religion violate the Religious Freedom Restoration Act.

Count 9
Procedural Violation
Administrative Procedures Act

85. All previous paragraphs are incorporated as though fully set forth herein.

86. The Administrative Procedure Act, 5 U.S.C. § 553, requires that federal agencies conduct formal rule making before engaging in action that impacts substantive rights.

87. By implementing the Executive Order, federal agencies have changed the substantive criteria by which individuals from the enumerated countries may enter the United States.

88. Federal agencies did not follow the procedures required by the Administrative Procedures Act before taking action impacting these substantive rights.

Count 10
Substantive Violation
Administrative Procedures Act

89. All previous paragraphs are incorporated as though fully set forth herein.

90. The Administrative Procedures Act prohibits a federal agency from taking action that is arbitrary, capricious, an abuse of discretion, unconstitutional, or contrary to statute.

91. The Executive Order, as implemented, provides for an arbitrary, capricious, an abuse of discretion, an unconstitutional and contrary to statute decision-making and adjudications.

Request for Relief

WHEREFORE, Plaintiff requests that the Court grant the following relief:

- A. Declare that the Executive Order is unlawful and contrary to the Constitution and laws of the United States;
- B. Issue an injunction ordering the Defendants to cease implementation of the Executive Order at the Portland International Airport;
- C. Issue an injunction ordering the Defendants not to detain an individual solely on the basis of the Executive Order;
- D. Issue an injunction ordering the Defendants to advise individuals of their right to counsel before commencing any interrogation under the Executive Order;
- E. Issue an injunction ordering the Defendants to advise individuals that, during

the period of time that the Executive Order is in force, pro bono counsel is available to them through the ACLU of Oregon and volunteers with the Oregon Chapter of AILA;

- F. Issue an injunction ordering that the Defendants shall permit lawyers access to all individuals detained at PDX;
- G. Issue an injunction ordering the Defendants shall permit individuals access to phones with which to contact their friends, families and the pro bono attorneys or their consulates;
- H. Award Plaintiff reasonable attorneys' fees and costs pursuant to 28 U.S.C. § 2412; and
- I. Award all other relief to Plaintiff that it deems just, equitable, and proper.

Respectfully submitted on February 1, 2017.

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF OREGON

IMMIGRANT LAW GROUP PC

/s/ Mathew W Dos Santos

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Portland OR 97240
503.241.0035 (tel)
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Attorneys for Plaintiff

/s/ Stephen W Manning

STEPHEN W MANNING
IMMIGRANT LAW GROUP PC
333 SW Fifth Avenue Suite 525
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smanning@ilgrp.com

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 12:12 PM
To: HUMPHREY, BRIAN J (DFO)
Subject: RE: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

Acknowledged.

(b)(6), (b)(7)(C)
Area Port Director
Area Port of Portland, OR
U.S. Customs and Border Protection
O: (b)(6), (b)(7)(C) C: (b)(6), (b)(7)(C)
F: (b)(6), (b)(7)(C) E: (b)(6), (b)(7)(C)

From: HUMPHREY, BRIAN J (DFO)
Sent: Wednesday, February 01, 2017 9:08 AM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) HUMPHREY, BRIAN J
(DFO) (b)(6), (b)(7)(C)

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

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

Area Port Directors: Please acknowledge receipt and immediately implement **updated guidance that the Executive Order does NOT apply to lawful permanent residents.** Please process LPRs from the seven countries as you'd process any other LPR. Do not refer to secondary or conduct a (b)(7)(E) interview unless you have other independent reasons that would have subjected the passenger to further inspection prior to the EO

Brian J. Humphrey
Director, Field Operations
San Francisco and Portland Field Offices

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

From: HOFFMAN, TODD A
Sent: Wednesday, February 01, 2017 8:58 AM
To: DIRECTORS FIELD OPS (b)(6), (b)(7)(C) EXECUTIVE DIRECTORS HQ
(b)(6)
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: FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

Directors,

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

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

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

**ATTORNEY CLIENT PRIVILEGED
ATTORNEY WORK PRODUCT**

All,

(b)(5)

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

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

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

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

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From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 12:13 PM
To: (b)(6), (b)(7)(C)
Subject: FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry
Attachments: Guidance Memo (2.1.2017) (003).docx

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

Please notify staff asap.
Thanks

(b)(6), (b)(7)(C)
Area Port Director
Area Port of Portland, OR
U.S. Customs and Border Protection
O: (b)(6), (b)(7)(C) C: (b)(6), (b)(7)(C)
F: (b)(6), (b)(7)(C) E: (b)(6), (b)(7)(C)

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(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) HUMPHREY, BRIAN J
(DFO) (b)(6), (b)(7)(C)

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

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

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(b)(6) WAGNER, JOHN P **(b)(6)** HOFFMAN, TODD A
(b)(6) HUTTON, JAMES R **(b)(6)**
Cc: **(b)(6)**
(b)(6)
FLANAGAN, PATRICK S **(b)(6), (b)(7)(C)** ALLES, RANDOLPH D **(b)(6)**
Subject: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

ATTORNEY CLIENT PRIVILEGED
ATTORNEY WORK PRODUCT

All,

(b)(5)

(b)(5)

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

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

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

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