

PREDECISIONAL/DRAFT - LAW ENFORCEMENT SENSITIVE

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PREDECISIONAL/DRAFT - LAW ENFORCEMENT SENSITIVE

From: (b)(6), (b)(7)(C)
Sent: Friday, February 17, 2017 6:20 PM
To: (b)(6), (b)(7)(C) FLANAGAN, PATRICK S; (b)(6), (b)(7)(C) HUTTON, JAMES R
Cc: FRIEL, MICHAEL J; LOWRY, KIM M; HOFFMAN, TODD A; (b)(6), (b)(7)(C)
Subject: RE: Implementation Plan
Attachments: EO QAs (2) (002).docx

(b)(6), (b)(7)(C) as requested with (b)(6), (b)(7)(C) added.

From: (b)(6), (b)(7)(C)
Sent: Friday, February 17, 2017 6:17 PM
To: (b)(6), (b)(7)(C) FLANAGAN, PATRICK S; (b)(6), (b)(7)(C) HUTTON, JAMES R
(b)(6), (b)(7)(C)
Cc: FRIEL, MICHAEL J; (b)(6), (b)(7)(C) LOWRY, KIM M; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) HOFFMAN, TODD A; (b)(6), (b)(7)(C)
Subject: RE: Implementation Plan

Can you please resend to include (b)(6), (b)(7)(C)? As you know she is our primary Counsel point on this but I didn't want to send given prior instruction.

(b)(6), (b)(7)(C)
CBP Associate Chief Counsel (Enforcement and Operations)
T (b)(6), (b)(7)(C) / C. (b)(6), (b)(7)(C)
** Attorney Work Product / Attorney-Client Privileged **

From: (b)(6), (b)(7)(C)
Sent: Friday, February 17, 2017 6:11:09 PM
To: (b)(6), (b)(7)(C) FLANAGAN, PATRICK S; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Cc: FRIEL, MICHAEL J; LOWRY, KIM M; (b)(6), (b)(7)(C) HOFFMAN, TODD A
Subject: RE: Implementation Plan

All-
Please find attached the draft Q&A document and review one last time for any additional comments/edits.

(b)(5)

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

From: (b)(6), (b)(7)(C)
Sent: Friday, February 17, 2017 1:33 PM
To: FRIEL, MICHAEL J; (b)(6), (b)(7)(C) LOWRY, KIM M; (b)(6), (b)(7)(C) HOFFMAN,

TODD A: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C) HUTTON, JAMES R
 (b)(6), (b)(7)(C)
 Cc: FLANAGAN, PATRICK S (b)(6), (b)(7)(C)
 Subject: Implementation Plan

All,

Please find the very notional draft suggested statements, talking points, and questions we have drafted so far. Since I will be on a plane for a few hours, OCA has (awesomely) agreed to take control of the documents while I am out of pocket. I will be back online as soon as I am able.

OCA is also drafting questions based on what we can expect to be asked – some we may have answers for others will remain pending.

At this time, please do not distribute these materials any further than this group. Thank you.

Best,

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

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

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

(b)(5)

(b)(5)

(b)(5)

From: (b)(6), (b)(7)(C)
Sent: Friday, February 17, 2017 3:29 PM
To: (b)(6), (b)(7)(C) FRIEL, MICHAEL J; LOWRY, KIM M; HOFFMAN, TODD A; (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C) HUTTON, JAMES
 R
Cc: FLANAGAN, PATRICK S
Subject: RE: Implementation Plan
Attachments: EO QAs (2).docx

All-

Q&A attached. We need OFO/OCC/OPA assistance in drafting responses for FO review (due by COB). If possible, can we all convene in the OCA conference room to draft responses and edits to the statement? At this point, I think it will be quicker than sending around the document for comments.

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

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

From: (b)(6), (b)(7)(C)
Sent: Friday, February 17, 2017 3:22 PM
To: (b)(6), (b)(7)(C) FRIEL, MICHAEL J; (b)(6), (b)(7)(C) LOWRY, KIM
 M; (b)(6), (b)(7)(C) HOFFMAN, TODD A; (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C) HUTTON, JAMES
 R (b)(6), (b)(7)(C)
Cc: FLANAGAN, PATRICK S (b)(6), (b)(7)(C)
Subject: RE: Implementation Plan

All,

Next steps include ensuring that once we have the OCA question - can OCC and OFO please take a look and determine the types of issues these questions may raise as well as draft/edit responses.

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

(b)(6), (b)(7)(C)
U.S. Customs and Border Protection
Cell: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Friday, February 17, 2017 1:33:23 PM
To: FRIEL, MICHAEL J; LOWRY, KIM M; HOFFMAN, TODD A; (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C) HUTTON, JAMES R
Cc: FLANAGAN, PATRICK S
Subject: Implementation Plan

All,

Please find the very notional draft suggested statements, talking points, and questions we have drafted so far. Since I will be on a plane for a few hours, OCA has (awesomely) agreed to take control of the documents while I am out of pocket. I will be back online as soon as I am able.

OCA is also drafting questions based on what we can expect to be asked – some we may have answers for others will remain pending.

At this time, please do not distribute these materials any further than this group. Thank you.

Best,

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

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

Office of the Commissioner

U.S. Customs and Border Protection

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

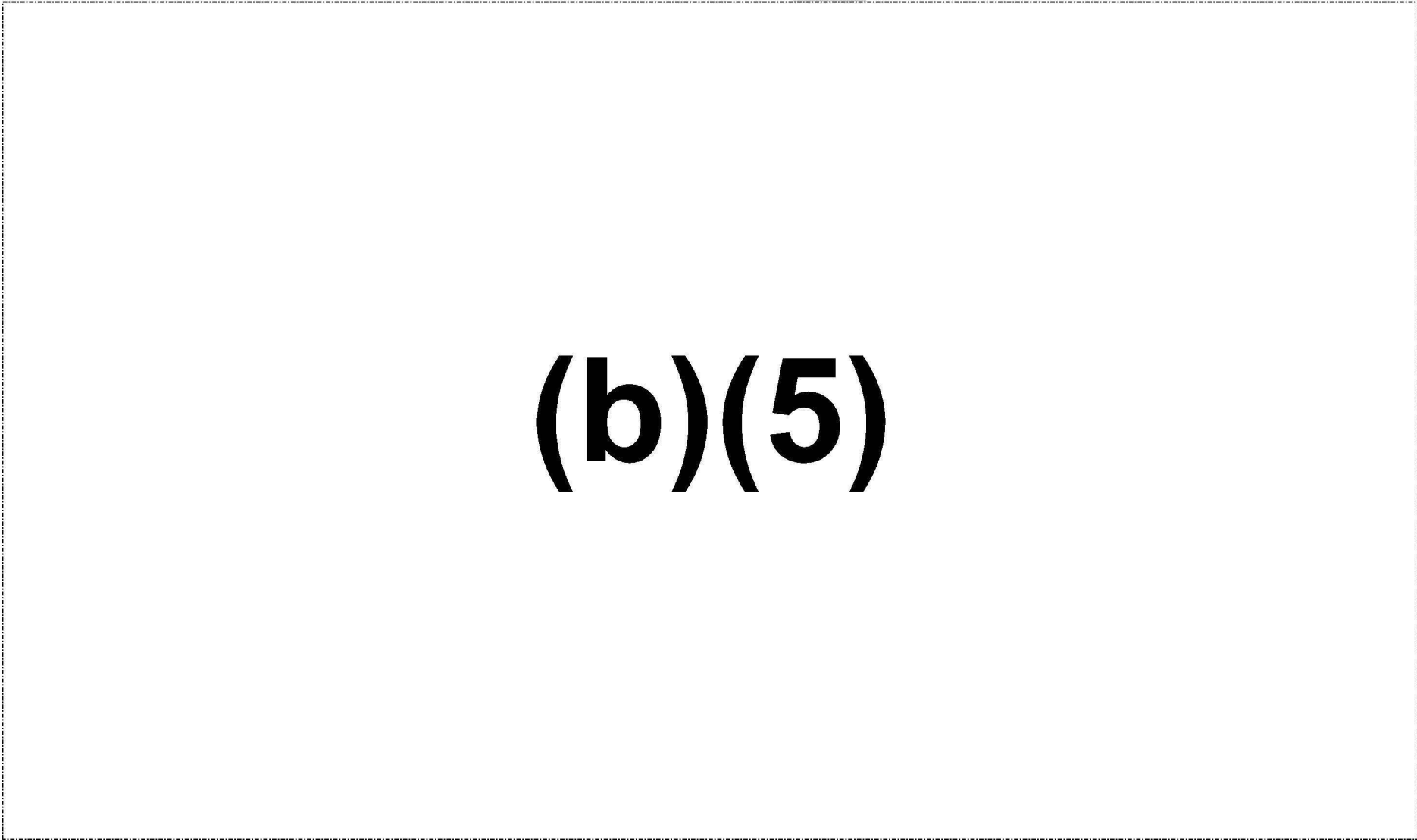
Cell: (b)(6), (b)(7)(C)

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❖ **National Targeting Center (OFO)**

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APPENDIX F: PAG FAQ

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From: (b)(6), (b)(7)(C)
Sent: Sunday, February 05, 2017 11:30 AM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: Field/Stakeholder Engagement Plan and Talking Points
Expires: Friday, August 04, 2017 12:00 AM

Noted and incorporated into new documents moving forward.

(b)(6), (b)(7)(C)
 (A) Director
 Enforcement Programs
 Washington, DC, 20229
 Desk: (b)(6), (b)(7)(C)
 BB: (b)(6), (b)(7)(C) 5
 Email: (b)(6), (b)(7)(C)

WARNING: This document is LAW ENFORCEMENT SENSITIVE and is designated for OFFICIAL USE ONLY.

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From: (b)(6), (b)(7)(C)
Sent: Sunday, February 05, 2017 10:45 AM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: RE: Field/Stakeholder Engagement Plan and Talking Points

Thank you, (b)(6), (b)(7)(C) We'll use this version going forward.

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

(b)(6), (b)(7)(C) U.S. Customs and Border Protection | (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Sunday, February 05, 2017 10:17 AM

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

Subject: RE: Field/Stakeholder Engagement Plan and Talking Points

Importance: High

To avoid confusion, OPA has provided a *final* version of the PAG for use. It is attached and below:

U.S. Customs and Border Protection Office of Public Affairs

Public Affairs Guidance Protecting the Nation From Foreign Terrorist Entry To The United States February 5, 2017

Statement(s)

White House Statement – DHS Statement

CBP Draft Statement:

At the direction of Secretary Kelly, U.S. Customs & Border Protection will resume enforcement of the Executive Order *Protecting The Nation From Foreign Terrorist Entry To The United States* effective [day and time].

The Executive Order applies to nearly all individuals traveling on passports from Iraq, Syria, Sudan, Iran, Somalia, Libya, and Yemen who are applying for entry to the U.S. at any port of entry—air, land or sea.

CBP is committed to ensuring that all individuals affected by the Executive Orders, including those affected by the court orders, are being provided all rights afforded under the law. CBP is working closely with airline carriers to prevent travelers who would not be granted entry under the Executive Orders from boarding international flights to the United States.

We are and will continue to enforce the Executive Order humanely and with professionalism.

Key Messages

- In order to protect Americans, and to advance the national interest, the United States must ensure that we have adequate information about individuals seeking to enter this country to ensure that they do not bear malicious intent toward the United States and its people.
- Approximately 80 million international travelers enter the United States every year. Less than one percent of the more than 325,000 international air travelers who arrive every day were inconvenienced after the Executive Order was signed while enhanced security measures were implemented. These individuals went through

enhanced security screenings and were processed for entry to the United States, consistent with our immigration laws and judicial orders.

- U.S. Customs & Border Protection will faithfully execute the immigration laws, and we will treat all of those we encounter humanely and with professionalism. No foreign national in a foreign land, without ties to the United States, has any unfettered right to demand entry into the United States or to demand immigration benefits in the United States.

Talking Points

- 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. 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.
- “U.S. Customs and Border Protection realizes the importance of international travel to the U.S. economy and we strive to process arriving travelers as efficiently and securely as possible while ensuring compliance with laws and regulations governing the international arrival process. Any international traveler who seeks resolutions regarding difficulties they experience can use DHS Traveler Redress Inquiry Program www.dhs.gov/dhs-trip.

Frequently Asked Questions:

1. When did enforcement of the Executive Order start?

The Executive Order became effective on January 27, 2017.

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

Yes, this Executive Order applies to nearly all travelers, except U.S. citizens, traveling on passports from Iraq, Syria, Sudan, Iran, Somalia, Libya, and Yemen who are applying for entry to the United States at any port of entry—air, land or sea.

3. How many people are currently detained at Ports of Entry as a result of the Executive Order?

CBP is not currently holding in its custody any individual solely 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. All individuals who arrive in the United States are subject to inspection.

4. What do the two exemptions in the Executive Order mean? How are they applied to individual cases?

DHS and State can review individual cases and grant waivers on a case-by-case basis if that individual’s admission to the United States is deemed to be in the national interest and if they do not pose a national security threat.

5. What is the process for considering an individual for an exemption under the Executive Order?

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

6. Does “from one of the seven countries” mean citizen, national or born in?

Travelers are being treated according to the travel document they present.

7. How does the lawsuit/stay affect DHS operations in implementing this executive order? The Department of Homeland Security will continue to enforce all of President Trump’s Executive Orders in a manner that ensures the safety and security of the American people. President Trump’s Executive Orders remain in place—

prohibited travel will remain prohibited, and the U.S. government retains its right to revoke visas at any time if required for national security or public safety. President Trump's Executive Order affects a minor portion of international travelers, and is a first step towards reestablishing control over America's borders and national security.

9. Will nationals of restricted countries with valid green cards (LPRs) be allowed to return to the United States?

Under the recent guidance from the White House, CBP will continue to ensure that LPRs are processed through our borders efficiently. Under that guidance, the Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" does not apply to LPRs' entry to the United States. Prior to this guidance, and as of February 1, 2017, CBP processed 1,610 waivers for LPRs to re-enter the United States.

10. How many Lawful Permanent Residents have not been allowed to enter pursuant to the exception to the Executive Order?

Two. One, who was entered into proceedings based on a criminal record. Another individual chose to return to Canada and withdrew their request for entry.

11. 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.

CBP is committed to following the law. Any withdrawal of an application for admission must be voluntary. The withdrawal process is not new and CBP officers are well trained to ensure that individuals make voluntary decisions.

12. Does this Executive Order apply to dual nationals of the seven countries who want to enter the United States? If they apply for entry based on their citizenship from one of the countries NOT on the list, will they be allowed entry?

Travelers are being processed and, when eligible, admitted according to the travel document they present.

13. Can a dual national traveling with a passport from an unrestricted country travel to the United States?

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.

14. 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?

Department of State's 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.

15. How does the Executive Order affect college students from the seven countries, such as F1/J1/M1 visa holders? Are they included in the Executive Order? What kind of guidance is being given to foreign students from these countries legally in the U.S.?

F1/J1/M1 visas are currently provisionally revoked due to the Executive Order. Individuals who were in the U.S. at the time of the signing of the executive order are not affected by the order. However, individuals who were out of the country at the time of the signing, or who travel out of the country and attempt to return will not be allowed to return for this temporary period because of a lack of valid travel documents. The Department is evaluating whether those who are precluded from returning as a result of the Executive Order will be considered to have maintained their status as F1 or M1 students.

16. Can USCIS continue refugee interviews of religious minorities and for countries with which we have an agreement?

DHS and DOS continue to review the Executive Order and will conduct interviews as appropriate and consistent with the Executive Order.

17. Will the U.S. accept emergency requests to process a refugee who will then travel?

DHS and DOS will coordinate the processing of individual refugee cases which may be appropriate for travel consistent with the Executive Order.

18. Can the exception for refugee admission be used in I-730 cases (family members following to join) for the petition of refugee/asylee relatives?

These cases will be evaluated on a case-by-case basis.

19. Does the Executive Order apply to those currently being adjudicated for naturalization?

No. USCIS will continue to adjudicate N-400 applications for naturalization and administer the oath of citizenship consistent with prior practices.

20. Will Canadian immigrants affected by the Executive Order be eligible for entry to the United States?

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 and proof of their landed immigrant status, and only if the travel both originates in Canada and is through a land border or Preclearance location.

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

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.

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

The entry of Iraqi nationals with a valid Special Immigrant Visa to the United States is deemed to be in the national interest and such individuals 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.

23. How many aliens with special immigrant visas have been denied entry?

None

24. Has CBP issued clear guidance to CBP officers at Ports of Entry on the Executive Order and the court orders?

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.

25. What coordination is being done between CBP and the carriers?

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.

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

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.

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

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 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](#).

28. Is a first time arrival on an immigrant visa eligible for an exemption?

It is important to understand that there is a distinction between holders of immigrant visas and Lawful Permanent Residents (LPRs) – individuals overseas with immigrant visas are not LPRs. The Executive Order currently applies to travelers arriving for the first time to the United States with immigrant visas.

29. Are Trusted Travelers (Global Entry, NEXUS, SENTRI, and FAST) affected by the Executive Order?

There is no exemption in the Executive Order for Trusted Travelers. On February 1, 2017, the White House issued guidance stating that lawful permanent residents (LPR) were not subject to the Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States." Prior to that guidance, CBP suspended Trusted Traveler membership for approximately 500 people. After the guidance was issued, CBP worked to reinstate members who were no longer subject to the Executive Order. Those members have been fully reinstated as of February 2, 2017. Some members of NEXUS and FAST are still subject to the Executive Order. As such, their memberships will remain suspended.

Background

The Executive Order signed on January 27, 2017 allows for the proper review and establishment of standards to prevent terrorist or criminal infiltration by foreign nationals. The United States has the world's most generous immigration system, yet it has been repeatedly exploited by terrorists and other malicious actors who seek to do us harm. In order to ensure that the United States government can conduct a thorough and comprehensive analysis of the national security risks posed from our immigration system, it imposes a 90-day suspension on entry to the United States of nationals of certain designated countries—countries that were designated by Congress and the Obama Administration as posing national security risks in the Visa Waiver Program.

In order to protect Americans, and to advance the national interest, the United States must ensure that those entering this country will not harm the American people subsequent to their entry, and that they do not bear malicious intent toward the United States and its people. The Executive Order protects the United States from

countries compromised by terrorism and ensures a more rigorous vetting process. This Executive Order ensures that we have a functional immigration system that safeguards our national security.

This Executive Order, provided the Department with additional resources, tools and personnel to carry out the critical work of securing our borders, enforcing the immigration laws of our nation, and ensuring that individuals who pose a threat to national security or public safety cannot enter or remain in our country. Protecting the American people is the highest priority of our government and this Department.

The Department of Homeland Security will faithfully execute the immigration laws and the President's Executive Order, and we will treat all of those we encounter humanely and with professionalism.

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

Sent: Saturday, February 04, 2017 10:06 PM

To: [Redacted]

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

Cc: § (b)(6), (b)(7)(C)

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

Subject: RE: Field/Stakeholder Engagement Plan and Talking Points

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

Sent: Saturday, February 04, 2017 9:11 PM

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

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

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

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

Subject: RE: Field/Stakeholder Engagement Plan and Talking Points

Edits/Comments on the Sample Carrier Notice – the comment is contingent on XD/DXD in-put regarding the in-transit pax should the EO be re-instated.

Also the assumption in the Pre-decisional document is that re-instatement of the EO will be phased – we need to also consider what we would need for immediate implementation.

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

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

Sent: Saturday, February 04, 2017 8:58 PM

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

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

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

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

Subject: RE: Field/Stakeholder Engagement Plan and Talking Points

Here's what I have so far for the PREDECISIONAL.

Also included we also have a Draft CAT SOP, carrier notes, and call center script.

See attached.

(b)(6), (b)(7)(C)
Operations Director
CBP HQ
EO Crisis Action Team

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

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

Sent: Saturday, February 04, 2017 8:31 PM

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

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

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

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

Subject: RE: Field/Stakeholder Engagement Plan and Talking Points

All,

Please find first inputs attached. CAT leadership is looking to review at 9:30pm tonight – then we also need to coordinate OCC review.

I think the methodology is to add in all of the steps and TPs that we can and we can par it down after if necessary.

I've used as much of our pre-approved language as possible – highlighting where changes will need to be approved.

I've also noted audience – but this is just my initial take so please edit if the audience for a particular message needs to be narrower or broader.

Thank you!

Best,

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

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

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

Sent: Saturday, February 04, 2017 7:04 PM

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

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

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

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

Subject: RE: Field/Stakeholder Engagement Plan and Talking Points

Please find the draft outline attached. Add outline items and text and share updates with this group.

I'm going to suggest we get clearance on our rolling list of FAQs at this stage as well, so let's add any FAQs we have been using or have pending.

Thank you!

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

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

Sent: Saturday, February 04, 2017 6:24 PM

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

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

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

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

Subject: Field/Stakeholder Engagement Plan and Talking Points

PRE-DECISIONAL

All,

Want to make sure I have all the right people on here – the purpose of this chain is to create a document for OCC review that is something between a Public Affairs Guidance and a Tick-Tock with imbedded statements and TPs in the event that the EO enters into effect again. We should make and mark sections for different parties (field guidance, DHS-internal, media, air carriers, Congressional stakeholders, etc.). I think we can maintain better version control over the document if we work it first then get respective leadership review and finally OCC clearance before it goes up.

Understandably we will have some gaps with respect to legal guidance but we will put in placeholders for information we can't/don't have.

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

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

Office of the Commissioner

U.S. Customs and Border Protection

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

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

From: (b)(6), (b)(7)(C)
Sent: Sunday, February 05, 2017 10:45 AM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: Field/Stakeholder Engagement Plan and Talking Points

Thank you, (b)(6), (b)(7)(C) We'll use this version going forward.

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

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

From: (b)(6), (b)(7)(C)
Sent: Sunday, February 05, 2017 10:17 AM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: Field/Stakeholder Engagement Plan and Talking Points
Importance: High

To avoid confusion, OPA has provided a *final* version of the PAG for use. It is attached and below:

**U.S. Customs and Border Protection
Office of Public Affairs**

**Public Affairs Guidance Protecting the Nation From Foreign Terrorist
Entry To The United States
February 5, 2017**

Statement(s)
White House Statement – DHS Statement
CBP Draft Statement:

At the direction of Secretary Kelly, U.S. Customs & Border Protection will resume enforcement of the Executive Order *Protecting The Nation From Foreign Terrorist Entry To The United States* effective [day and time].

The Executive Order applies to nearly all individuals traveling on passports from Iraq, Syria, Sudan, Iran, Somalia, Libya, and Yemen who are applying for entry to the U.S. at any port of entry—air, land or sea.

CBP is committed to ensuring that all individuals affected by the Executive Orders, including those affected by the court orders, are being provided all rights afforded under the law. CBP is working closely with airline carriers to prevent travelers who would not be granted entry under the Executive Orders from boarding international flights to the United States.

We are and will continue to enforce the Executive Order humanely and with professionalism.

Key Messages

- In order to protect Americans, and to advance the national interest, the United States must ensure that we have adequate information about individuals seeking to enter this country to ensure that they do not bear malicious intent toward the United States and its people.
- Approximately 80 million international travelers enter the United States every year. Less than one percent of the more than 325,000 international air travelers who arrive every day were inconvenienced after the Executive Order was signed while enhanced security measures were implemented. These individuals went through enhanced security screenings and were processed for entry to the United States, consistent with our immigration laws and judicial orders.
- U.S. Customs & Border Protection will faithfully execute the immigration laws, and we will treat all of those we encounter humanely and with professionalism. No foreign national in a foreign land, without ties to the United States, has any unfettered right to demand entry into the United States or to demand immigration benefits in the United States.

Talking Points

- 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. 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.
- "U.S. Customs and Border Protection realizes the importance of international travel to the U.S. economy and we strive to process arriving travelers as efficiently and securely as possible while ensuring compliance with laws and regulations governing the international arrival process. Any international traveler who seeks resolutions regarding difficulties they experience can use DHS Traveler Redress Inquiry Program www.dhs.gov/dhs-trip.

Frequently Asked Questions:

1. When did enforcement of the Executive Order start?

The Executive Order became effective on January 27, 2017.

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

Yes, this Executive Order applies to nearly all travelers, except U.S. citizens, traveling on passports from Iraq, Syria, Sudan, Iran, Somalia, Libya, and Yemen who are applying for entry to the United States at any port of entry—air, land or sea.

3. How many people are currently detained at Ports of Entry as a result of the Executive Order?

CBP is not currently holding in its custody any individual solely 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. All individuals who arrive in the United States are subject to inspection.

4. What do the two exemptions in the Executive Order mean? How are they applied to individual cases?

DHS and State can review individual cases and grant waivers on a case-by-case basis if that individual's admission to the United States is deemed to be in the national interest and if they do not pose a national security threat.

5. What is the process for considering an individual for an exemption under the Executive Order?

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

6. Does "from one of the seven countries" mean citizen, national or born in?

Travelers are being treated according to the travel document they present.

7. How does the lawsuit/stay affect DHS operations in implementing this executive order? The Department of Homeland Security will continue to enforce all of President Trump's Executive Orders in a manner that ensures the safety and security of the American people. President Trump's Executive Orders remain in place—prohibited travel will remain prohibited, and the U.S. government retains its right to revoke visas at any time if required for national security or public safety. President Trump's Executive Order affects a minor portion of international travelers, and is a first step towards reestablishing control over America's borders and national security.

9. Will nationals of restricted countries with valid green cards (LPRs) be allowed to return to the United States?

Under the recent guidance from the White House, CBP will continue to ensure that LPRs are processed through our borders efficiently. Under that guidance, the Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" does not apply to LPRs' entry to the United States. Prior to this guidance, and as of February 1, 2017, CBP processed 1,610 waivers for LPRs to re-enter the United States.

10. How many Lawful Permanent Residents have not been allowed to enter pursuant to the exception to the Executive Order?

Two. One, who was entered into proceedings based on a criminal record. Another individual chose to return to Canada and withdrew their request for entry.

11. 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.

CBP is committed to following the law. Any withdrawal of an application for admission must be voluntary. The withdrawal process is not new and CBP officers are well trained to ensure that individuals make voluntary decisions.

12. Does this Executive Order apply to dual nationals of the seven countries who want to enter the United States? If they apply for entry based on their citizenship from one of the countries NOT on the list, will they be allowed entry?

Travelers are being processed and, when eligible, admitted according to the travel document they present.

13. Can a dual national traveling with a passport from an unrestricted country travel to the United States?

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.

14. 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?

Department of State's 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.

15. How does the Executive Order affect college students from the seven countries, such as F1/J1/M1 visa holders? Are they included in the Executive Order? What kind of guidance is being given to foreign students from these countries legally in the U.S.?

F1/J1/M1 visas are currently provisionally revoked due to the Executive Order. Individuals who were in the U.S. at the time of the signing of the executive order are not affected by the order. However, individuals who were out of the country at the time of the signing, or who travel out of the country and attempt to return will not be allowed to return for this temporary period because of a lack of valid travel documents. The Department is evaluating whether those who are precluded from returning as a result of the Executive Order will be considered to have maintained their status as F1 or M1 students.

16. Can USCIS continue refugee interviews of religious minorities and for countries with which we have an agreement?

DHS and DOS continue to review the Executive Order and will conduct interviews as appropriate and consistent with the Executive Order.

17. Will the U.S. accept emergency requests to process a refugee who will then travel?

DHS and DOS will coordinate the processing of individual refugee cases which may be appropriate for travel consistent with the Executive Order.

18. Can the exception for refugee admission be used in I-730 cases (family members following to join) for the petition of refugee/asylee relatives?

These cases will be evaluated on a case-by-case basis.

19. Does the Executive Order apply to those currently being adjudicated for naturalization?

No. USCIS will continue to adjudicate N-400 applications for naturalization and administer the oath of citizenship consistent with prior practices.

20. Will Canadian immigrants affected by the Executive Order be eligible for entry to the United States?

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 and proof of their landed immigrant status, and only if the travel both originates in Canada and is through a land border or Preclearance location.

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

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.

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

The entry of Iraqi nationals with a valid Special Immigrant Visa to the United States is deemed to be in the national interest and such individuals 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.

23. How many aliens with special immigrant visas have been denied entry?

None

24. Has CBP issued clear guidance to CBP officers at Ports of Entry on the Executive Order and the court orders?

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.

25. What coordination is being done between CBP and the carriers?

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.

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

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.

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

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 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](#).

28. Is a first time arrival on an immigrant visa eligible for an exemption?

It is important to understand that there is a distinction between holders of immigrant visas and Lawful Permanent Residents (LPRs) – individuals overseas with immigrant visas are not LPRs. The Executive Order currently applies to travelers arriving for the first time to the United States with immigrant visas.

29. Are Trusted Travelers (Global Entry, NEXUS, SENTRI, and FAST) affected by the Executive Order?

There is no exemption in the Executive Order for Trusted Travelers. On February 1, 2017, the White House issued guidance stating that lawful permanent residents (LPR) were not subject to the Executive Order entitled “Protecting the Nation from Foreign Terrorist Entry into the United States.” Prior to that guidance, CBP suspended Trusted Traveler membership for approximately 500 people. After the guidance was issued, CBP worked to reinstate members who were no longer subject to the Executive Order. Those members have been fully reinstated as of February 2, 2017. Some members of NEXUS and FAST are still subject to the Executive Order. As such, their memberships will remain suspended.

Background

The Executive Order signed on January 27, 2017 allows for the proper review and establishment of standards to prevent terrorist or criminal infiltration by foreign nationals. The United States has the world’s most generous immigration system, yet it has been repeatedly exploited by terrorists and other malicious actors who seek to do us harm. In order to ensure that the United States government can conduct a thorough and comprehensive analysis of the national security risks posed from our immigration system, it imposes a 90-day suspension on entry to the United States of nationals of certain designated countries—countries that were designated by Congress and the Obama Administration as posing national security risks in the Visa Waiver Program.

In order to protect Americans, and to advance the national interest, the United States must ensure that those entering this country will not harm the American people subsequent to their entry, and that they do not bear malicious intent toward the United States and its people. The Executive Order protects the United States from countries compromised by terrorism and ensures a more rigorous vetting process. This Executive Order ensures that we have a functional immigration system that safeguards our national security.

This Executive Order, provided the Department with additional resources, tools and personnel to carry out the critical work of securing our borders, enforcing the immigration laws of our nation, and ensuring that individuals who pose a threat to national security or public safety cannot enter or remain in our country. Protecting the American people is the highest priority of our government and this Department.

The Department of Homeland Security will faithfully execute the immigration laws and the President’s Executive Order, and we will treat all of those we encounter humanely and with professionalism.

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

Sent: Saturday, February 04, 2017 10:06 PM

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

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

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

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

Subject: RE: Field/Stakeholder Engagement Plan and Talking Points

(b)(5)

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

Sent: Saturday, February 04, 2017 9:11 PM

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

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

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

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

Subject: RE: Field/Stakeholder Engagement Plan and Talking Points

Edits/Comments on the Sample Carrier Notice – the comment is contingent on XD/DXD in-put regarding the in-transit pax should the EO be re-instated.

Also the assumption in the Pre-decisional document is that re-instatement of the EO will be phased – we need to also consider what we would need for immediate implementation.

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

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

Sent: Saturday, February 04, 2017 8:58 PM

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

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

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

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

Subject: RE: Field/Stakeholder Engagement Plan and Talking Points

Here’s what I have so far for the PREDECISIONAL.

Also included we also have a Draft CAT SOP, carrier notes, and call center script.

See attached.

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

Operations Director

CBP HQ

EO Crisis Action Team

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

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

Sent: Saturday, February 04, 2017 8:31 PM

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

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

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

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

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

Office of the Commissioner
U.S. Customs and Border Protection

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

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