

From: SABATINO, DIANE J
Sent: Saturday, January 28, 2017 7:55 PM
To: HOFFMAN, TODD A; (b)(6), (b)(7)(C) MURDOCK, JUDSON W; (b)(6), (b)(7)(C)
Cc: MANNING, REGINALD I; (b)(6), (b)(7)(C)
Subject: RE: Update: Reporting Guidance for Actions Taken Related to Executive Order: Protecting the Nation from Foreign Terrorist Entry Into the United States

10-4

From: HOFFMAN, TODD A
Sent: Saturday, January 28, 2017 7:49:17 PM
To: (b)(6), (b)(7)(C) MURDOCK, JUDSON W; (b)(6), (b)(7)(C)
Cc: MANNING, REGINALD I; SABATINO, DIANE J
Subject: FW: Update: Reporting Guidance for Actions Taken Related to Executive Order: Protecting the Nation from Foreign Terrorist Entry Into the United States

Per EAC Owen, Reginald Manning has exemption (waiver) authority for Houston and New Orleans. Diane Sabatino has exemption (waiver) authority for Puerto Rico. Sorry, but the authority must be at the SES level. Thx.

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: Saturday, January 28, 2017 7:00 PM
To: OFO-FIELD LIAISON (b)(7)(E) 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
(b)(7)(E)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) MURDOCK, JUDSON W
(b)(6), (b)(7)(C) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: Update: Reporting Guidance for Actions Taken Related to Executive Order: Protecting the Nation from Foreign Terrorist Entry Into the United States
Importance: High

Directors,

Per the conference call this afternoon, Field Liaison would like to provide the following take-away items:

Any calls or requests from a member of Congress or their staff should be referred to Office of Congressional Affairs: (b)(6), (b)(7)(C) and Kim Lowry
(b)(6), (b)(7)(C)

For questions pertaining to the implementation of the new policy please contact Admissibility and Passenger Programs, Enforcement Programs Division,

(b)(7)(E)

There has been a slight change to the reporting requirements as well. Effective immediately, please use the updated spreadsheet attached. In addition to the running cumulative total, the EAC would like to see totals for the reporting timeframe.

If you have any questions regarding to reporting, please contact the Field Liaison Division, at (b)(7)(E) or OFO-

(b)(7)(E)

(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) 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

(b)(7)(E)

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

LIAISON <(b)(7)(E)>

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

(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 (b)(7)(E). 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 (b)(7)(E). For questions pertaining to the implementation of the new policy, please contact Ryan Hutton, Deputy Executive Director, Admissibility and Passenger Programs at (b)(6), (b)(7)(C).

Message

From: (b)(6), (b)(7)(C)
(FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=(b)(6), (b)(7)(C)
Sent: 2/2/2017 5:58:26 PM
To: SDFO-SITROOM [/O=DHS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=SDFO-SITROOMbaf]
CC:

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

Subject: Recall: 20170202 Calxico Executive Order Report- 1000 Hours PST

(b)(6), (b)(7)(C) would like to recall the message, "20170202 Calxico Executive Order Report- 1000 Hours PST

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 1:38 PM
To: ENFORCEMENT PROGRAMS DIVISION
Cc: (b)(6), (b)(7)(C)
Subject: POC for access to the Incident Management Division Sharepoint site
Attachments: List of POC.docx

Good afternoon EO CAT,

Please see attached list of SDFO POCs for access to the Incident Management Division SharePoint site.

Thank you,

(b)(6), (b)(7)(C)
CBP Border Security Coordinator
Customs and Border Protection
610 W. Ash Street Suite 1200 San Diego, CA 92101
Email: (b)(6), (b)(7)(C)
Phone: (b)(6), (b)(7)(C)

SYS/OTM Watch Commanders

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

Field Office

Pete Flores-

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

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

Port Directors

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

Assistant Port Directors

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

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

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 12:29 PM
To: (b)(6), (b)(7)(C)
Cc: FLORES, PETE ROMERO; (b)(6), (b)(7)(C)
Subject: RE: Revised Executive Order Reporting Guidelines
Attachments: List of POC.docx

Good Morning Port Directors,

For your review and approval please see below for the list of names that will be provided to HQ EO CAT for access to the SharePoint. If you would like to add or edit the list please provide me the changes as soon as possible. The list needs to be provided to HQ by 10 AM today.

SYS/OTM Watch Commanders

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

Field Office

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

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

Port Directors

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

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

Assistant Port Directors

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

Thank you,

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

CBP Border Security Coordinator
Customs and Border Protection

(b)(6), (b)(7)(C) San Diego, CA 92101

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

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

Sent: Friday, February 03, 2017 6:02 AM

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

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

Cc: FLORES, PETE ROMERO **(b)(6), (b)(7)(C)**

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

Subject: FW: Revised Executive Order Reporting Guidelines

Good morning, Port Directors.

Affixed below are revised reporting requirements.

We can address questions or concerns during the morning call.

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

Assistant Director Border Security
San Diego, California

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

From: (b)(6), (b)(7)(C) On Behalf Of OFO-FIELD LIAISON
 Sent: Friday, February 03, 2017 12:07 AM
 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
 (b)(7)(E) EXECUTIVE DIRECTORS HQ
 (b)(7)(E)
 Cc: ENFORCEMENT PROGRAMS DIVISION (b)(7)(E) OFO-FIELD LIAISON
 (b)(7)(E) (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), (b)(7)(C)

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

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

Washington, DC 20229

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

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

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

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

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SYS/OTM Watch Commanders

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

Field Office

Pete Flores

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

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

Port Directors

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

Assistant Port Directors

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

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

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 10:35 AM
To: (b)(6), (b)(7)(C)
Subject: RE: Revised Executive Order Reporting Guidelines

Good Morning Mr. (b)(6), (b)(7)(C)

Don't worry I understand it and I made a phone call to HQ to confirm I understand it. We have to do the revised 24 hour reporting and if we have waivers then we have to do the waiver form as well. I am working on the list of names with the emails (that's all HQ needs to add to sharepoint) and depending who you want deleted or added I will adjust accordingly. Currently on the list I have all SYS/OTM watch Commanders, ALL PDs, APDs and FO management team.

Thank you,

(b)(6), (b)(7)(C)
CBP Border Security Coordinator
Customs and Border Protection

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

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

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 6:02 AM
To: (b)(6), (b)(7)(C)

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

Cc: FLORES, PETE ROMERO (b)(6), (b)(7)(C)

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

Subject: FW: Revised Executive Order Reporting Guidelines

Good morning, Port Directors.

Affixed below are revised reporting requirements.

We can address questions or concerns during the morning call.

(b)(6), (b)(7)(C)
Assistant Director Border Security
San Diego, California

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

From: (b)(6), (b)(7)(C) On Behalf Of OFO-FIELD LIAISON
Sent: Friday, February 03, 2017 12:07 AM

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
 (b)(7)(E) EXECUTIVE DIRECTORS HQ
 (b)(7)(E)

Cc: ENFORCEMENT PROGRAMS DIVISION (b)(7)(E) OFO-FIELD LIAISON
 (b)(7)(E) (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.

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(b)(7)(E)

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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.

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- 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:
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 - Record subjects with I-512 from EO countries granted a waiver.

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

Field Liaison Division \ EO CAT

Office of Field Liaison

U.S. Customs and Border Protection

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

Washington, DC 20229

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

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

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

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

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From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 11:02 AM
To: (b)(6), (b)(7)(C)
Cc: FLORES, PETE ROMERO; (b)(6), (b)(7)(C)
Subject: RE: Revised Executive Order Reporting Guidelines

Good Morning Sir,

For your review and approval the list of names that will be provided to HQ EO CAT for access to the SharePoint:

SYS/OTM Watch Commanders

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

Field Office

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

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

Port Directors

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

Assistant Port Directors

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

Thank you,

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

CBP Border Security Coordinator
Customs and Border Protection

(b)(6), (b)(7)(C) San Diego, CA 92101

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

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

Sent: Friday, February 03, 2017 6:02 AM

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

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

Cc: FLORES, PETE ROMERO **(b)(6), (b)(7)(C)**

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

Subject: FW: Revised Executive Order Reporting Guidelines

Good morning, Port Directors.

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We can address questions or concerns during the morning call.

Johnny Armijo
Assistant Director Border Security
San Diego, California

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

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

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

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

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

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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), (b)(7)(C)
Field Liaison Division \ EO CAT
Office of Field Liaison
U.S. Customs and Border Protection
(b)(6), (b)(7)(C)
Washington, DC 20229
Office: (b)(6), (b)(7)(C)
Mobile: (b)(6), (b)(7)(C)
Fax: (b)(6), (b)(7)(C)
E-Mail: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 12:37 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Revised Executive Order Reporting Guidelines

The list I have has 12?

Thank you,

(b)(6), (b)(7)(C)
 CBP Border Security Coordinator
 Customs and Border Protection
 (b)(6), (b)(7)(C) San Diego, CA 92101

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

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 9:36 AM
To: (b)(6), (b)(7)(C)
Subject: FW: Revised Executive Order Reporting Guidelines

We only have 10 WCs at SYS?

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 4:01:48 PM
To: (b)(6), (b)(7)(C)
Cc: FLORES, PETE ROMERO; (b)(6), (b)(7)(C)
Subject: RE: Revised Executive Order Reporting Guidelines

Good Morning Sir,

For your review and approval the list of names that will be provided to HQ EO CAT for access to the SharePoint:

SYS/OTM Watch Commanders

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

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

Field Office

Pete Flores

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

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

Port Directors

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

Assistant Port Directors

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

Thank you,

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

CBP Border Security Coordinator
Customs and Border Protection
610 W. Ash Street Suite 1200 San Diego, CA 92101

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

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

Sent: Friday, February 03, 2017 6:02 AM

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

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

Cc: FLORES, PETE ROMERO (b)(6), (b)(7)(C)

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

Subject: FW: Revised Executive Order Reporting Guidelines

Good morning, Port Directors.

Affixed below are revised reporting requirements.

We can address questions or concerns during the morning call.

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

Assistant Director Border Security
San Diego, California

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

From: JAMESON, STEVEN R On Behalf Of OFO-FIELD LIAISON

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

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

(b)(7)(E) EXECUTIVE DIRECTORS HQ

(b)(7)(E)

Cc: ENFORCEMENT PROGRAMS DIVISION (b)(7)(E) OFO-FIELD LIAISON

(b)(7)(E) (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.

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 - List the number of refugees from EO countries granted a waiver.
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 - Record the number of immigrants from EO countries not granted a waiver.
- Number of immigrants granted a waiver
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- Canadian Landed Waiver NOT Granted
 - Record the number of Canadian Landed Immigrants from EO countries not granted a waiver.
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- 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), (b)(7)(C)

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

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

Washington, DC 20229

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

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

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

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

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From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 8:58 PM
To: FLORES, PETE ROMERO; (b)(6), (b)(7)(C)
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Received,
Thank you

(b)(6), (b)(7)(C)
 Port Director
 OFO Chaplain
 Customs and Border Protection
 Tecate Port of Entry

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

From: FLORES, PETE ROMERO
Sent: Friday, February 03, 2017 5:50:02 PM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: FW: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

FYSA - effective immediately, U.S. Customs and Border Protection will suspend any and all actions implementing the affected sections of the Executive Order 13769 entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017). Field Offices are instructed to immediately resume inspection of travelers in accordance with standard policy and procedure.

Please acknowledge.

From: MCALEENAN, KEVIN K
Sent: Friday, February 03, 2017 5:23:19 PM
To: Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; DIRECTORS FIELD OPS
Cc: ALLES, RANDOLPH D; (b)(6), (b)(7)(C); HUTTON, JAMES R;
 FLANAGAN, PATRICK S; (b)(6), (b)(7)(C)
Subject: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

All,

Per the Department of Justice:

(b)(5)

(b)(5)

Accordingly, effective immediately, U.S. Customs and Border Protection will suspend any and all actions implementing the affected sections of the Executive Order 13769 entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017). Field Offices are instructed to immediately resume inspection of travelers in accordance with standard policy and procedure.

This will include actions to suspend targeting system rules that flag travelers for operational action subject to the Executive Order including the State Department's letter revoking visas based on that Executive Order (attached).

Please communicate this suspension as appropriate with key stakeholders such as airlines.

We are informed that the Administration is considering options to expeditiously appeal this ruling. We will update you with further guidance as soon as it is received.

Thank you,

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

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

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

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

Vigilance • Service • Integrity

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 9:31 PM
To: FLORES, PETE ROMERO; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Acknowledged

From: FLORES, PETE ROMERO
Sent: Friday, February 03, 2017 6:50:43 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

We can also stand down on the reporting requirements.

From: FLORES, PETE ROMERO
Sent: Friday, February 03, 2017 5:50:02 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

FYSA - effective immediately, U.S. Customs and Border Protection will suspend any and all actions implementing the affected sections of the Executive Order 13769 entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017). Field Offices are instructed to immediately resume inspection of travelers in accordance with standard policy and procedure.

Please acknowledge.

From: MCALEENAN, KEVIN K
Sent: Friday, February 03, 2017 5:23:19 PM
To: Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; DIRECTORS FIELD OPS
Cc: ALLES, RANDOLPH D; (b)(6), (b)(7)(C) HUTTON, JAMES R; FLANAGAN, PATRICK S; (b)(6), (b)(7)(C)
Subject: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

All,

(b)(5)

(b)(5)

Accordingly, effective immediately, U.S. Customs and Border Protection will suspend any and all actions implementing the affected sections of the Executive Order 13769 entitled, “Protecting the Nation from Foreign Terrorist Entry into the United States” (January 27, 2017). Field Offices are instructed to immediately resume inspection of travelers in accordance with standard policy and procedure.

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We are informed that the Administration is considering options to expeditiously appeal this ruling. We will update you with further guidance as soon as it is received.

Thank you,



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

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

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We are America’s frontline.*

Vigilance • Service • Integrity

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 8:59 PM
To: FLORES, PETE ROMERO; (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Calexico acknowledges

From: FLORES, PETE ROMERO
Sent: Friday, February 03, 2017 8:50:02 PM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: FW: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

FYSA - effective immediately, U.S. Customs and Border Protection will suspend any and all actions implementing the affected sections of the Executive Order 13769 entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017). Field Offices are instructed to immediately resume inspection of travelers in accordance with standard policy and procedure.

Please acknowledge.

From: MCALEENAN, KEVIN K
Sent: Friday, February 03, 2017 5:23:19 PM
To: Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; DIRECTORS FIELD OPS
Cc: ALLES, RANDOLPH D; (b)(6), (b)(7)(C) HUTTON, JAMES R; FLANAGAN, PATRICK S; (b)(6), (b)(7)(C)
Subject: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

All,

Per the Department of Justice:

(b)(5)

Accordingly, effective immediately, U.S. Customs and Border Protection will suspend any and all actions implementing the affected sections of the Executive Order 13769 entitled, “Protecting the Nation from Foreign Terrorist Entry into the United States” (January 27, 2017). Field Offices are instructed to immediately resume inspection of travelers in accordance with standard policy and procedure.

This will include actions to suspend targeting system rules that flag travelers for operational action subject to the Executive Order including the State Department’s letter revoking visas based on that Executive Order (attached).

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We are informed that the Administration is considering options to expeditiously appeal this ruling. We will update you with further guidance as soon as it is received.

Thank you,



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

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

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

Vigilance • Service • Integrity

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 2:21 PM
To: (b)(6), (b)(7)(C) ENFORCEMENT PROGRAMS DIVISION; (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: POC for access to the Incident Management Division Sharepoint site

(b)(6), (b)(7)(C) contributor access has been granted to the folks listed below. Regards, (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 1:38 PM
To: ENFORCEMENT PROGRAMS DIVISION; (b)(7)(E)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: POC for access to the Incident Management Division Sharepoint site

Good afternoon EO CAT,

Please see attached list of SDFO POCs for access to the Incident Management Division SharePoint site.

Thank you,

(b)(6), (b)(7)(C)
CBP Border Security Coordinator
Customs and Border Protection
610 W. Ash Street Suite 1200 San Diego, CA 92101
Email: (b)(6), (b)(7)(C)
Phone: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C) on behalf of ENFORCEMENT PROGRAMS DIVISION
Sent: Friday, February 03, 2017 2:20 PM
To: (b)(6), (b)(7)(C) ENFORCEMENT PROGRAMS DIVISION; (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: POC for access to the Incident Management Division Sharepoint site

(b)(6), (b)(7)(C) contributor access has been granted to the folks listed below. Regards, (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 1:38 PM
To: ENFORCEMENT PROGRAMS DIVISION; (b)(7)(E)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: POC for access to the Incident Management Division Sharepoint site

Good afternoon EO CAT,

Please see attached list of SDFO POCs for access to the Incident Management Division SharePoint site.

Thank you,

(b)(6), (b)(7)(C)
CBP Border Security Coordinator
Customs and Border Protection
610 W. Ash Street Suite 1200 San Diego, CA 92101
Email: (b)(6), (b)(7)(C)
Phone: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 4:56 PM
To: (b)(6), (b)(7)(C)
Subject: RE: EO-CAT Conference Call Request

Yes, sir.

(b)(6), (b)(7)(C)
(A) Director
Enforcement Programs Division
US Customs and Border Protection
Washington, DC

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

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 9:48:32 PM
To: (b)(6), (b)(7)(C)
Subject: RE: EO-CAT Conference Call Request

(b)(6), (b)(7)(C) that's 1700 Hours (EST), correct?

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 12:53 PM
To: BORDER SECURITY ASST DIRECTORS (b)(7)(E)
Cc: HUTTON, JAMES R (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: EO-CAT Conference Call Request
Importance: High

ADFOs Border Security,

The EO-CAT would like to set up a conference call this afternoon with the ADFOs, Border Security to address any concerns from your respective AORs related to Executive Order: *Protecting the National from Foreign Terrorist Entry Into the United States*.

Conference Call Information:

Call Time: 1700 Hours

Conference access numbers: (b)(7)(E) International Callers (b)(7)(E)
Participant code is: (b)(7)(E)

Thank you,

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

(A) Director
Enforcement Programs Division
US Customs and Border Protection
Washington, DC

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

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 8:23 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: RE: UDA Executive Order Custody Log

Yes, ours were on the last report. Everything will be new from here.

(b)(6), (b)(7)(C)
Acting Assistant Port Director
Calxico, CA
Office: (b)(6), (b)(7)(C)
Cell:

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 4:16:27 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: RE: UDA Executive Order Custody Log

Have they already been identified on a previous reporting cycle?

(b)(6), (b)(7)(C)
Assistant Director Border Security
San Diego, California
(b)(6), (b)(7)(C) [O]
(b)(6), (b)(7)(C) [C]

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 4:12 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: FW: UDA Executive Order Custody Log

Sir,

Do you still want this since the new reporting covers UDAs?

(b)(6), (b)(7)(C)
Acting Assistant Port Director (Tactical) Calxico, CA
Office: (b)(6), (b)(7)(C)
Cell:

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 2:07 PM
To: SYS AEU (b)(7)(E)

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

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

Subject: UDA Executive Order Custody Log

Good Afternoon Everyone,

Attached is todays UDA report.

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

AEU Branch Chief
 Calexico West Port of Entry
 Calexico, CA
 Office: (b)(6), (b)(7)(C)
 Cell: (b)(6), (b)(7)(C)

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

From: HUTTON, JAMES R
Sent: Monday, January 30, 2017 7:03 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: RE: Available for a call?

Sorry
with DoS...changes to EO coming...stand by

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 6:56:26 PM
To: HUTTON, JAMES R
Cc: (b)(6), (b)(7)(C)
Subject: RE: Available for a call?

Thanks.

From: HUTTON, JAMES R
Sent: Monday, January 30, 2017 3:49 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: RE: Available for a call?

Dont think any OCC did....I suggested that local OCC reach out to OCC HQ to confirm.

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 6:47:00 PM
To: HUTTON, JAMES R
Cc: (b)(6), (b)(7)(C)
Subject: RE: Available for a call?

Ryan,

Need to know the name of the Lawyer (OCC) who reviewed the Iraqi LAPR with the CIMT (assault with a deadly weapon). Local counsel: (b)(5)

(b)(5)

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 2:48 PM
To: HUTTON, JAMES R <(b)(6), (b)(7)(C)>
Subject: Available for a call?

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

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 10:20 PM
To: FLORES, PETE ROMERO; (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

10-4 copy

From: FLORES, PETE ROMERO
Sent: Saturday, January 28, 2017 6:57:36 PM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

PDs,

The Secretary of Homeland Security has delegated waiver authority to the Commissioner of CBP for the following categories of individuals subject to the EO:

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

The information and format required to request such waivers are included in the email.

All request for waivers will be sent to myself and (b)(6), (b)(7)(C) for review and forwarding to HQ as define in the email below. Please ensure we are made aware of any anticipated or pending request for waivers that will be submitted by the Port.

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 6:33:39 PM
To: HOFFMAN, TODD A; DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

DFO's

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

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

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

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

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

Sample

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




Waiver Narrative

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

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

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

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

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



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From: HOFFMAN, TODD A

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

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

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

(b)(7)(E)

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

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

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

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

Importance: High

Directors,

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

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman
Executive Director
Admissibility and Passenger Programs
Office of Field Operations

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

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

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

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

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

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

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

Returning Residents,

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

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

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

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

Returning aliens ineligible who withdraw their application for admission:

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

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

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

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

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 9:35 AM
To: FLORES, PETE ROMERO
Cc: (b)(6), (b)(7)(C)
Subject: RE: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Pete,

As soon as my WC gets in this morning, I will provide my POCs. I need to see who will be replacing my morning WC [REDACTED] who is going to Tecate as APD and once I know, I can get you both names.

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

From: FLORES, PETE ROMERO
Sent: Friday, January 27, 2017 10:40:47 PM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

PDs,

See additional instructions and clarification on Executive Order.

Daily reporting will be required and instructions will be sent out shortly.

From: HOFFMAN, TODD A
Sent: Friday, January 27, 2017 10:06:41 PM
To: DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; HUTTON, JAMES R; (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Directors,

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

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From: Todd A. Hoffman

Executive Director
Admissibility and Passenger Programs
Office of Field Operations

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

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

Wherever possible, (b)(7)(E) will coordinate the denial of boarding through (b)(7)(E) (b)(7)(E) locations, and Regional Carrier Liaison Groups (RCLG).

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- (3) Should the alien decline to withdraw their application for admission, the alien will be placed in Expedited Removal in accordance with standard operating procedures.
- (4) Aliens claiming fear of return will be referred to an asylum officer, and processed for Expedited Removal/Credible Fear (ERF). Aliens processed under ERF procedures will be referred to ERO for detention. Field Offices should clearly indicate to both CIS and ERO that aliens are subject to Executive Order during the referral process.

Returning Residents,

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

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- (2) Aliens arriving via land will be returned per current established procedures with the contiguous country.

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

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

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

From: (b)(6), (b)(7)(C)
Sent: Tuesday, January 31, 2017 10:41 AM
To: (b)(6), (b)(7)(C)
Subject: Strange verbiage "canned"

Trump Replaces ICE Chief Daniel Ragsdale, Appoints Thomas Homan

He wasn't the only person the president **canned Monday**.

President [Donald Trump](#) on Monday quietly replaced the acting director of Immigration and Customs Enforcement, an arm of the Department of Homeland Security, following a chaotic weekend during which DHS customs officials struggled to interpret and comply with Trump's controversial executive order barring travelers from seven Muslim-majority countries.

In [a statement](#) released late Monday evening, the newly confirmed DHS secretary, John Kelly, announced that [Thomas Homan had been named the new acting director of ICE](#). The statement did not mention Daniel Ragsdale, who was being replaced. (Ragsdale resumes his role as deputy director, according to an ICE official.)

The announcement from DHS capped off a night of political drama that began when acting Attorney General Sally Yates announced that she would not direct the Justice Department to enforce Trump's executive order on immigration.

Within hours, the Trump administration issued a scathing White House statement announcing that Yates had been replaced and accusing her of having "betrayed" the Justice Department. Yates' replacement, Dana Boente, has promised to enforce the executive order, which also suspends the admittance of Syrian refugees indefinitely.

The executive order unleashed chaos at U.S. airports as customs officials struggled to determine who should be allowed to enter the United States and who shouldn't. It also sparked scores of protests around the globe and garnered harsh opposition from elected officials across the political spectrum.

By promoting Homan, who most recently led the arm of ICE that enforces detentions and deportations, the Trump administration signaled its intent to place a greater emphasis on the harsh enforcement measures that Homan carried out.

As the associate director of ICE Enforcement and Removal Operations (ERO), Homan “led ICE’s efforts to identify, arrest, detain, and remove illegal aliens, including those who present a danger to national security or are a risk to public safety, as well as those who enter the United States illegally or otherwise undermine the integrity of our immigration laws and our border control efforts,” the DHS statement read.

Homan’s appointment also raises the possibility that Trump might attempt to carry out a campaign promise to deport many of the 11 million undocumented immigrants currently living in the United States. The [Trump administration](#) previously said that it will initially focus deportation efforts on immigrants convicted of violent crimes.

“I am confident that [Homan] will continue to serve as a strong, effective leader for the men and women of ICE,” Kelly said in the statement. “I look forward to working alongside him to ensure that we enforce our immigration laws in the interior of the United States consistent with the national interest.”

More:

[Donald Trump Department Of Homeland Security Immigration And Customs Enforcement Sally Yates John Kelly](#)

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 9:57 PM
To: (b)(6), (b)(7)(C)
Subject: FW: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

I did acknowledge to the DFO on all but I not hit send all! In you might wonder .

From: FLORES, PETE ROMERO
Sent: Friday, February 03, 2017 5:50:43 PM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

We can also stand down on the reporting requirements.

From: FLORES, PETE ROMERO
Sent: Friday, February 03, 2017 5:50:02 PM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: FW: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

FYSA - effective immediately, U.S. Customs and Border Protection will suspend any and all actions implementing the affected sections of the Executive Order 13769 entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017). Field Offices are instructed to immediately resume inspection of travelers in accordance with standard policy and procedure.

Please acknowledge.

From: MCALEENAN, KEVIN K
Sent: Friday, February 03, 2017 5:23:19 PM
To: Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; DIRECTORS FIELD OPS
Cc: ALLES, RANDOLPH D; (b)(6), (b)(7)(C) HUTTON, JAMES R; FLANAGAN, PATRICK S; (b)(6), (b)(7)(C)
Subject: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

All,

Per the Department of Justice:

(b)(5)

(b)(5)

Accordingly, effective immediately, U.S. Customs and Border Protection will suspend any and all actions implementing the affected sections of the Executive Order 13769 entitled, “*Protecting the Nation from Foreign Terrorist Entry into the United States*” (January 27, 2017). Field Offices are instructed to immediately resume inspection of travelers in accordance with standard policy and procedure.

This will include actions to suspend targeting system rules that flag travelers for operational action subject to the Executive Order including the State Department’s letter revoking visas based on that Executive Order (attached).

Please communicate this suspension as appropriate with key stakeholders such as airlines.

We are informed that the Administration is considering options to expeditiously appeal this ruling. We will update you with further guidance as soon as it is received.

Thank you,



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

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

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

Vigilance • Service • Integrity

From: (b)(6), (b)(7)(C)
Sent: Saturday, February 04, 2017 1:14 PM
To: (b)(6), (b)(7)(C)
Subject: RE: EO Reporting

Acknowledged

From: (b)(6), (b)(7)(C)
Sent: Saturday, February 04, 2017 10:00:38 AM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Cc: FLORES, PETE ROMERO; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: EO Reporting

From: (b)(6), (b)(7)(C)
Sent: Saturday, February 04, 2017 9:56 AM
To: DIRECTORS FIELD OPS <(b)(7)(E)> BORDER SECURITY ASST DIRECTORS
<(b)(7)(E)>
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C); HUTTON, JAMES R
(b)(6), (b)(7)(C); ENFORCEMENT PROGRAMS DIVISION
(b)(7)(E)
Subject: FW: EO Reporting
Importance: High

Directors:

As a result of CBP halting all actions implementing the affected sections of Executive Order, "Protecting the Nation from Foreign Terrorist Entry into the United States"; the EO-CAT is suspending reporting requirements associated with said order.

We will advise the field with updates as soon as they become available.

Thank you all for your continued support.

(b)(6), (b)(7)(C)
(A) Director
Enforcement Programs Division
US Customs and Border Protection
Washington, DC

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

From: HUTTON, JAMES R

Sent: Friday, February 03, 2017 8:55 PM

To: DIRECTORS FIELD OPS (b)(7)(E); BORDER SECURITY ASST DIRECTORS

(b)(7)(E)

Cc: ENFORCEMENT PROGRAMS DIVISION (b)(7)(E); (b)(6), (b)(7)(C)

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

Subject: EO Reporting

Importance: High

DFO's

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

Thank you

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

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



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From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 2:01 AM
To: (b)(6), (b)(7)(C)
Subject: Automatic reply: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

I am currently out of the office.

From: FLORES, PETE ROMERO
Sent: Saturday, January 28, 2017 9:58 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: FW: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States
Attachments: RE: EO 212(f) Exemption Request for (b)(6) RE: Waiver Request for 212(1) in re: (b)(6) EO 212(f) Waiver for (b)(6) (MINOR)

PDs,

The Secretary of Homeland Security has delegated waiver authority to the Commissioner of CBP for the following categories of individuals subject to the EO:

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

The information and format required to request such waivers are included in the email.

All request for waivers will be sent to myself and (b)(6), (b)(7)(C) for review and forwarding to HQ as define in the email below. Please ensure we are made aware of any anticipated or pending request for waivers that will be submitted by the Port.

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 6:33:39 PM
To: HOFFMAN, TODD A; DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)
Subject: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States

DFO's

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

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

- UAC

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

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

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

Sample

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




Waiver Narrative

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

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

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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

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



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From: HOFFMAN, TODD A

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

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

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

(b)(7)(E)

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

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

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

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

Importance: High

Directors,

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

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Admissibility and Passenger Programs
Office of Field Operations

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Wherever possible, (b)(7)(E) will coordinate the denial of boarding through (b)(7)(E) (b)(7)(E) locations, and Regional Carrier Liaison Groups (RCLG).

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- (1) All case processing will be recorded [redacted] (b)(7)(E) system, according to current policy/procedure.
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Refugees, Asylees, Unaccompanied Children, and subjects returning to the US with Advanced Parole:

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

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

Returning aliens ineligible who withdraw their application for admission:

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

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

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

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

Approved per C1, 1722 hours.

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

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

Exemption to Executive Order Request

January 28, 2017

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

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

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

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

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

Contacts:




(b)(7)(E) contacted at 0900 hours..

Area Port contacted at 1230 hours.

Field Office contacted at 1244hours.

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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

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



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

Waiver granted by C1, 1312 hours.

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

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

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

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

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

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

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

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

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

OCC

Please see below a waiver request involving a 14 year old male, who is travelling with his LPR parents. **JFK PD has already approved a waiver for his LPR parents.**

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

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

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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

Washington, DC



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



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From: FLORES, PETE ROMERO
Sent: Tuesday, January 31, 2017 8:18 PM
To:

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

Subject: FW: FAQs
Attachments: Final QA v5 (Q1-25).docx

FYSA.

From: HOFFMAN, TODD A
Sent: Tuesday, January 31, 2017 4:23:24 PM
To: DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ
Subject: FW: FAQs

FYSA. Please continue to direct all information requests to HQ.

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: Tuesday, January 31, 2017 7:12 PM

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

(b)(6), (b)(7)(C) HUTTON, JAMES R (b)(6), (b)(7)(C) HOFFMAN, TODD A
(b)(6), (b)(7)(C)

Cc: FLANAGAN, PATRICK § (b)(6), (b)(7)(C)
Subject: RE: FAQs

All,

The attached FAQs have been approved by the Commissioner. This will remain an iterative document as we get new/updated questions so please share the question and draft responses so we can continue to keep this document updated. Please let me know if you have any additional questions.

Best,

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

(b)(6), (b)(7)(C)
Office of the Commissioner
U.S. Customs and Border Protection

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

Executive Order (EO) Protecting the Nation From Terrorist Attacks by Foreign Nationals
 Frequently Asked Questions
 9/26/2017 5:55:15 PM

1. How many persons impacted by the EO are currently detained at each Port of Entry (POE)?

- a. All individuals who arrive in the United States are subject to inspection. This inspection may require additional time. There are many reasons why an inspection may take more time. However, at this moment, there are no individuals held in custody on the basis of the Executive Order.

2. What is happening to those currently in detention? Will they be released?

- a. CBP is not currently holding in its custody any individual based on the Executive Order. However, at any given time there may be a number of people going through inspection who fall within the scope of the Executive Order.

3. How many no-board recommendations have been issued? How many individuals were denied entry to the United States due to the Executive Order? Please break this number out by refugees, LPRs, Students, and other NIVs.

- a. There are a number of reasons that we may make a recommendation to a carrier that they not board an individual, including because their visa is no longer valid. Below are the actions taken in accordance with the Executive Order signed January 27, 2017. *Statistics are valid as of 1500 hrs, January 30, 2017*

CBP Executive Order Actions	
Recommended Denial of Boarding	721
Legal Permanent Resident (LPR) waivers	1,059
Visa holders granted waivers	75

4. Please explain the process for considering an individual for an exemption under the EO.

- a. Senior DHS personnel can review individual cases and grant exemptions on a case-by-case basis if that individual's admission to the U.S. falls within the parameters of the Executive Order. CBP is processing exemptions consistent with the Secretary's guidance.

5. Are all Lawful Permanent Residents (LPRs) eligible for an exemption – returning and first time arrivals?

- a. It is important to understand that individuals with immigrant visas overseas are not LPRs. Eligible individuals only become Lawful Permanent Residents once they have been inspected and admitted at a port of entry.
- b. Lawful Permanent Residents of the United States traveling on a valid I-551 will be allowed to board U.S. bound aircraft and will be assessed on a case-by-case

Executive Order (EO) Protecting the Nation From Terrorist Attacks by Foreign Nationals
Frequently Asked Questions
9/26/2017 5:55:15 PM

basis for exceptions upon arrival at ports of entry, as appropriate. CBP is processing exemptions consistent with the Secretary's guidance.

- 6. Did CBP deport any individuals following the stay granted in NY and prior to the issuance of guidance to the field?**
 - a. This is the subject of ongoing litigation. Please refer these questions to DOJ.
- 7. Did CBP have an implementation plan prior to the EO being released?**
 - a. The Executive Order and the instructions therein were effective at the time of the order's signing. Guidance was provided to DHS field personnel shortly thereafter.
- 8. Has CBP issued clear guidance to the Field on the EO and the court orders?**
 - a. Yes, CBP issued guidance to the field expeditiously upon the signing of the Executive Order. CBP has and will continue to issue any needed guidance to the field with respect to court orders. All individuals, including those affected by the court orders, are being given all rights afforded under the law.
- 9. What coordination is being done between CBP and the carriers?**
 - a. CBP has been and will remain in constant communication with the airlines through CBP regional carrier liaisons. In addition, CBP has held multiple executive level calls with the airlines in order to provide guidance, answer questions, and address concerns.
- 10. When did enforcement of the EO start?**
 - a. The Executive Order became effective on January 27, 2017.
- 11. The EO lists specific visa category exemptions, such as diplomatic visas. Are there any visa category exemptions not listed?**
 - a. Visa categories that are exempt are listed in the Executive Order.
- 12. Has CBP been pressuring detainees to either withdraw their applications for admission into the country or sign documents rescinding their green cards? There are reports that CBP is confiscating green cards.**
 - a. CBP is committed to following the law. Any withdrawal of an application for admission must be voluntary. The withdrawal process is not new and our officers are well trained to ensure that individuals make voluntary decisions.
- 13. Is there a process for LPRs/Refugees/Returning Students who might be eligible for an exemption to qualify/apply for that exemption overseas? Is it true that only individuals who are able to reach a POE are given the chance for an exemption?**
 - a. It is important to note that the Secretary of State has equivalent authority to grant waivers. We recommend questions about overseas implementation be directed to the Secretary of State.

Executive Order (EO) Protecting the Nation From Terrorist Attacks by Foreign Nationals
Frequently Asked Questions
9/26/2017 5:55:15 PM

- 14. Is CBP searching social media profiles of those affected by the Executive Order**
- a. CBP has processes and procedures in place with respect to appropriate searches of individuals when they arrive at ports of entry. You may find the privacy impact assessment, for instance, with respect to social media for ESTA applicants here: <https://www.dhs.gov/sites/default/files/publications/privacy-pia-cbp-esta-september2016.pdf>. Public guidance regarding the search of electronics can be found on the CBP website.
- 15. Have any individuals impacted by the Executive Order been transferred to ICE custody?**
- a. Individuals affected by the Executive Order, even if they are provided an exemption, may still be inadmissible. Individuals who are inadmissible, for instance for criminal grounds, are still being processed in a manner that is consistent with the court orders.
- 16. Does this Executive Order apply to dual nationals of the seven countries who want to enter the U.S.? If they apply for entry based on their citizenship from one of the countries NOT on the list, will they be allowed entry?**
- a. Travelers are being processed and when eligible admitted according to the travel document they present.

Additional Questions

- 17. Can a dual national traveling with a passport from an unrestricted country travel to the U.S.?**
- a. Dual nationals with a valid immigrant or nonimmigrant visa in a passport issued by any country not restricted under the Executive Order will be permitted to apply for admission to the United States.
- 18. Can a dual national who holds nationality with a restricted country and is currently overseas, apply for an immigrant or nonimmigrant visa to the United States?**
- a. Posts are allowed to process visa applications and issue nonimmigrant and immigrant visas to otherwise eligible visa applicants who apply with a passport from an unrestricted country, even if they hold dual nationality from a restricted country. Please contact the Department of State with any questions related to the issuance of visas.
- 19. Will Canadian immigrants affected by the Executive Order be eligible for entry to the United States?**
- a. Landed immigrants of Canada (not including refugees) who hold passports of a restricted country can apply for admission to the United States, if the individual presents that passport with a valid immigrant or nonimmigrant visa, proof of their landed immigrant status, and only if the travel both originates in Canada and is through a land border or a preclearance location.

Executive Order (EO) Protecting the Nation From Terrorist Attacks by Foreign Nationals
Frequently Asked Questions
9/26/2017 5:55:15 PM

20. Can Canadian immigrants affected by the Executive Order apply for an immigrant or nonimmigrant visa to the United States?

- a. Landed immigrants of Canada (not including refugees) who hold passports of a restricted country can apply for an immigrant or nonimmigrant visa to the United States, if the individual presents that passport, and proof of landed immigrant status, to a consular officer. These applications shall be made at a U.S. consular section in Canada.

21. Will Iraqi Passport holders with a valid Special Immigrant Visa be eligible for entry to the United States?

- a. The entry of Iraqi nationals with a valid Special Immigrant Visa to the United States is deemed to be in the national interest and can apply for admission to the United States. Accordingly, absent the receipt of significant derogatory information indicating a serious threat to public safety and welfare, possession of a Special Immigrant Visa will be a dispositive factor in case-by-case determinations. Iraqi nationals can also apply to a consular officer for Special Immigrant Visas, and, if otherwise qualified, can be issued a Special Immigrant Visa.

22. Will nationals of restricted countries with valid green cards be allowed to return to the United States?

- a. As stated by Secretary Kelly, the entry of U.S. lawful permanent residents is deemed to be in the national interest. Accordingly, absent the receipt of significant derogatory information indicating a serious threat to public safety and welfare, lawful permanent resident status will be a dispositive factor in case-by-case determinations.

23. What additional screening will nationals of restricted countries (as well as any visa applications) undergo as a result of the Executive Order?

- a. In adjudicating both admission to the United States and issuance of visas, both DHS and DOS will continue to apply all appropriate security vetting procedures.

24. Does this affect travelers at all ports of entry?

- a. Yes, this Executive Order applies to all immigrant and nonimmigrant persons of Iraq, Iran, Libya, Somalia, Sudan, Syria and Yemen applying for entry to the United States at any port of entry—air, land or sea.

25. Does CBP have the authority to search individuals' electronics?

- a. All international travelers arriving to the U.S. are subject to CBP inspection. This inspection may include electronic devices such as computers, disks, drives, tapes, mobile phones and other communication devices, cameras, music and other media players and any other electronic or digital devices.

Various laws that CBP is charged to enforce authorize searches and detention in accordance with 8 U.S.C. § 1357 and 19 U.S.C. §§ 1499, 1581, 1582. All

Executive Order (EO) Protecting the Nation From Terrorist Attacks by Foreign Nationals
Frequently Asked Questions
9/26/2017 5:55:15 PM

persons, baggage, and merchandise arriving in, or departing from, the United States are subject to inspection, search and detention. This is because CBP officers must determine the identity and citizenship of all persons seeking entry into the United States, determine the admissibility of foreign nationals, and deter the entry of possible terrorists, terrorist weapons, controlled substances, and a wide variety of other prohibited and restricted items.

Keeping America safe and enforcing our nation's laws in an increasingly digital world depends on our ability to lawfully examine all materials entering the U.S.

Additional information on electronic searches is available [here](#) and [here](#).

From: FLORES, PETE ROMERO
Sent: Saturday, January 28, 2017 9:51 AM
To: (b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

FYSA

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 6:32:06 AM
To: HOFFMAN, TODD A; DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

DFOs

Just spoke with Department of State and there are at least 146 Afghan nations with valid Special Immigrant Visas (SIV) and more within the coming weeks. To ensure clarity and avoid confusion, Afghanistan was not subject to the EO. In addition, Refugees coming from another country, e.g. Mongolia, not listed in the guidance should be processed as normal.

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

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



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From: HOFFMAN, TODD A

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

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

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

(b)(7)(E)

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

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

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

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

Importance: High

Directors,

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

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman
Executive Director
Admissibility and Passenger Programs
Office of Field Operations

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

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

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

Wherever possible, (b)(7)(E) will coordinate the denial of boarding through (b)(7)(E) (b)(7)(E) locations, and Regional Carrier Liaison Groups (RCLG).

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

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

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

Returning Residents,

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

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

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

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

Returning aliens ineligible who withdraw their application for admission:

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

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

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

From: FLORES, PETE ROMERO
Sent: Saturday, January 28, 2017 1:41 AM
To: (b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"
Attachments: Executive Order - Protecting the Nation from Foreign Terrorist Entry into the United States.pdf; FW: Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

PDs,

See additional instructions and clarification on Executive Order.

Daily reporting will be required and instructions will be sent out shortly.

From: HOFFMAN, TODD A
Sent: Friday, January 27, 2017 10:06:41 PM
To: DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; HUTTON, JAMES R; (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Directors,

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

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman
 Executive Director
 Admissibility and Passenger Programs
 Office of Field Operations

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

Effective immediately, and pursuant to Executive Order entitled, "*Protecting the Nation from Foreign Terrorist Entry into the United States*" (January 27, 2017), all entry into the United States for aliens who are nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen is hereby suspended in accordance with Section

212(f) of the INA. This includes all non-immigrant classifications, with the exception of those foreign nationals traveling on diplomatic visas, NATO visas, C2 visas for travel to the United Nations, G1, G2, G-3, and G-4 visas. This also includes all immigrant classes of admission, returning resident aliens refugees and asylees.

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

Wherever possible, (b)(7)(E) will coordinate the denial of boarding through (b)(7)(E) (b)(7)(E) locations, and Regional Carrier Liaison Groups (RCLG).

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

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

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

Returning Residents,

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

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

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

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

Returning aliens ineligible who withdraw their application for admission:

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

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

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

1300 Pennsylvania Avenue NW
Washington, DC 20229



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

JAN 28 2017

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman (b)(6), (b)(7)(C)
Executive Director
Admissibility and Passenger Programs
Office of Field Operations

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

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

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

Wherever possible, (b)(7)(E) will coordinate the denial of boarding through (b)(7)(E) (b)(7)(E) locations, and Regional Carrier Liaison Groups (RCLG).

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

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

- (1) All case processing will be recorded (b)(7)(E) (b)(7)(E) system, according to current policy/procedure.
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Subject: FW: Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

From: MCALEENAN, KEVIN K

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

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

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

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

Acting Deputy Commissioner/EAC,

Subject to my oversight, direction and guidance, I hereby delegate to the Deputy Commissioner, Executive Assistant Commissioner, Deputy Executive Assistant Commissioner, Executive Director Admissibility and Passenger Programs, Executive Director Operations, Executive Director National Targeting Center, Executive Director, National Targeting Center-Passenger, Directors, Field Operations, Port Director, John F. Kennedy Airport, and Port Director, Los Angeles International Airport, Office of Field Operations, U.S. Customs and Border Protection, the authority, on a case-by-case basis, and when in the national interest, and only with respect to Lawful Permanent Residents of the United States, to issue a visa or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked under Section 3 of the President's Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry Into the United States," (January 27, 2017). Prior to taking any such action, the Lawful Permanent Resident who is the subject of the action must be subjected to a thorough examination by an immigration officer. This authority may not be further delegated.

KM



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

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

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

Vigilance • Service • Integrity

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 1:41 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Thanks for the info, (b)(6), (b)(7)(C) We haven't heard anything through OCC channels and appreciate your looping us in. Cheers.///

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 5:43:59 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Hi (b)(6), (b)(7)(C) If you already received this, disregard. I will be forwarding several other threads shortly.

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 7:00:29 AM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

For your situational awareness.

From: FLORES, PETE ROMERO
Sent: Saturday, January 28, 2017 6:40:47 AM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

PDs,

See additional instructions and clarification on Executive Order.

Daily reporting will be required and instructions will be sent out shortly.

From: HOFFMAN, TODD A
Sent: Friday, January 27, 2017 10:06:41 PM
To: DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; HUTTON, JAMES R; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Directors,

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

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman
Executive Director
Admissibility and Passenger Programs
Office of Field Operations

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

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

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

Wherever possible, (b)(7)(E) will coordinate the denial of boarding through (b)(7)(E) (b)(7)(E) locations, and Regional Carrier Liaison Groups (RCLG).

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- (1) All case processing will be recorded (b)(7)(E) system, according to current policy/procedure.
- (2) Subjects will be allowed to withdraw their application for admission on Form I-275, **without a sworn statement**. All other procedures pertaining to the processing of Form I-275 withdrawal cases apply.
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Returning Residents,

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Returning aliens ineligible who withdraw their application for admission:

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

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

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

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

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 9:20 PM
To: FLORES, PETE ROMERO; (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Acknowledged. Message has been disseminated to Calexico POE.

From: FLORES, PETE ROMERO
Sent: Friday, February 03, 2017 5:50 PM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: FW: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

FYSA - effective immediately, U.S. Customs and Border Protection will suspend any and all actions implementing the affected sections of the Executive Order 13769 entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017). Field Offices are instructed to immediately resume inspection of travelers in accordance with standard policy and procedure.

Please acknowledge.

From: MCALEENAN, KEVIN K
Sent: Friday, February 03, 2017 5:23:19 PM
To: Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; DIRECTORS FIELD OPS
Cc: ALLES, RANDOLPH D; (b)(6), (b)(7)(C); HUTTON, JAMES R; FLANAGAN, PATRICK S; (b)(6), (b)(7)(C)
Subject: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

All,

Per the Department of Justice:

(b)(5)

(b)(5)

Accordingly, effective immediately, U.S. Customs and Border Protection will suspend any and all actions implementing the affected sections of the Executive Order 13769 entitled, “Protecting the Nation from Foreign Terrorist Entry into the United States” (January 27, 2017). Field Offices are instructed to immediately resume inspection of travelers in accordance with standard policy and procedure.

This will include actions to suspend targeting system rules that flag travelers for operational action subject to the Executive Order including the State Department’s letter revoking visas based on that Executive Order (attached).

Please communicate this suspension as appropriate with key stakeholders such as airlines.

We are informed that the Administration is considering options to expeditiously appeal this ruling. We will update you with further guidance as soon as it is received.

Thank you,



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

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

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

Vigilance • Service • Integrity

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 1:39 AM
To: (b)(6), (b)(7)(C)
Subject: RE: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Take a look at the LPR section in the thread. Specifically the required system remarks.

From: (b)(6), (b)(7)(C)
Sent: Monday, January 30, 2017 6:17:51 AM
To: (b)(6), (b)(7)(C)
Subject: RE: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Did not have this message string. Thanks

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 9:53 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

(b)(6), (b)(7)(C) - did PD (b)(6), (b)(7)(C) forward this thread to you for your situational awareness?

From: FLORES, PETE ROMERO
Sent: Saturday, January 28, 2017 6:40:47 AM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

PDs,

See additional instructions and clarification on Executive Order.

Daily reporting will be required and instructions will be sent out shortly.

From: HOFFMAN, TODD A
Sent: Friday, January 27, 2017 10:06:41 PM
To: DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; HUTTON, JAMES R; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Directors,

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

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman
Executive Director
Admissibility and Passenger Programs
Office of Field Operations

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

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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: Monday, January 30, 2017 12:53 AM
To: (b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"
Attachments: Executive Order - Protecting the Nation from Foreign Terrorist Entry into the United States.pdf; FW: Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

(b)(6), (b)(7)(C) did PD (b)(6), (b)(7)(C) forward this thread to you for your situational awareness?

From: FLORES, PETE ROMERO
Sent: Saturday, January 28, 2017 6:40:47 AM
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 (b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

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

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

1300 Pennsylvania Avenue NW
Washington, DC 20229



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

JAN 28 2017

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman (b)(6), (b)(7)(C)
Executive Director
Admissibility and Passenger Programs
Office of Field Operations

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

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

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

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

From: MCALEENAN, KEVIN K

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

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

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

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

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U.S. Customs and Border Protection

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

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From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 2:00 AM
To: (b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States
Attachments: Executive Order - Protecting the Nation from Foreign Terrorist Entry into the United States.pdf; FW: Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

For your situational awareness.

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Sent: Saturday, January 28, 2017 6:40:47 AM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States

PDs,

See additional instructions and clarification on Executive Order.

Daily reporting will be required and instructions will be sent out shortly.

From: HOFFMAN, TODD A
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To: DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; HUTTON, JAMES R; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States

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From: Todd A. Hoffman
Executive Director
Admissibility and Passenger Programs

Office of Field Operations

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

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

1300 Pennsylvania Avenue NW
Washington, DC 20229



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

JAN 28 2017

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman (b)(6), (b)(7)(C)
Executive Director
Admissibility and Passenger Programs
Office of Field Operations

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

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

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

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

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U.S. Customs and Border Protection

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

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From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 12:44 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"
Attachments: Executive Order - Protecting the Nation from Foreign Terrorist Entry into the United States.pdf; FW: Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

Hi (b)(6), (b)(7)(C) If you already received this, disregard. I will be forwarding several other threads shortly.

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 7:00:29 AM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

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From: FLORES, PETE ROMERO
Sent: Saturday, January 28, 2017 6:40:47 AM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

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Office of Field Operations
U.S. Customs and Border Protection

1300 Pennsylvania Avenue NW
Washington, DC 20229



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

JAN 28 2017

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

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

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

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Vigilance • Service • Integrity

THE WHITE HOUSE

WASHINGTON

February 1, 2017

MEMORANDUM TO THE ACTING SECRETARY OF STATE, THE ACTING ATTORNEY GENERAL, AND THE SECRETARY OF HOMELAND SECURITY

FROM: Donald F. McGahn II – Counsel to the President

SUBJECT: Authoritative Guidance on Executive Order Entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (Jan. 27, 2017)

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

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

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 2:05 AM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C); FLORES, PETE ROMERO; (b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"
Attachments: Executive Order - Protecting the Nation from Foreign Terrorist Entry into the United States.pdf; FW: Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

Team - please see the guidance attached and below regarding the entry of travelers from the identified seven countries (Iran, Iraq, Libya, Sudan, Somalia, Syria, and Yemen).

Please review and apply the guidance as directed.

If there are any questions please give me a call immediately to discuss. Thx.

From: FLORES, PETE ROMERO
Sent: Saturday, January 28, 2017 12:40:47 AM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

PDs,

See additional instructions and clarification on Executive Order.

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Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; HUTTON, JAMES R; (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Directors,

I apologize for the delay. Please be advised that you have unilateral authority to approve exemptions to the Executive Order for LPRs, no State Department approval required. The exemption process for other categories

of aliens as outlined in the policy guidance currently requires the approval of the acting Commissioner. Further guidance for these exemptions is forthcoming.

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman
Executive Director
Admissibility and Passenger Programs
Office of Field Operations

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

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

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

Wherever possible, (b)(7)(E) will coordinate the denial of boarding through (b)(7)(E) (b)(7)(E) locations, and Regional Carrier Liaison Groups (RCLG).

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

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

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

Returning Residents,

- (1) Lawful Permanent Residents should be referred for (b)(7)(E) and held at the port of entry until an exemption to the Executive Order is granted. The authority to grant an exemption has been delegated to the Commissioner of CBP, and further delegated to Directors of Field Operations and SES Port Directors. Once an exemption has been granted results of (b)(7)(E) should be notated in

(b)(7)(E) with the following language: *Individual is subject to Presidential Executive Order and barred from entry pursuant to 212(f) of the INA but has been granted an exemption per (insert DFO/SES PD).*

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

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

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

Returning aliens ineligible who withdraw their application for admission:

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

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

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

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

1300 Pennsylvania Avenue NW
Washington, DC 20229



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

JAN 28 2017

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman (b)(6), (b)(7)(C)
Executive Director
Admissibility and Passenger Programs
Office of Field Operations

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- (2) Subjects will be allowed to withdraw their application for admission on Form I-275, **without a sworn statement**. All other procedures pertaining to the processing of Form I-275 withdrawal cases apply.
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- (1) Aliens arriving via air or sea: Commercial carriers are required to remove foreign aliens found ineligible for entry under this order pursuant to 241(c)(1) of the INA.
- (2) Aliens arriving via land will be returned per current established procedures with the contiguous country.

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

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

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

From: MCALEENAN, KEVIN K

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

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

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

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

Acting Deputy Commissioner/EAC,

Subject to my oversight, direction and guidance, I hereby delegate to the Deputy Commissioner, Executive Assistant Commissioner, Deputy Executive Assistant Commissioner, Executive Director Admissibility and Passenger Programs, Executive Director Operations, Executive Director National Targeting Center, Executive Director, National Targeting Center-Passenger, Directors, Field Operations, Port Director, John F. Kennedy Airport, and Port Director, Los Angeles International Airport, Office of Field Operations, U.S. Customs and Border Protection, the authority, on a case-by-case basis, and when in the national interest, and only with respect to Lawful Permanent Residents of the United States, to issue a visa or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked under Section 3 of the President's Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry Into the United States," (January 27, 2017). Prior to taking any such action, the Lawful Permanent Resident who is the subject of the action must be subjected to a thorough examination by an immigration officer. This authority may not be further delegated.

KM



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

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

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

Vigilance • Service • Integrity

THE WHITE HOUSE

WASHINGTON

February 1, 2017

MEMORANDUM TO THE ACTING SECRETARY OF STATE, THE ACTING ATTORNEY GENERAL, AND THE SECRETARY OF HOMELAND SECURITY**FROM:** Donald F. McGahn II – Counsel to the President**SUBJECT:** Authoritative Guidance on Executive Order Entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (Jan. 27, 2017)

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

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

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 10:00 PM
To: FLORES, PETE ROMERO; (b)(6), (b)(7)(C)
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

10-4. Thx.

From: FLORES, PETE ROMERO
Sent: Friday, February 03, 2017 7:50:02 PM
To: (b)(6), (b)(7)(C)
Subject: FW: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

FYSA - effective immediately, U.S. Customs and Border Protection will suspend any and all actions implementing the affected sections of the Executive Order 13769 entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017). Field Offices are instructed to immediately resume inspection of travelers in accordance with standard policy and procedure.

Please acknowledge.

From: MCALEENAN, KEVIN K
Sent: Friday, February 03, 2017 5:23:19 PM
To: Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; DIRECTORS FIELD OPS
Cc: ALLES, RANDOLPH D; (b)(6), (b)(7)(C) HUTTON, JAMES R; FLANAGAN, PATRICK S; (b)(6), (b)(7)(C)
Subject: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

All,

Per the Department of Justice:

(b)(5)

Accordingly, effective immediately, U.S. Customs and Border Protection will suspend any and all actions implementing the affected sections of the Executive Order 13769 entitled, “Protecting the Nation from Foreign Terrorist Entry into the United States” (January 27, 2017). Field Offices are instructed to immediately resume inspection of travelers in accordance with standard policy and procedure.

This will include actions to suspend targeting system rules that flag travelers for operational action subject to the Executive Order including the State Department’s letter revoking visas based on that Executive Order (attached).

Please communicate this suspension as appropriate with key stakeholders such as airlines.

We are informed that the Administration is considering options to expeditiously appeal this ruling. We will update you with further guidance as soon as it is received.

Thank you,



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

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

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

Vigilance • Service • Integrity

Message

From: (b)(6), (b)(7)(C)
Sent: 1/29/2017 11:20:58 PM
To: (b)(6), (b)(7)(C)
Subject: RE: VERIFY Executive Order Tracking numbers

yes

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

Admissibility and Passenger Programs

Chicago Field Office

Customs and Border Protection

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

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 5:20 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: FW: VERIFY Executive Order Tracking numbers

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

Do you have this?

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

Sent: Sunday, January 29, 2017 4:57:11 PM

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

Cc:

Subject: VERIFY Executive Order Tracking numbers

Directors please have a member of your staff verify the highlighted numbers.

Executive Order Tracking - Cumulative Totals

Field Office:

Date:

Chicago

01/29/2017

Country	Number of Non-Immigrant Visa Encounters	Number of Immigrant Visa Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number of Immigrants not granted waivers	Number of Immigrants granted waivers	Number of LPRs not granted waivers	Number of LPR Waivers Granted by DFO
Iran	0	4	0	0	0	0	(b)(6), (b)(7)(C)	0	0	0	0	0	4
Iraq	0	1	0	0	0	0	(b)(6), (b)(7)(C)	0	0	0	0	0	1
Libya	0	0	0	0	0	0	(b)(6), (b)(7)(C)	0	0	0	0	0	0
Somalia	0	2	0	0	0	0	(b)(6), (b)(7)(C)	0	0	0	0	0	2
Sudan	0	1	0	0	0	0	(b)(6), (b)(7)(C)	0	0	0	0	0	1

Syria	1	4	0	0	1	0	(b)(6), (b)(7)(C)	0	0	0	0	0	4
Yemen	0	1	0	0	0	0	(b)(6), (b)(7)(C)	0	0	0	0	0	1

Executive Order Reporting Tracking Period Total

Field Office: Chicago Date: 01/29/2017 Reporting Period: 1400-2000 hrs CST

Country	Number of Non-Immigrant Visa Encounters	Number of Immigrant Visa Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number of Immigrants not granted waivers	Number of Immigrants granted waivers	Number of LPRs not granted waivers	Number of LPR Waivers Granted by DFO
Iran	0	0	0	0	0	0	(b)(6), (b)(7)(C)	0	0	0	0	0	0
Iraq	0	0	0	0	0	0		0	0	0	0	0	0
Libya	0	0	0	0	0	0		0	0	0	0	0	0
Somalia	0	0	0	0	0	0		0	0	0	0	0	0
Sudan	0	0	0	0	0	0		0	0	0	0	0	0
Syria	0	0	0	0	0	0		0	0	0	0	0	0
Yemen	0	0	0	0	0	0		0	0	0	0	0	0

Respectfully submitted,

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

Program Manager

U.S. Customs and Border Protection

Office of Field Operations

Field Liaison Division

1300 Pennsylvania Ave. NW, R **(b)(6), (b)(7)(C)**

Washington, DC 20229

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

OFO-FIELDLIAISON@cbp.dhs.gov



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