

Executive Order Tracking - Cumulative Totals

Field Office: ALL

Date: 1/27/2017 -1/29/2017

Report Time: 0500

Cumulative

Country	Number of Non-Immigrant Visa Encounters	Number of Immigrant Visa Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted	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 DEO	
Iran	60	31	250	1	55	0	(b)(6), (b)(7)(C)	0	0	0	0	1	262	
Iraq	55	62	102	0	58	0		0	0	0	0	0	0	153
Libya	0	0	3	0	0	0		0	0	0	0	0	0	3
Somalia	0	6	3	0	2	0		0	0	0	0	0	0	8
Sudan	14	16	13	0	25	0		0	0	0	0	0	0	14
Syria	28	19	34	0	31	2		0	0	0	0	0	0	39
Yemen	12	18	8	0	13	0		0	0	0	0	0	0	15
Total	169	152	413	1	184	2			0	0	0	0	1	494

Executive Order Tracking - Reporting Period Totals

2100-0500 January 29, 2017

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted	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 DEO	
Iran	9	7	76	1	7	0	(b)(6), (b)(7)(C)	0	0	0	0	0	68	
Iraq	6	21	68	0	5	0		0	0	0	0	0	0	80
Libya	0	0	1	0	0	0		0	0	0	0	0	0	1
Somalia	0	0	1	0	0	0		0	0	0	0	0	0	4
Sudan	1	0	3	0	0	0		0	0	0	0	0	0	3
Syria	4	3	12	0	1	0		0	0	0	0	0	0	13
Yemen	3	1	5	0	0	0		0	0	0	0	0	0	10
Total	23	32	166	1	13	0			0	0	0	0	0	179

Executive Order Tracking - Cumulative Totals

Field Office: Atlanta

Date: 1/29/2017

Report Time:

500

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	11	0	0	0	0	0	0	0	0	0	11
Iraq	0	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	0
Somalia	0	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	0
Syria	0	0	1	0	0	0	0	0	0	0	0	0	1
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	2	0	0	0	0	0	0	0	0	0	3
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: Baltimore

Date: 1/29/2017

Report Time:

0500

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 LPRs granted waivers	Number of LPR Waivers Granted by DFO	
Iran	1	1	20	0	2	0	(b)(6), (b)(7)(C)	0	0	0	0	0	0	20	
Iraq	0	7	7	0	2	0		0	0	0	0	0	0	0	11
Libya	0	0	0	0	0	0		0	0	0	0	0	0	0	0
Somalia	0	3	1	0	1	0		0	0	0	0	0	0	0	4
Sudan	0	1	1	0	1	0		0	0	0	0	0	0	0	1
Syria	6	7	0	0	11	0		0	0	0	0	0	0	0	1
Yemen	0	15	1	0	9	0		0	0	0	0	0	0	0	7

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number of Immigrants not granted waivers	Number of Immigrants granted waivers	Number of LPRs not granted waivers	Number of LPRs granted waivers	Number of LPR Waivers Granted by DFO	
Iran	0	1	10	0	0	0	(b)(6), (b)(7)(C)	0	0	0	0	0	0	0	
Iraq	0	0	2	0	0	0		0	0	0	0	0	0	0	0
Libya	0	0	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	0	3
Sudan	0	0	0	0	0	0		0	0	0	0	0	0	0	0
Syria	1	1	0	0	0	0		0	0	0	0	0	0	0	1
Yemen	0	0	1	0	0	0		0	0	0	0	0	0	0	6

Executive Order Tracking - Cumulative Totals

Field Office: Boston

Date: 1/29/2017

Report Time: 500

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	3	0	8	0	0	0	0	0	0	0	0	0	8
Iraq	0	0	3	0	0	0	0	0	0	0	0	0	3
Libya	0	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	0
Sudan	0	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	0
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	5	0	0	0	0	0	0	0	0	0	5
Iraq	0	0	1	0	0	0	0	0	0	0	0	0	1
Libya	0	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	0
Sudan	0	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	0
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Cumulative Totals

Field Office: BUFFALO, NY

Date: 1/27/2017 -1/29/2017

Report Time: 0500

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	2	1	10	0	3	0	0	0	0	0	0	1	9
Iraq	0	0	6	0	0	0	0	0	0	0	0	0	6
Libya	0	0	1	0	0	0	0	0	0	0	0	0	1
Somalia	0	0	2	0	0	0	0	0	0	0	0	0	2
Sudan	0	0	1	0	0	0	0	0	0	0	0	0	1
Syria	1	0	0	0	1	0	0	0	0	0	0	0	0
Yemen	0	0	1	0	0	0	0	0	0	0	0	0	1

Executive Order Tracking - Reporting Period Totals

2100-0300

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number of Immigrants not granted waivers	Number of Immigrants granted waivers	Number of LPRs not granted waivers	Number of LPR Waivers Granted by DFO
Iran	1	0	2	0	1	0	0	0	0	0	0	0	2
Iraq	0	0	0	0	0	0	0	0	0	0	0	0	0
Libya	0	0	1	0	0	0	0	0	0	0	0	0	1
Somalia	0	0	1	0	0	0	0	0	0	0	0	0	1
Sudan	0	0	1	0	0	0	0	0	0	0	0	0	1
Syria	0	0	0	0	0	0	0	0	0	0	0	0	0
Yemen	0	0	1	0	0	0	0	0	0	0	0	0	1

Executive Order Tracking - Cumulative Totals

Field Office: Chicago Date: 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	0	0	0	0	0	0	4
Iraq	0	1	0	0	0	0	0	0	0	0	0	0	1
Libya	0	0	0	0	0	0	0	0	0	0	0	0	0
Somalia	0	2	0	0	0	0	0	0	0	0	0	0	2
Sudan	0	1	0	0	0	0	0	0	0	0	0	0	1
Syria	1	4	0	0	1	0	0	0	0	0	0	0	4
Yemen	0	1	0	0	0	0	0	0	0	0	0	0	1

Executive Order Tracking Reporting 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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: Detroit

Date: 1/29/2017

Report Time: 0500 hours

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	10	0	0	0	0	0	0	0	0	0	10
Iraq	36	0	51	0	36	0	0	0	0	0	0	0	51
Libya	0	0	1	0	0	0	0	0	0	0	0	0	1
Somalia	0	0	0	0	0	0	0	0	0	0	0	0	0
Sudan	0	0	1	0	0	0	0	0	0	0	0	0	1
Syria	2	0	1	0	3	0	0	0	0	0	0	0	0
Yemen	2	0	4	0	2	0	0	0	0	0	0	0	4

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number of Immigrants not granted waivers	Number of Immigrants granted waivers	Number of LPRs not granted waivers	Number of LPR Waivers Granted by DFO
Iran	1	0	1	0	1	0	0	0	0	0	0	0	1
Iraq	5	0	48	0	5	0	0	0	0	0	0	0	48
Libya	0	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	0
Sudan	0	0	0	0	0	0	0	0	0	0	0	0	0
Syria	1	0	0	0	1	0	0	0	0	0	0	0	0
Yemen	0	0	2	0	0	0	0	0	0	0	0	0	2

Executive Order Tracking - Cumulative Totals

Field Office: El Paso Date: 1/29/2017

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	0	0	0	0	0		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	(b)(6), (b)(7)(C)	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

Executive Order Tracking Reporting Period Total

Field Office: El Paso Date: Reporting Period: 0300 hours (MST)

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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: Houston

Date: 1/29/2017

Report Time:

500

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	3	2	13	0	5	0	0	0	0	0	0	0	13
Iraq	1	0	4	0	1	0	0	0	0	0	0	0	4
Libya	0	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	0
Sudan	2	0	1	0	2	0	0	0	0	0	0	0	1
Syria	2	0	1	0	0	2	0	0	0	0	0	0	1
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number of Immigrants not granted waivers	Number of Immigrants granted waivers	Number of LPRs not granted waivers	Number of LPR Waivers Granted by DFO
Iran	3	2	7	0	5	0	0	0	0	0	0	0	7
Iraq	0	0	1	0	0	0	0	0	0	0	0	0	1
Libya	0	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	0
Sudan	0	0	1	0	0	0	0	0	0	0	0	0	1
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: Laredo Date: 1/29/2017 Report Time: 0500 hours (EST)

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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: LOS

Date: 1/28/2017

Report Time: 1800

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	6	2	71	1	2	0	0	0	0	0	0	0	71
Iraq	3	0	4	0	1	0	0	0	0	0	0	0	4
Libya	0	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	0
Sudan	1	0	2	0	0	0	0	0	0	0	0	0	2
Syria	2	1	6	0	0	0	0	0	0	0	0	0	6
Yemen	7	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number of Immigrants not granted waivers	Number of Immigrants granted waivers	Number of LPRs not granted waivers	Number of LPR Waivers Granted by DFO
Iran	4	0	22	1	0	0	0	0	0	0	0	0	22
Iraq	1	1	0	0	0	0	0	0	0	0	0	0	0
Libya	0	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	0
Sudan	1	0	0	0	0	0	0	0	0	0	0	0	0
Syria	2	1	1	0	0	0	0	0	0	0	0	0	1
Yemen	3	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Cumulative Totals

Field Office: Miami/Tampa

Date:

1/29/2017

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	1	3	0	1	0	0	0	0	0	0	0	3
Iraq	0	0	1	0	0	0	0	0	0	0	0	0	1
Libya	0	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	0
Sudan	5	0	1	0	5	0	0	0	0	0	0	0	1
Syria	4	0	0	0	4	0	0	0	0	0	0	0	0
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking Reporting Period Total

Field Office: Miami/Tampa

Date:

1/29/2017

Reporting Period:

5:00

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	1	0	0	0	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: New Orleans

Date: 12/29/2017

Report Time: 0500 EST

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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: NYFO

Date: 1/29/2017

Report Time: 0500 hours

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	12	0	14	0	1	0	0	0	0	0	0	0	14
Iraq	3	1	16	0	6	0	0	0	0	0	0	0	16
Libya	0	0	1	0	0	0	0	0	0	0	0	0	1
Somalia	0	0	0	0	0	0	0	0	0	0	0	0	0
Sudan	1	0	5	0	0	0	0	0	0	0	0	0	5
Syria	2	2	14	0	0	0	0	0	0	0	0	0	14
Yemen	2	2	2	0	1	0	0	0	0	0	0	0	2

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	4	0	0	0	0	0	0	0	0	0	4
Iraq	0	0	13	0	0	0	0	0	0	0	0	0	13
Libya	0	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	0
Sudan	0	0	1	0	0	0	0	0	0	0	0	0	1
Syria	0	0	6	0	0	0	0	0	0	0	0	0	6
Yemen	0	1	1	0	0	0	0	0	0	0	0	0	1

Executive Order Tracking - Cumulative Total

Field Office: PR

Date: 1/29/2017

Report Time: 0500 hours

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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Reporting Period Total

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: San Diego FO

Date:

1/28/2017

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	11	0	0	0	0	0	0	0	0	0	0	9
Iraq	0	53	0	0	0	0	0	0	0	0	0	0	46
Libya	0	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	0
Sudan	0	0	0	0	0	0	0	0	0	0	0	0	0
Syria	0	2	0	0	0	0	0	0	0	0	0	0	1
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking Reporting Period Total

Field Office: San Diego FO

Date:

1/28/2017

Reporting Period: 1600-2400

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	0	0	0	0	0	0	2
Iraq	0	20	0	0	0	0	0	0	0	0	0	0	14
Libya	0	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	0
Sudan	0	0	0	0	0	0	0	0	0	0	0	0	0
Syria	0	1	0	0	0	0	0	0	0	0	0	0	0
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Cumulative Totals

San Francisco Field Office

Date: 1/29/2017

Report Time: 5:00 AM

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	5	0	34	0	4	0		0	0	0	0	0	34
Iraq	0	0	3	0	0	0		0	0	0	0	0	3
Libya	0	0	0	0	0	0		0	0	0	0	0	0
Somalia	0	0	0	0	0	0	(b)(6), (b)(7)(C)	0	0	0	0	0	0
Sudan	0	0	0	0	0	0		0	0	0	0	0	0
Syria	1	0	7	0	1	0		0	0	0	0	0	7
Yemen	0	0	0	0	0	0		0	0	0	0	0	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	22	0	0	0	0	0	0	0	0	0	22
Iraq	0	0	3	0	0	0	0	0	0	0	0	0	3
Libya	0	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	0
Sudan	0	0	0	0	0	0	0	0	0	0	0	0	0
Syria	0	0	5	0	0	0	0	0	0	0	0	0	5
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Cumulative Totals

Field Office: Blaine AOR Date: 1/28/2017

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	8	0	18	0	8	0	0	0	0	0	0	0	18
Iraq	10	0	1	0	10	0	0	0	0	0	0	0	1
Libya	0	0	0	0	0	0	0	0	0	0	0	0	0
Somalia	0	1	0	0	1	0	0	0	0	0	0	0	0
Sudan	1	0	1	0	1	0	0	0	0	0	0	0	1
Syria	0	0	0	0	0	0	0	0	0	0	0	0	0
Yemen	1	0	0	0	1	0	0	0	0	0	0	0	0

Executive Order Track Reporting Period Total

Field Office: Seattle Field Office Date: 1/28/2017 Reporting Period: 1600-2400

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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: TUCSON Date: 1/29/2017 Report Time: 500

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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: PreClearance

Date: 1/29/2017

Report Time:

500

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	20	9	38	0	29	0	0	0	0	0	0	0	38
Iraq	2	0	6	0	2	0	0	0	0	0	0	0	6
Libya	0	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	0
Sudan	4	14	0	0	16	0	0	0	0	0	0	0	0
Syria	7	3	4	0	10	0	0	0	0	0	0	0	4
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: Preclearance--Shannon, Ireland

Date: 1/29/2017

Report Time: 500

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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Field Office/Location	Name	Status	Disposition	Departure Flight/Time	
NYFO / JFK		IR 5	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK		B1/B2	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK		IR 5	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK		K-1	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK		DV 2	Waiver Request pending HQ decision	TBD, if necessary	
NYFO / JFK		DV3	Waiver Request pending HQ decision	TBD, if necessary	
NYFO / JFK		B1/B2	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK		B1/B2	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK		I-512	Waiver Request pending HQ decision	TBD, if necessary	
NYFO / JFK		B2	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK		B1/B2	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK		F-1	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK		B1/B2	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK		F-1	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK		B2	Waiver Request pending submission to HQS	TBD, if necessary	
NYFO / JFK		I-512	Waiver Request pending HQ decision	TBD, if necessary	
NYFO / JFK		F-1	Waiver Request pending submission to HQS	TBD, if necessary	
El Paso OFO/ Santa Teresa POE		(b)(6), (b)(7)(C), (b)(7)(E)		TBD	
El Paso OFO/ Santa Teresa POE		(b)(6), (b)(7)(C), (b)(7)(E)		TBD	
SFO		B2	WD	TBD	
SFO		B2	WD	TBD	
SFO		B2	WD	TBD	
SFO		B2	WD	TBD	
SFO		(b)(6), (b)(7)(C)		TBD	
SFO/Otay		LPR	IN CUSTODY/PENDING INTERVIEW	TBD	
SFO/Otay		LPR	IN CUSTODY/PENDING INTERVIEW	TBD	
SFO/Otay		LPR	IN CUSTODY/PENDING INTERVIEW	TBD	
SFO/Otay		LPR	IN CUSTODY/PENDING INTERVIEW	TBD	
SFO/Otay		LPR	IN CUSTODY/PENDING INTERVIEW	TBD	
SFO/Otay		LPR	IN CUSTODY/PENDING INTERVIEW	TBD	
LAX	(b)(5), (b)(6), (b)(7)(C), (b)(7)(E)	B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
LAX		B2	Requesting Waiver	TBD if necessary	
Baltimore FO / IAD			(b)(6), (b)(7)(C), (b)(7)(E)		NA
Baltimore FO / BWI			NA	NA	NA
BFO/PHL		(b)(6), (b)(7)(C), (b)(7)(E)		TBD	
BFO/PHL		LPR	Examination in Progress	TBD	
DFW		B2	WD	1125 (CST)	
DFW		B2	WD	1125 (CST)	
DFW		B2	WD	1125 (CST)	
DFW		B2	WD	1125 (CST)	
DFW		B2	WD	1125 (CST)	
DFW		B2	ER	1125 (CST)	
DFW		B2	ER	1125 (CST)	
DFW		IV	WD	1125 (CST)	
DFW		IV	WD	1125 (CST)	

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 1:39 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Update: Reporting Guidance for Actions Taken Related to Executive Order: Protecting the Nation from Foreign Terrorist Entry Into the United States
Attachments: 20170127 Executive Order Reporting.pdf; 20170127 Executive Order Reporting attachment Update.xlsx
Importance: High

Supervisor (b)(6), (b)(7)(C)
 Please copy me on today's 1400 and 2000 reports.
 Thank you.

(b)(6), (b)(7)(C)
 Port Director
 US Customs and Border Protection
 Office of Field Operations
 Pittsburgh Pennsylvania

O: [Redacted]
 C: (b)(6), (b)(7)(C)
 F: [Redacted]

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 8:00:52 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Update: Reporting Guidance for Actions Taken Related to Executive Order: Protecting the Nation from Foreign Terrorist Entry Into the United States

*****Do not disseminate*****

See new reporting templates as of 2000.

(b)(6), (b)(7)(C)
 Port Director
 US Customs and Border Protection
 Office of Field Operations
 Pittsburgh Pennsylvania

O: [Redacted]
 C: (b)(6), (b)(7)(C)
 F: [Redacted]

From: DURST, CASEY OWEN
Sent: Saturday, January 28, 2017 7:01:59 PM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)

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

Cc: CBP IAD Management

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

See new direction and reporting template.

Casey Owen Durst
Director, Field Operations
Baltimore Field Office
(b)(6), (b)(7)(C) (office)
(b)(6), (b)(7)(C) (cell)

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

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)

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 (b)(7)(E)

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

Branch Chief
U.S. Customs and Border Protection
Office of Field Operations
Field Liaison Division

Desk: [redacted]
Mobile: (b)(6), (b)(7)(C)
Fax: [redacted]



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

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

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

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

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

On January 27, 2017, President Donald Trump issued Executive Order: *Protecting the Nation from Foreign Terrorist Entry into the United States*. It is the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States; and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes.

As we push forward in our efforts to protect our Nation, OFO Operations will require daily reporting on our activities as related to this Executive Order. Reporting will include encounters in the air, land and sea

environments with anyone who arrives into the U.S. from the seven (7) countries (Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen) that meets the criteria outlined in the Executive Order and the instructions issued to the field by Admissibility and Passenger Programs.

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

1300 Pennsylvania Avenue NW
Washington, DC 20229



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

January 28, 2017

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

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

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

Executive Order Tracking

Field Office:

Cumulative Total

Date:

Country	Number of Non-Immigrant Encounters	Number Immigrant/LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of LPR Waivers Granted by DFO
Iran							
Iraq							
Libya							
Somalia							
Sudan							
Syria							
Yemen							

Executive Order Tracking

Field Office:

Reporting Period Total

Date:

Reporting Period:

Country	Number of Non-Immigrant Encounters	Number Immigrant/LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of LPR Waivers Granted by DFO
Iran							
Iraq							
Libya							
Somalia							
Sudan							
Syria							
Yemen							

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 8:01 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Latest DHS/CBP Media Guidance on POTUS EOs

not for distribution
FYI.

(b)(6), (b)(7)(C)
Port Director
US Customs and Border Protection
Office of Field Operations
Pittsburgh Pennsylvania
O: (b)(6), (b)(7)(C)
C: (b)(6), (b)(7)(C)
F: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 7:37:10 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: Latest DHS/CBP Media Guidance on POTUS EOs

(b)(6), (b)(7)(C)
Acting Assistant Port Director
U.S. Customs & Border Protection
Passenger Operations
Philadelphia International Airport
Cell: (b)(6), (b)(7)(C)
Email: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 7:30:59 PM
To: (b)(6), (b)(7)(C)
Cc: DURST, CASEY OWEN; (b)(6), (b)(7)(C)
Subject: FW: Latest DHS/CBP Media Guidance on POTUS EOs

Latest from (b)(6), (b)(7)(C) that I received (below) concerning the DHS/CBP media posture on the EO.

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

Baltimore Field Office

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

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 1:50 PM
To: (b)(6), (b)(7)(C)
Subject: Latest DHS/CBP Media Guidance on POTUS EOs

FYSA, DHS statement in response to litigation against POTUS EOs.

CBP media posture remains unchanged. No media interaction, not to respond that we can respond, and not even to inform on background. Refer all media inquiries to my email account. DHS remains lead on EO inquiries; however, they have ceased engaging media following Saturday's lawsuits. Once we have a statement to release, I'll forward that along, but all media inquiries should continue to be referred to me.

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

(b)(6), (b)(7)(C)
Public Affairs Officer
U.S. Customs and Border Protection
Office - (b)(6), (b)(7)(C) Mobile - (b)(6), (b)(7)(C)
Follow me on Twitter @CBPMidAtlantic

From: DHS Press Office
Sent: Sunday, January 29, 2017 1:26:05 AM
To:
Subject: DEPARTMENT OF HOMELAND SECURITY RESPONSE TO RECENT LITIGATION



Press Office
U.S. Department of Homeland Security

Press Release

January 29, 2017
Contact: DHS Press Office, 202-282-8010

DEPARTMENT OF HOMELAND SECURITY RESPONSE TO RECENT LITIGATION

The Department of Homeland Security will continue to enforce all of the president's Executive Orders in a manner that ensures the safety and security of the American people. The president'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. The president'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.

Approximately 80 million international travelers enter the United States every year. Yesterday, less than one percent of the more than 325,000 international air travelers who arrive every day were inconvenienced while enhanced security measures were implemented. These individuals went through enhanced security screenings and are being processed for entry to the United States, consistent with our immigration laws and judicial orders.

The Department of Homeland Security 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.

The Department of Homeland Security will comply with judicial orders; faithfully enforce our immigration laws, and implement the president's Executive Orders to ensure that those entering the United States do not pose a threat to our country or the American people.

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 8:01 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Update: Reporting Guidance for Actions Taken Related to Executive Order: Protecting the Nation from Foreign Terrorist Entry Into the United States
Attachments: 20170127 Executive Order Reporting.pdf; 20170127 Executive Order Reporting attachment Update.xlsx
Importance: High

*****Do not disseminate*****

See new reporting templates as of 2000.

(b)(6), (b)(7)(C)
 Port Director
 US Customs and Border Protection
 Office of Field Operations
 Pittsburgh Pennsylvania

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

From: DURST, CASEY OWEN
Sent: Saturday, January 28, 2017 7:01:59 PM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)

Cc: CBP IAD Management
Subject: FW: Update: Reporting Guidance for Actions Taken Related to Executive Order: Protecting the Nation from Foreign Terrorist Entry Into the United States

See new direction and reporting template.

Casey Owen Durst
 Director, Field Operations
 Baltimore Field Office
 (b)(6), (b)(7)(C) (office)
 (b)(6), (b)(7)(C) (cell)

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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)

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)

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(b)(6), (b)(7)(C)
 Branch Chief
 U.S. Customs and Border Protection
 Office of Field Operations
 Field Liaison Division
 Desk: [Redacted]
 Mobile: (b)(6), (b)(7)(C)
 Fax: [Redacted]



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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

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

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

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

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

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

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

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

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

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

1300 Pennsylvania Avenue NW
Washington, DC 20229



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

January 28, 2017

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

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

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

Executive Order Tracking

Field Office:

Cumulative Total

Date:

Country	Number of Non-Immigrant Encounters	Number Immigrant/LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of LPR Waivers Granted by DFO
Iran							
Iraq							
Libya							
Somalia							
Sudan							
Syria							
Yemen							

Executive Order Tracking

Field Office:

Reporting Period Total

Date:

Reporting Period:

Country	Number of Non-Immigrant Encounters	Number Immigrant/LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of LPR Waivers Granted by DFO
Iran							
Iraq							
Libya							
Somalia							
Sudan							
Syria							
Yemen							

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

TAREQ AQEL MOHAMMED AZIZ
and
AMMAR AQEL MOHAMMED AZIZ,
by their next friend,
AQEL MUHAMMAD AZIZ,

Case No. 1:17-cv-116

and

JOHN DOES 1-60,

on behalf of themselves and others similarly
situated,

Date: January 30, 2017

Petitioners,

v.

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

Respondents.

**FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS AND
CLASS COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

INTRODUCTION

1. Pursuant to an Executive Order signed by President Donald Trump on January 27, 2016, the U.S. government banned entry into the United States by all non-citizens from seven listed countries, subject to an undefined waiver process. This ban, when first promulgated, included individuals on immigrant visas and returning lawful permanent residents.

2. The Immigration and Nationality Act provides no way to legally effectuate such a ban against this category of immigrants. As a result, upon information and belief, Department of Homeland Security officials have been effectuating the ban by bullying these arriving immigrants into “voluntarily” relinquishing their claims to lawful permanent residence into the United States.

3. On information and belief, respondents (through their agents and employees) lied to immigrants arriving after the Executive Order was signed, falsely telling them that if they did not sign a relinquishment of their legal rights, they would be formally ordered removed from the United States, which would bring legal consequences including a five-year bar for reentry to the United States. Because respondents knew that there was no valid, legal basis to remove these individuals from the United States, these were material, false representations.

4. Throughout this time, respondents denied arriving immigrants access to legal counsel.

5. On information and belief, these acts occurred nationwide, including but not limited to Washington-Dulles International Airport. During the first 24 to 48 hours that the ban was in place, Customs & Border Protection reports that it denied entry to at least 109 individuals. Many of these individuals were unlawfully compelled to “voluntarily” renounce their U.S. immigration status.

6. Petitioners Tareq Aqel Mohammed Aziz (Tareq) and Ammar Aqel Mohammed Aziz (Ammar) are two brothers of Yemeni nationality, who were granted immediate relative immigrant visas (IR2 category) by virtue of their status as immediate relatives of their father, a US citizen.

7. On the morning of January 28, 2017, they landed in Washington-Dulles International Airport (IAD). This was a moment that they and their father had waited for and dreamed of for many years. But their dream quickly and inexplicably converted into a nightmare: instead of being permitted to transit to their connecting flight, Tareq and Ammar were handcuffed, detained, forced to sign papers that they neither read nor understood, and then placed onto a return flight to Ethiopia just two and a half hours after their landing.

8. During the brief time Tareq and Ammar were in the United States, employees or agents of respondents coerced Tareq and Ammar to sign U.S. Citizenship and Immigration Services Form I-407, which is entitled “Record of Abandonment of Lawful Permanent Resident Status.” The immigrant visas that they had fought so long and hard to obtain were thereupon cancelled – and, to add insult to injury, this was falsely claimed to be a result of their voluntary request. *See* <https://www.uscis.gov/i-407> (“Use Form I-407 to let us know that you have decided voluntarily to abandon your status as a lawful permanent resident of the United States. We will then update your records to show that you are no longer an LPR.”).

9. Tareq and Ammar signed these papers because agents or employees of respondents misrepresented that, if they failed to sign them, that they would be ineligible for entry to the United States for a period of at least five years. That representation was not true.

10. Tareq and Ammar are currently in Addis Ababa Bole International Airport, where they remain in limbo. They do not want to return to Yemen, which is currently in a state of civil

war. They are thus constructively in the custody of the United States. Tareq and Ammar wish to return to the United States, to reside with their father.

11. What happened to Tareq and Ammar is illustrative of what happened to dozens—if not hundreds—of LPRs and immigrant visa holders throughout the country on January 27 and 28, 2017. In these circumstances described above, any relinquishment of rights via a form I-407 was not voluntary, knowing, or freely given. Instead, it was the direct product of respondents' agents' misrepresentations as to what would occur if these individuals refused to sign. On information and belief, similarly-situated individuals who did not sign I-407s were ultimately admitted into the United States—thus demonstrating the falsity of the representations of respondents' agents.

JURISDICTION AND VENUE

12. Jurisdiction is conferred on this court by 28 U.S.C. §§ 1331, 1361, 2241, 2243, and the Habeas Corpus Suspension Clause of the U.S. Constitution. This court has further remedial authority pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*

13. Venue properly lies within the Eastern District of Virginia, Alexandria Division because a substantial part of the events or omissions giving rise to this action occurred in the District. 28 U.S.C. § 1391(b).

14. No petition for habeas corpus has previously been filed in any court to review petitioners' cases.

PARTIES

15. Petitioner Tareq Aqel Mohammed Aziz is a 21-year-old citizen and national of Yemen. He was granted an immigrant visa (IR2 category) by the US Embassy in Djibouti, by virtue of being an immediate relative of a US citizen. He is a Muslim.

16. Petitioner Ammar Aqel Mohammed Aziz, is a 19-year-old citizen and national of Yemen. He was granted an immigrant visa (IR2 category) by the US Embassy in Djibouti, by virtue of being an immediate relative of a US citizen. He is a Muslim.

17. Aqel Muhammad Aziz is a US citizen. He is a resident of Flint, Michigan. He is a Muslim.

18. Petitioners JOHN DOES 1-60 are approximately 60 lawful permanent residents of the United States, or immigrant visa holders, all nationals of Syria, Libya, Iran, Iraq, Somalia, Yemen or Sudan, who landed at Dulles Airport on January 27 and/or 28, 2017. Upon information and belief, some of these John Does were, like Tareq and Ammar, unlawfully forced to withdraw their applications for admission by means of being compelled into signing I-407 forms against their will and without their knowledge or consent, and placed on planes headed to foreign countries.¹

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

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

21. Respondent John Kelly is the Secretary of DHS. Secretary Kelly has immediate or constructive custody of Petitioners and other members of the proposed class. He is sued in his official capacity.

¹ Petitioners anticipate seeking leave to file amended pleadings as further John Does are identified.

22. Respondent Kevin K. McAleenan is the Acting Commissioner of CBP. Acting Commissioner McAleenan has immediate or constructive custody of petitioners and other members of the proposed class. He is sued in his official capacity.

23. Respondent Wayne Biondi is the Customs and Border Protection (CBP) Port Director of the Area Port of Washington Dulles, which has immediate or constructive custody of petitioners. He is sued in his official capacity.

24. Respondent Donald Trump is the President of the United States. He is sued in his official capacity.

25. Respondents Eight Unnamed CBP Agents at Dulles Airport are employees of CBP, acting at all times in their official capacity and under the direct and specific orders of Messrs. Kelly, McAleenan, and Trump. They are sued in their official capacity.

STATEMENT OF FACTS

President Trump's January 27, 2017 Executive Order

26. On January 20, 2017, Donald Trump was inaugurated as the forty-fifth President of the United States. Throughout his campaign, he made repeated and specific promises to enact a "Muslim ban" once elected.

27. One week later, on January 27, at about 4:30pm, President Trump signed an executive order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States," which is attached hereto as Exhibit A and is hereinafter referred to as the "EO."

28. Citing the threat of terrorism committed by foreign nationals, the EO directs a variety of changes to the manner and extent to which non-citizens may seek and obtain admission to the United States, particularly (although not exclusively) as refugees.

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

30. There are seven countries that fit the criteria in 8 U.S.C. § 1187(a)(12): Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen. According to the terms of the EO, therefore, the “entry into the United States” of non-citizens from those countries is “suspended” from 90 days from the date of the EO.

31. Consistent with its terms, the EO was at first applied to all noncitizens from the listed countries, regardless of immigration status. Only on the afternoon of January 29, 2016, did Respondent Kelly publish a memorandum stating that the EO would henceforth generally not be applied to returning lawful permanent residents (LPRs). However, a DHS Fact Sheet clarified that this exception did not apply to first-time entrants on immigrant visas. *See* Exh. C at p.2 (“Importantly, however, 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 for exceptions at arrival ports of entry, as appropriate.” (Emphasis added.)). As of the date of filing this pleading, the EO is still being applied to bar the entry of first-time entrants on immigrant visas.

Tareq and Ammar

32. After performing standard administrative processing and security check procedures, the federal government deemed both Tareq and Ammar to be admissible to the United States as immigrants.

33. Both individuals were therefore issued valid U.S. immigrant visas, category IR2, by the U.S. Embassy in Djibouti. In order to obtain these visas, they passed rigorous background checks, and the Embassy determined they were not inadmissible for any reason under law. They obtained these visas by virtue of their status as immediate relatives of their father, who is a US citizen. (Neither they nor their father committed fraud or material misrepresentations at any point during the visa process.)

34. Excited that they would finally be reunited as a family, Tareq and Ammar then traveled from Djibouti to Addis Ababa, Ethiopia, from where they departed on a flight to Washington-Dulles International Airport (“IAD”). The flight departed Ethiopia about two hours before President Trump signed and promulgated the EO. The flight made a stop in Dublin, Ireland, and then landed at IAD at around 8:00am on Saturday, January 28. While in the air, they had no idea that the EO even existed.

35. Tareq and Ammar intended to be admitted into and enter the United States on their valid IR2 visas, whereupon they would become lawful permanent residents (LPRs), and then continue on to Michigan where their father was awaiting them.

36. Upon deplaning, officers or agents of respondents handcuffed Tareq and Ammar.

37. Officers or agents of respondents fingerprinted and photographed them. Officers or agents of respondents also seized Tareq and Ammar’s immigration paperwork, including a packet of documents necessary to obtain entry into the United States in LPR status. That material was never returned to Tareq and Ammar.

38. Tareq and Ammar were forced to wait for approximately an hour until employees or agents of respondents returned. Tareq overheard that his visa had been canceled.

39. An employee or agent of respondents presented the brothers with documents to sign. Tareq stated that he did not understand the documents. The employees or agents stated that “our country will discuss this problem with your country.” Upon information and belief, these officers or agents compelled Tareq and Ammar to sign U.S. Citizenship and Immigration Services Form I-407, which is entitled “Record of Abandonment of Lawful Permanent Resident Status.” *See* <https://www.uscis.gov/i-407>.

40. Tareq and Ammar were at the time shocked and bewildered. They did not understand the documents presented to them. They were not informed of the legal consequences of those documents. They were not offered the opportunity to consult with legal counsel.

41. An employee or agent of respondents falsely informed Tareq and Ammar that, if they did not sign the documents, they would be sent to Yemen and that they would be barred from returning to the United States for five years.

42. It therefore appears that an employee or agent of respondents represented to Tareq and Ammar that, if they declined to sign an I-407, they would be officially removed from the United States and thus subject to an entrance bar of five years. This statement was highly material in these circumstances and it was plainly false. Respondents possessed no legal right to remove Tareq and Ammar from the United States.

43. In light of this significant pressure exerted by employees or agents of respondents, Tareq and Ammar felt that they had no choice other than to sign the documents. They were fearful that if they did not sign the documents, that they would be indefinitely detained or that they would be barred from entering the United States for a lengthy period of time. Tareq and Ammar did not understand any of the consequences of signing the documents.

44. Tareq and Ammar were not permitted to keep copies of the documents that they were compelled and coerced into signing. No copies of those documents have been provided.

45. CBP agents then stamped “Cancelled” over Tareq and Ammar’s IR2 immigrant visas.

46. Subsequently, attorneys for the respondents have suggested that Tareq and Ammar “voluntarily” relinquished their rights as immigrant visa holders. Tareq and Ammar deny that their conduct in signing any documents at Dulles airport was voluntary. They made neither a free choice nor an informed choice.

47. The reason that CBP agents compelled Tareq and Ammar to sign I-407 documents, is that, because the brothers were not subject to expedited removal, nor inadmissible, there was no other legal mechanism to bar Tareq and Ammar from entering the United States and becoming lawful permanent residents thereof. *See generally* 8 U.S.C. § 1225(b). Yet, they were under specific orders from respondents to bar admission of individuals in Tareq and Ammar’s situation. Accordingly, respondents’ agents engaged in this illegal scheme.

48. Tareq and Ammar were then compelled to purchase tickets—at their own expense—on the next flight to Addis Ababa, Ethiopia.

49. Tareq and Ammar departed Dulles on an Ethiopian Airlines flight on the morning of Saturday, January 28, about two and a half hours after landing at Dulles Airport.

50. Since arriving in Ethiopia, Tareq and Ammar have been in limbo at the Addis Ababa Bole International Airport. Their passports have been confiscated by Ethiopian Airlines authorities.

51. Tareq and Ammar do not wish to return to Yemen, which is currently in a state of civil war. They wish to return to the United States, to live with their father in Flint, Michigan, pursuant to the immigrant visa properly granted by the U.S. government.

John Does 1-60.

52. Petitioners John Does 1-60 are approximately 50-60 returning lawful permanent residents, or individuals traveling on valid immigrant visas entitling them to be admitted into the United States in lawful permanent resident status. Most of these were individuals returning from trips abroad, all of whom are nationals of one of the following seven countries: Lybia, Iraq, Iran, Yemen, Syria, Sudan, Somalia. All were held for some time, during January 27 or 28, 2017, in the international arrivals area of Dulles Airport.

53. Upon information and belief, many of petitioner John Does 1-60 were, like Tareq and Ammar, forced to withdraw their applications for admission to the United States by means of being compelled against their will and without knowledge or consent to sign forms I-407, and then placed on planes headed to foreign destinations. *See, e.g.,* <http://jezebel.com/woman-and-her-2-children-held-at-dulles-airport-for-20-1791762183> (describing how a Somali woman entering the United States on an immigrant visa together with her U.S.-citizen children “was pressured to sign papers and told that her visa had been canceled. When she refused to sign, asking to wait until her husband arrived, immigration officers threatened that she would not be permitted to return to the United States. She was then told to sign her children’s paperwork so that they could accompany her back to Africa. . . . ‘They handcuffed her, even when she went to the bathroom[.]’”).

54. Discovery will reveal the full identifies of these individuals. Counsel is meanwhile working diligently to uncover the identities of John Does 1-60.

Petitioners’ claim to lawful admission to the United States as immigrants

55. No grounds of inadmissibility under the Immigration and Nationality Act applies to either Tareq or Ammar, nor are they subject to expedited removal for any reason, nor is there any reason under Title 8 of U.S. Code or Title 8 of the Code of Federal Regulations to bar them from entering the United States as immigrants and thereby lawful permanent residents.

56. Congress has provided that immigrants in petitioners' situation are entitled to enter the United States, and that if the government disagrees, it must institute regular removal proceedings before an immigration judge. 8 U.S.C. § 1225(b). The only exceptions to that rule (for example, criminals, stowaways, fraud, or individuals arriving without valid documentation) do not apply here.

57. The government considers that Tareq and Ammar “withdrew their application for admission” and then voluntarily departed. That is, as a matter of fact, false. The jurisdictional bars of 8 U.S.C. § 1252 therefore do not apply.

The Court's issuance of a Temporary Restraining Order.

58. On January 28, 2017, at approximately 9:30pm ET, this Court granted a TRO. It provided: “a) respondents shall permit lawyers access to all legal permanent residents being detained at Dulles International airport; b) respondents are forbidden from removing petitioners—lawful permanent residents at Dulles International Airport—for a period of 7 days from the issuance of this Order.”²

² The government can be expected to argue that Tareq and Ammar were not in fact “lawful permanent residents” as they were never admitted on their immigrant visas. As set forth herein, it makes no material difference to the legal analysis: they were entitled to be admitted; or, failing that, to be placed in regular removal proceedings before an immigration judge.

59. At the time the TRO issued, unbeknownst to counsel or to their father (or anyone else outside of CBP), respondents had already placed Tareq and Ammar on a plane departing the country, and they were in flight.³

60. At the time the TRO issued, at least some JOHN DOES 1-60 were held in secure areas at Dulles, including in secondary screening.

61. On the evening of Saturday, January 28, 2017, following the issuance of the Court's TRO, CBP personnel refused to permit any lawyers access to LPRs subject to the new screening provisions established by the Executive Order.

62. CBP personnel indicated that it would not comply with the order unless it was served via "official channels."

63. CBP personnel also indicated that the Court's order was limited to LPRs in "detention," but asserted that individuals at Dulles were not in "detention." They claimed that the TRO did not apply because individuals are instead subject to "processing."

64. Notwithstanding the assertions of CBP personnel, petitioners were not free to leave CBP custody. Additionally, the INS Insp. Field Manual provides, at Section 17.8, that "During an inspection at a port-of-entry, detention begins when the applicant is referred into secondary and waits for processing."

65. The refusal of respondents' agents to comply with the counsel-access provisions of the TRO are by now well documented. See <http://www.thedailybeast.com/articles/>

³ Counsel was not aware of this fact because, despite repeated inquiries by telephone and in person, CBP personnel refused to advise counsel as to any facts regarding the brothers' case. Likewise, their father was unaware of this fact because, at no time during their two-and-a-half hours in CBP custody were they allowed to make any telephone calls or otherwise advise anyone in the outside world as to what was happening to them.

[2017/01/29/trump-s-border-patrol-defies-judge-u-s-senator-at-dulles-airport-at-his-first-constitutional-crisis-unfolds.html](https://www.washingtonpost.com/news/immigration/wp/2017/01/29/trump-s-border-patrol-defies-judge-u-s-senator-at-dulles-airport-at-his-first-constitutional-crisis-unfolds.html).

66. U.S. Senator Cory Booker arrived at Dulles airport on the evening of Saturday, January 28, 2017. Respondents' agents continued to refuse compliance. Holding a copy of this Court's TRO, Senator Booker stated that "I am now of the belief that though this was issued by the judicial branch, that it was violated tonight." *Id.*

67. Senator Booker has submitted affidavit regarding his time at Dulles, attached hereto as Exh. B. In it, he states:

Prior to my arrival at IAD, a CBP employee who was not present at IAD communicated to my staff member, upon receiving the TRO, that "individuals are not entitled to counsel during immigration processing at a port of arrival." When my staff member challenged their assertion in light of the TRO, they responded that "The lawyers are looking at the order."

Upon arrival, I met with Metropolitan Washington Airports Authority (MWAA) police in an effort to obtain compliance with a Temporary Restraining Order (TRO) from the Eastern District of Virginia (E.D. Va.) and a nationwide stay issued by the Eastern District of New York (E.D.N.Y.). At my request, the TRO was presented by the MWAA police officer to CBP officials on site. I did not speak directly with Customs and Border Protection (CBP) or any other representative of the Department of Homeland Security (DHS).

68. In the late afternoon of January 29, 2017—approximately 16 hours after the Court issued the TRO—counsel for respondents confirmed that respondents would provide notice of the Court's order to arriving LPRs subject to screenings pursuant to the Executive Order. But respondents refused to permit in-person access to lawyers. Likewise, respondents refused to provide specialized telephone numbers to arriving LPRs, instead providing only generic materials listing the names and phone numbers for 10 different immigration non-profits in the Washington DC metro-area – nine of which respondents knew had no interest in or ability to provide legal

advice to this particular population (and indeed were not even open and available to take calls on a Sunday). *See* <https://www.justice.gov/eoir/file-/ProBonoVA/download>.

69. Throughout this time, at all times, more than 25 lawyers were present at Dulles Airport in the international arrivals area, ready and willing to offer free, pro-bono legal services to the JOHN DOES.

70. Had Tareq, Ammar, and the JOHN DOES been properly advised of their legal rights and the legal consequences of signing an I-407, they would not have done so.

Representative Allegations

71. In addition to Petitioners, there are there are numerous other individuals with legal permanent resident status or who are traveling on valid U.S. immigrant visas who have been or will be either detained and/or coerced into signing a Form I-407. Each of these similarly situated individuals is entitled to bring a petition for a writ of habeas corpus or, in the alternative, a complaint for declaratory and injunctive relief, to prohibit respondents' policy, pattern, and practice of prohibiting class members from entering the United States when they arrive at U.S. borders with valid entry documents and coercing the relinquishment of rights. These similarly situated individuals satisfy the numerosity, typicality, commonality, adequacy of representation requirements established by Fed. R. Civ. P. 23. Petitioners therefore will move this Court for an order certifying a representative class of Petitioners consisting of all individuals with legal permanent resident status or traveling on valid U.S. immigrant visas, who are from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen, legally authorized to enter the United States, and who have been or will be denied entry to the United States on the basis of the January 27, 2017 Executive Order.

CAUSES OF ACTION

COUNT ONE

FIFTH AMENDMENT – PROCEDURAL AND SUBSTANTIVE DUE PROCESS DENIAL OF RIGHT TO ENTER UNITED STATES

72. Petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

73. Respondents have infringed petitioners' procedural and substantive due process rights in multiple respects.

74. To begin with, petitioners have a due process interest in the statutory rights granted by Congress; that is, "[m]inimum due process rights attach to statutory rights." *Dia v. Ashcroft*, 353 F.3d 228, 239 (3d Cir. 2003) (alteration in original) (quoting *Marincas v. Lewis*, 92 F.3d 195, 203 (3d Cir. 1996)).

75. U.S. law, including federal statutes and regulations, obligate the United States to allow LPRs and immigrant visa holders admission into the United States, unless those individuals are for some reason inadmissible. In denying petitioners admission to the United States, respondents violated petitioners' procedural and substantive due process rights.

76. One of the procedural due process rights denied petitioners was access to legal counsel, to their specific and material injury. Respondents prohibited petitioners from conferring with attorneys who were present on the scene and willing to advise and represent them on a *pro bono* basis.

77. Further, the grant of the immigrant visas to petitioners, such as the IR2 visas to Tareq and Ammar, created an entitlement to the lawful permanent resident status and subsequent provision of a "green card." These entitlements were revoked without due process of law.

78. Likewise, the conduct of respondents has amounted to an illegal retroactive revocation of the immigration status previously extended by the U.S. government. *See Estrada v. Holder*, 604 F.3d 402, 406 (7th Cir. 2010); *Sharkey v. Quarantillo*, 541 F.3d 75, 86, 93 (2d Cir. 2008); *United States v. Figueroa-Burrue*, No. CR 10-3738-TUC-RCC, 2011 WL 6100288, at *9 (D. Ariz. Oct. 11, 2011), *report and recommendation adopted sub nom. United States v. Burrue*, No. CR 10-3738-TUC-RCC, 2011 WL 6099355 (D. Ariz. Dec. 8, 2011). The retroactive retraction of this status is an unlawful action in violation of due process rights.

79. The actions of respondents—as well as respondents’ employees and agents—coerced or compelled Tareq and Ammar to withdraw their applications for admission against their will. These were neither freely made nor knowing and informed decisions. The conduct of respondents, and their employees and agents, thus violated petitioners’ procedural and substantive due process rights.

COUNT TWO THE IMMIGRATION AND NATIONALITY ACT

80. Petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

81. The Immigration and Nationality Act and implementing regulations entitle Tareq, Amar, and John Does 1-50 to enter the United States as immigrants or LPRs.

82. Respondents’ actions in sending Tareq and Ammar to Yemen, and John Does 1-50 to various foreign countries, deprive petitioners of their statutory and regulatory rights.

83. In particular, because petitioners have valid and/or approved immigrant visas or lawful permanent resident status, denial of admission into the United States violates 8 U.S.C. §§ 1151, 1201, 1225, and accompanying regulations.

COUNT THREE
THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1152

84. Petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

85. Respondents' actions in sending Tareq and Ammar to Yemen, and John Does 1-50 to various foreign countries, also violates 8 U.S.C. § 1152 and accompanying regulations. This statute prohibits discrimination against individuals on the basis of nationality, without sufficient justification.

COUNT FOUR
FIRST AMENDMENT – ESTABLISHMENT CLAUSE

86. Petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

87. Tareq, Ammar, and John Does 1-50 were denied entry to the United States or forced to withdraw their applications for admission to the United States and/or abandon their status as lawful permanent residents as a result of the EO.

88. The EO exhibits hostility to a specific religious faith, Islam, and gives preference to other religious faiths, principally Christianity. The EO therefore violates the Establishment Clause of the First Amendment by not pursuing a course of neutrality with regard to different religious faiths.

COUNT FIVE
FIFTH AMENDMENT – EQUAL PROTECTION

89. Petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

90. The EO discriminates against petitioners on the basis of their countries of origin and religion, without sufficient justification, and therefore violates the equal protection component of the Due Process Clause of the Fifth Amendment.

91. Additionally, the EO was substantially motivated by animus toward—and has a disparate effect on—Muslims, which also violates the equal protection component of the Due Process Clause of the Fifth Amendment. *Jana-Rock Const., Inc. v. N.Y. State Dep't of Econ. Dev.*, 438 F.3d 195, 204 (2d Cir. 2006); *Hunter v. Underwood*, 471 U.S. 222 (1985).

92. Respondents have demonstrated an intent to discriminate against petitioners on the basis of religion through repeated public statements that make clear the EO was designed to prohibit the entry of Muslims to the United States. See Michael D. Shear & Helene Cooper, *Trump Bars Refugees and Citizens of 7 Muslim Countries*, N.Y. Times (Jan. 27, 2017), (“[President Trump] ordered that Christians and others from minority religions be granted priority over Muslims.”); Carol Morello, *Trump Signs Order Temporarily Halting Admission of Refugees, Promises Priority for Christians*, Wash. Post (Jan. 27, 2017).

93. Applying a general law in a fashion that discriminates on the basis of religion in this way violates petitioners’ rights to equal protection the Fifth Amendment Due Process Clause. *Hayden v. County of Nassau*, 180 F.3d 42, 48 (2d Cir. 1999); *Yick Wo v. Hopkins*, 118 U.S. 356, 373-74 (1886). Petitioners satisfy the Supreme Court’s test to determine whether a facially neutral law—in this case, the EO and federal immigration law—has been applied in a discriminatory fashion. The Supreme Court requires an individual bringing suit to challenge the application of a law to bear the burden of demonstrating a “prima facie case of discriminatory purpose.” *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266-7 (1977). This test examines the impact of the official action, whether there has been a clear pattern unexplainable on other grounds

besides discrimination, the historical background of the decision, the specific sequence of events leading up to the challenged decision, and departures from the normal procedural sequence. *Id.*

94. Here, President Donald Trump and senior staff have made clear that EO will be applied to primarily exclude individuals on the basis of their national origin and being Muslim. *See, e.g.*, sources cited, *supra* ¶ 48, *See, e.g.*, Donald J. Trump, *Donald J. Trump Statement On Preventing Muslim Immigration*, (Dec. 7, 2015), <https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration> (“Donald J. Trump is calling for a total and complete shutdown of Muslims entering the United States until our country’s representatives can figure out what is going on.”); Abby Phillip and Abigail Hauslohner, *Trump on the Future of Proposed Muslim Ban, Registry: ‘You know my plans’*, Wash. Post (Dec. 22, 2016). Further, the President has promised that preferential treatment will be given to Christians, unequivocally demonstrating the special preferences and discriminatory impact that the EO has upon Petitioners. *See* sources cited, *supra*.

95. Thus, Respondents have applied the EO with forbidden animus and discriminatory intent in violation of the equal protection of the Fifth Amendment and violated petitioners’ equal protection rights.

COUNT SIX ADMINISTRATIVE PROCEDURE ACT

96. Petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

97. Respondents detained and mistreated petitioners solely pursuant to an executive order issued on January 27 and 28, 2017, which expressly discriminates against Petitioners on the basis of their countries of origin and was substantially motivated by animus toward Muslims..

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

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

100. The INA and implementing regulations entitle Petitioners to enter the United States as LPRs.

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

COUNT SEVEN
RELIGIOUS FREEDOM RESTORATION ACT

102. Petitioners repeat and incorporate by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

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

104. Respondents' actions constitute a violation of the Religious Freedom Restoration Act. *See* 42 U.S.C. § 2000bb-1 *et seq.*

PRAYER FOR RELIEF

WHEREFORE, Petitioners pray that this Court grant the following relief:

(1) To the extent that any petitioners remain in custody of respondents, issue a Writ of Habeas Corpus requiring respondents to release petitioners forthwith;

(2) Issue an injunction ordering respondents not to detain any petitioners, including but not limited to the John Doe petitioners, and anyone similarly situated, solely on the basis of the EO, or deny any petitioners admission to the United States solely on the basis of the EO;

(3) Enter a judgment declaring that respondents' detention of petitioners is and will be unauthorized by statute and contrary to law;

(4) Issue an injunction ordering respondents to invalidate the improperly coerced I-407 forms, reinstate the petitioners' immigrant visas and/or LPR status, return the petitioners to Dulles Airport, and admit them into the United States, subject to the laws and regulations existing prior to January 27, 2017;

(6) Award petitioners their costs and reasonable attorney's fees; and

(7) Grant any other and further relief that this Court may deem fit and proper.

Petitioners/plaintiffs demand a jury trial on all issues and claims so triable.

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Respectfully submitted,

_____/s//_____
Simon Y. Sandoval-Moshenberg (VA 77110)
Mary Bauer (VA 31388)
Rebecca Wolozin (VA 89690)
Elaine Poon (pro hac vice motion forthcoming)
LEGAL AID JUSTICE CENTER
6066 Leesburg Pike #520
Falls Church, VA 22041
(703) 720-5605
simon@justice4all.org
mary@justice4all.org
becky@justice4all.org
elaine@justice4all.org

Date: 1/30/2017

Andrew J. Pincus (pro hac vice motion forthcoming)
Paul W. Hughes (pro hac vice motion filed)
MAYER BROWN LLP
1999 K Street, N.W.
Washington, D.C. 20006
(202) 263-2000
apincus@mayerbrown.com
phughes@mayerbrown.com

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release
January 27, 2017

EXECUTIVE ORDER

- - - - -

PROTECTING THE NATION FROM FOREIGN TERRORIST
ENTRY INTO THE UNITED STATES

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

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

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

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

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

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

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

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

(c) To temporarily reduce investigative burdens on relevant agencies during the review period described in subsection (a) of this section, to ensure the proper review and

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

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

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

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

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

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

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

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

Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. (a) The Secretary of State shall suspend the U.S. Refugee Admissions Program (USRAP) for 120 days. During the 120-day period, the Secretary of State, in conjunction with the Secretary of Homeland Security and in consultation with the Director of National Intelligence, shall review the USRAP application and adjudication process to determine what additional procedures should be taken to ensure that those approved for refugee admission do not pose a threat

to the security and welfare of the United States, and shall implement such additional procedures. Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures. Upon the date that is 120 days after the date of this order, the Secretary of State shall resume USRAP admissions only for nationals of countries for which the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States.

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

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

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

(e) Notwithstanding the temporary suspension imposed pursuant to subsection (a) of this section, the Secretaries of State and Homeland Security may jointly determine to admit individuals to the United States as refugees on a case-by-case basis, in their discretion, but only so long as they determine that the admission of such individuals as refugees is in the national interest -- including when the person is a religious minority in his country of nationality facing religious persecution, when admitting the person would enable the United

States to conform its conduct to a preexisting international agreement, or when the person is already in transit and denying admission would cause undue hardship -- and it would not pose a risk to the security or welfare of the United States.

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

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

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

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

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

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

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

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

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

(i) information regarding the number of foreign nationals in the United States who have been charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation, or material support to a terrorism-related organization, or any other national security

reasons since the date of this order or the last reporting period, whichever is later;

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

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

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

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

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

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

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

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

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

DONALD J. TRUMP

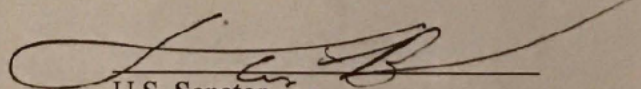
THE WHITE HOUSE,
January 27, 2017.

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AFFIDAVIT

I, United States Senator Cory A. Booker, attest that to the best of my knowledge, information, and belief, that the following facts are true and correct.

1. On Saturday, January 28, 2017, I went to Washington Dulles International Airport (IAD) in the evening to inquire as to the status of individuals who were allegedly being detained pursuant to the January 27, 2017 Executive Order.
2. Prior to my arrival at IAD, a CBP employee who was not present at IAD communicated to my staff member, upon receiving the TRO, that "individuals are not entitled to counsel during immigration processing at a port of arrival." When my staff member challenged their assertion in light of the TRO, they responded that "The lawyers are looking at the order."
3. Upon arrival, I met with Metropolitan Washington Airports Authority (MWAA) police in an effort to obtain compliance with a Temporary Restraining Order (TRO) from the Eastern District of Virginia (E.D. Va.) and a nationwide stay issued by the Eastern District of New York (E.D.N.Y.). At my request, the TRO was presented by the MWAA police officer to CBP officials on site. I did not speak directly with Customs and Border Protection (CBP) or any other representative of the Department of Homeland Security (DHS).
4. Acting as the intermediary for CBP, an unnamed individual for MWAA police confirmed that travelers were being detained and stated that CBP would release the remaining individuals being held, but did not elaborate further on what actions would be taken after January 28, 2017.



U.S. Senator
Cory A. Booker

SUBSCRIBED AND SWORN TO, before me, the undersigned notary public, this
___ day of January, 2017.

My Commission Expires: _____



Press Office
U.S. Department of Homeland Security

FACT SHEET

January 29, 2017
Contact: DHS Press Office, 202-282-8010

FACT SHEET: Protecting the Nation from Foreign Terrorist Entry to the United States

WASHINGTON - 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, as well as the two issued earlier in the week, provide 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.

Authorities

The Congress provided the president of the United States, in section 212(f) of the Immigration and Nationality Act (INA), with the authority to suspend the entry of any class of aliens the president deems detrimental to the national interest. This authority has been exercised by nearly every president since President Carter, and has been a component of immigration laws since the enactment of the INA in 1952.

Actions

For the next 90 days, nearly all travelers, except U.S. citizens, traveling from Iraq, Syria, Sudan, Iran, Somalia, Libya, and Yemen will be temporarily suspended from entry to the United States. The 90 day period will allow for proper review and establishment of standards to prevent terrorist or criminal infiltration by foreign nationals.

Importantly, however, 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 for exceptions at arrival ports of entry, as appropriate. The entry of these individuals, subject to national security checks, is in the national interest. Therefore, we expect swift entry for these individuals.

In the first 30 days, DHS will perform a global country-by-country review of the information each country provides when their citizens apply for a U.S. visa or immigration benefit. Countries will then have 60 days to comply with any requests from the U.S. government to update or improve the quality of the information they provide.

DHS and the Department of State have the authority, on a case-by-case basis, to issue visas or allow the entry of nationals of these countries into the United States when it serves the national interest. These seven countries were designated by Congress and the Obama Administration as posing a significant enough security risk to warrant additional scrutiny in the visa waiver context.

The Refugee Admissions Program will be temporarily suspended for the next 120 days while DHS and interagency partners review screening procedures to ensure refugees admitted in the future do not pose a security risk to citizens of the United States.

The executive order does not prohibit entry of, or visa issuance to, travelers with diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas.

The Department of Homeland Security along with the Department of State, the Office of the Director of National Intelligence, and the Federal Bureau of Investigation will develop uniform screening standards for all immigration programs government-wide.

Upon resumption of the U.S. Refugee Admissions Program, refugee admissions to the United States will not exceed 50,000 for fiscal year 2017.

The Secretary of Homeland Security will expedite the completion and implementation of a biometric entry-exit tracking system of all travelers into the United States.

Federal Government

As part of a broader set of government actions, the Secretary of State will review all nonimmigrant visa reciprocity agreements to ensure that they are, with respect to each visa classification, truly reciprocal.

The Department of State will suspend the Visa Interview Waiver Program and ensure all individuals seeking nonimmigrant visas undergo an in-person interview.

Transparency

The Department of Homeland Security, in order to be more transparent with the American people, and to more effectively implement policies and practices that serve the national interest will make information available to the public every 180 days. In coordination with the Department of Justice, DHS will provide information regarding the number of foreign nationals charged with terrorism-related offense or gender-based violence against women while in the United States.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

TAREQ AQEL MOHAMMED AZIZ, et al.,)	
)	
Petitioners,)	
)	
v.)	Civil Action No. 1:17-cv-116
)	
DONALD TRUMP, President of the United)	
States, et al.,)	
)	
Respondents.)	

**BRIEF IN SUPPORT OF THE
COMMONWEALTH OF VIRGINIA’S MOTION TO INTERVENE**

Mark R. Herring
Attorney General of Virginia

Trevor S. Cox (VSB No. 78396)
Deputy Solicitor General
tcox@oag.state.va.us

Matthew R. McGuire (VSB No. 84194)
Assistant Attorney General
mmcguire@oag.state.va.us

Stuart A. Raphael (VSB No. 30380)
Solicitor General

Office of the Attorney General
202 North Ninth Street
Richmond, Virginia 23219
(804) 786-7240 – Telephone
(804) 371-0200 – Facsimile
sraphael@oag.state.va.us

Counsel for Commonwealth of Virginia

January 31, 2017

On January 27, 2017, President Donald J. Trump signed an Executive Order entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (the “Executive Order”). That order immediately led to the violation of the constitutional and statutory rights of numerous residents of the United States. Because innumerable Virginia residents have been and will continue to be subjected to degrading and unlawful treatment under the Executive Order, the Commonwealth is compelled to intervene in this case. It is well recognized that a State has a quasi-sovereign interest “in assuring that the benefits of the federal system are not denied to its general population.”¹ Here, the Commonwealth has an overriding interest in “the well-being of its” lawful permanent residents as well as residents who have been living, working, and attending school under valid visas.² Intervention therefore is required so that the Commonwealth can both protect its own sovereign interests and vindicate its residents’ civil rights.³ Because no existing party adequately represents Virginia’s fundamental interest in this case and no party will be prejudiced by permitting intervention at this early stage of the litigation, the Commonwealth’s motion to intervene should be granted.

STATEMENT OF FACTS

Respondents have applied the Executive Order to individuals with lawful permanent resident status, to persons with valid student and work visas, and to individuals who would seek asylum in the United States.⁴ The Executive Order provides, in pertinent part:

¹ *Alfred L. Snapp & Son v. Puerto Rico*, 458 U.S. 592, 608 (1982).

² *Id.* at 602.

³ *See New York v. Town of Wallkill*, No. 01-Civ-0364, 2001 U.S. Dist. LEXIS 13364, at *5 (S.D.N.Y. Mar. 16, 2001) (“Based on this premise, courts of appeals and district courts routinely have permitted states to use the basic law enforcement tool of *parens patriae* litigation to seek remedies for civil rights violations.”).

⁴ Section 5 of the Executive Order suspends the U.S. Refugee Admissions Program for 120 days, indefinitely bars the admission of Syrian refugees, caps the number of refugees at 50,000 for

Sec. 3. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. (a)

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

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

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

...

(g) Notwithstanding a suspension pursuant to subsection (c) of this section or pursuant to a Presidential proclamation described in subsection (e) of this section, the Secretaries of State and Homeland Security may, on a case-by-case basis, and when in the

2017, and allows for “case-by-case” exceptions such as “when the person is a religious minority in his country of nationality facing religious persecution.”

national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.

Section 3 effectively bans anyone from Iran, Iraq, Syria, Sudan, Libya, Yemen, and Somalia from entering the United States for the next 90 days unless they are U.S. citizens or “foreign nationals traveling on diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, and G-4 visas.” Critically absent from that list are legal permanent residents, as well as persons possessing J-2 visas, H-1B visas, student visas, and visitor visas.

After President Trump signed the Executive Order, numerous individuals legally traveling to the United States were detained in airports worldwide.⁵ The named petitioners in this case are two legal permanent residents, Tareq Aqel Mohammed Aziz and Ammar Aqel Mohammed Aziz, who were detained at the Washington-Dulles International Airport when they landed on January 28, 2017.⁶ CBP has declined to release information about the number of persons it has detained, but the petition alleges that at least 50 to 60 other legal permanent residents were likewise detained at Dulles.⁷ This Court granted a temporary restraining order on January 28, 2017, ordering that “respondents shall permit lawyers access to all legal permanent residents being detained at Dulles” and that “respondents are forbidden from removing petitioners . . . for a period of 7 days.”⁸ The amended petition filed on January 30, 2017 states that the Petitioners “were handcuffed, detained, forced to sign papers that they neither read nor

⁵ Liam Stack, *Trump’s Executive Order on Immigration: What We Know and What We Don’t*, N.Y. Times (Jan. 29, 2017) (“The immigration ban unleashed chaos on the immigration system and in airports in the United States and overseas . . .”), <https://www.nytimes.com/2017/01/29/us/trump-refugee-ban-muslim-executive-order.html>.

⁶ Pet. for Writ of Habeas Corpus ¶ 1, ECF No. 1.

⁷ *Id.* ¶ 2.

⁸ Temporary Restraining Order at 1, ECF No. 3.

understood, and then placed onto a return flight to Ethiopia just two and a half hours after their landing.”⁹ The Respondents also never allowed “arriving immigrants access to legal counsel.”¹⁰

But the full extent of the Executive Order’s impact remains unclear. Because the government has not complied fully and transparently with this Court’s TRO, the Commonwealth has been hindered in its ability to identify the Virginia residents who have been detained at Dulles, moved to an immigration detention facility, or removed from the country.

Additionally, Virginia public universities and their administration, faculty, students, and families are being harmed by the Executive Order. For example, Virginia Tech obtains H-1B visas for faculty members and has a number of employees on such visas. After the January 27 Executive Order, employees from those countries can no longer enter (or exit) the United States. Virginia Commonwealth University has approximately 100 to 150 students who will be unable to reenter the United States to continue their education (or, alternatively, leave to visit their families).¹¹ Students who are unable to perform their course of study because they are denied entry to the United States will cease paying tuition, causing fiscal harm to Virginia’s colleges and universities. Faculty members and other educational personnel who are lawful permanent residents or visa holders but covered by the Executive Order are likewise unable to reenter or exit the United States, interfering with their employment relations and disrupting the operation of Virginia’s colleges and universities. Faculty members at several Virginia universities likely will be forced to forfeit their grant moneys if they are unable to travel.

In sum, there are countless residents of the Commonwealth—people who live in Virginia,

⁹ Am. Pet. ¶ 7.

¹⁰ *Id.* ¶ 4. Respondents claimed on January 31, 2017 that they had complied with this Court’s order.

¹¹ VCU also has a campus based in Qatar. The university’s educational programs rely on students and faculty from Qatar being able to travel to Richmond, Virginia.

who work in Virginia, or who attend school in Virginia—whose lives and livelihoods have been and will be irreparably disrupted by the January 27 Executive Order.

ARGUMENT

I. The Commonwealth satisfies the requirements to intervene as a matter of right under Rule 24(a).

Federal Rule of Civil Procedure 24(a) provides that “the court must permit anyone to intervene who . . . claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.” Would-be intervenors must show: “(1) an interest in the subject matter of the action; (2) that the protection of this interest would be impaired because of the action; and (3) that the applicant’s interest is not adequately represented by existing parties to the litigation.”¹² The Commonwealth satisfies each requirement.¹³

First, the Commonwealth has a substantial legal interest in this case. Virginia has a quasi-sovereign interest as *parens patriae* “in the health and well-being—both physical and economic—of its residents in general.”¹⁴ Here, the unconstitutional January 27 Executive Order irreparably harms residents of the Commonwealth who have been or will be denied access to their homes, their jobs, their families, and their education. Virginia has an independent interest in protecting its public universities from the academic disruption and fiscal impacts caused when students on academic visas are unable to continue their education (and stop paying their tuition), and when faculty and other personnel holding work visas or permanent-residence status cannot

¹² *Teague v. Bakker*, 931 F.2d 259, 260-61 (4th Cir. 1991).

¹³ The Commonwealth’s motion plainly is timely under Rule 24(a), having been filed within 3 days of the initial petition.

¹⁴ *Alfred L. Snapp & Son*, 458 U.S. at 607.

enter or leave the country.

Second, the Commonwealth's ability to protect its critical interests will be impaired if intervention is denied. While Petitioners have identified various constitutional issues with respect to those persons who are being detained without counsel at Dulles Airport, the problems with the January 27 Executive Order extend beyond Dulles. In the process of resolving the urgent, emerging issues at Dulles, the Court also will be considering the constitutional infirmities of the January 27 Executive Order. Doing so without affording the Commonwealth the opportunity to litigate additional reasons why the January 27 Executive Order should be enjoined would prejudice Virginia in a later case.

Third, the Commonwealth easily satisfies the "minimal" requirement that its interests are inadequately represented by existing parties to the case.¹⁵ Petitioners are rightly focused on the individuals illegally removed from the United States, or detained at Dulles, including those who have been denied access to counsel in violation of the TRO. The Commonwealth too desires that those individuals' constitutional rights be respected. In addition to those individuals, the Commonwealth also seeks relief on behalf of all residents of the Commonwealth whose lives have been thrown into turmoil by the January 27 Executive Order.

II. Alternatively, the Court should permit the Commonwealth to intervene under Rule 24(b).

Under Rule 24(b), "the court may permit anyone to intervene who . . . has a claim or defense that shares with the main action a common question of law or fact." "[T]he movant must satisfy three requirements: (1) the motion is timely; (2) the existence of a shared question of law

¹⁵ *Teague*, 931 F.2d at 262 (citing *Trbovich v. United Mine Workers*, 404 U.S. 528, 538 n.10 (1972)). See also *JLS, Inc. v. Pub. Servs. Comm'n of W. Va.*, 321 F. App'x 286, 290 (4th Cir 2009) ("[W]hen a governmental agency's interests appear aligned with those of a particular private group at a particular moment in time, 'the government's position is defined by the public interest, [not simply] the interests of a particular group of citizens.'" (citation omitted)).

or fact in common with the main action; and (3) no undue delay or prejudice to the existing parties will result from the intervention.”¹⁶ “[L]iberal intervention is desirable to dispose of as much of a controversy ‘involving as many apparently concerned persons as is compatible with efficiency and due process.’”¹⁷ “The principal consideration . . . is ‘whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.’”¹⁸

As previously explained, the Commonwealth’s motion to intervene has been timely filed and addresses the same legal question (whether the January 27 Executive Order is constitutional) and involves similar facts (the status of individuals who have the legal right to be in the United States but are being denied admission or detained). The Commonwealth’s motion to intervene comes on the second business day after plaintiffs’ petition was filed. Consequently, no party will be prejudiced nor will the case be delayed.

CONCLUSION

For the reasons stated, the Commonwealth’s motion to intervene as a plaintiff should be granted.

Respectfully submitted,

COMMONWEALTH OF VIRGINIA,

By: /s/
Stuart A. Raphael (VSB No. 30380)
Solicitor General

Office of the Attorney General
202 North Ninth Street
Richmond, Virginia 23219

¹⁶ *United States v. North Carolina*, No. 1:16CV425, 2016 U.S. Dist. LEXIS 174103, at *9 (M.D.N.C. Dec. 16, 2016).

¹⁷ *Feller v. Brock*, 802 F.2d 722, 729 (4th Cir. 1986).

¹⁸ *U.S. Postal Serv. v. Brennan*, 579 F.2d 188, 191 (2d Cir. 1978).

(804) 786-7240 – Telephone
 (804) 371-0200 – Facsimile
 sraphael@oag.state.va.us

Mark R. Herring
 Attorney General of Virginia

Trevor S. Cox (VSB No. 78396)
 Deputy Solicitor General
 tcx@oag.state.va.us

Matthew R. McGuire (VSB No. 84194)
 Assistant Attorney General
 mmcguire@oag.state.va.us

Counsel for Commonwealth of Virginia

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to the counsel of record for Petitioners and Respondents.

By: /s/
 Stuart A. Raphael

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

TAREQ AQEL MOHAMMED AZIZ, et al.,)	
)	
Petitioners,)	
)	
v.)	Civil Action No. 1:17-cv-116
)	
DONALD TRUMP, President of the United)	
States, et al.,)	
)	
Respondents.)	

THE COMMONWEALTH OF VIRGINIA’S MOTION TO INTERVENE

The Commonwealth of Virginia respectfully moves to intervene as a plaintiff in this case under Rule 24 of the Federal Rules of Civil Procedure. The Commonwealth is entitled to intervene of right under Rule 24(a) because no existing party adequately represents Virginia’s interest in protecting its residents from the ongoing unlawful enforcement of the recent Executive Order, “Protecting the Nation from Foreign Terrorist Entry into the United States,” signed by President Donald J. Trump on January 27, 2017.

The Commonwealth has substantial interests justifying its intervention. Virginia has a substantial interest in protecting its public universities and their faculty and students from the academic and fiscal disruption posed by the Executive Order. The Executive Order impairs the ability of students who are lawful permanent residents or present on student visas from continuing to attend Virginia’s public colleges and universities. That impairment will hamper the ability of Virginia’s colleges and universities to attract and retain foreign students in the future and result in a significant loss of tuition revenue to the Commonwealth. The Executive Order also hinders the travel of faculty members and other educational personnel employed by

Virginia's public colleges and universities. Faculty members and students who are unable to travel likely will be forced to forfeit their grant moneys. Moreover, Virginia has a quasi-sovereign interest "in the health and well-being—both physical and economic—of its residents in general," which will be impaired if Virginia is not permitted to intervene. *Alfred L. Snapp & Son v. Puerto Rico*, 458 U.S. 592, 607 (1982).

Alternatively, the Commonwealth should be granted permissive leave to intervene under Rule 24(b). The Commonwealth's claims against the United States share common questions of law and fact with Petitioners' claims, and no party will be prejudiced by permitting the Commonwealth's intervention at this early stage of the litigation, on the second business day after the original complaint was filed.

For the reasons provided here and in the memorandum of law in support of intervention, the Commonwealth respectfully requests that the Court grant its motion to intervene. Virginia has attached a proposed order.

Counsel for the Commonwealth has conferred with Petitioners' counsel, who has consented to the Commonwealth's intervention. Counsel for the Commonwealth has sought the position of the United States and has spoken with the First Assistant United U.S. Attorney in the Eastern District of Virginia, but as of this filing does not have the government's position.

Respectfully submitted,

COMMONWEALTH OF VIRGINIA,

By: _____ /s/
 (b)(6), (b)(7)(C) (VSB No. 30380)
 Solicitor General

Office of the Attorney General
 202 North Ninth Street

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

TAREQ AQEL MOHAMMED AZIZ, et al.,)
)
 Petitioners,)
)
 v.)
)
 DONALD TRUMP, President of the United)
 States; U.S. DEPARTMENT OF HOMELAND)
 SECURITY; U.S. CUSTOM AND BORDER)
 PROTECTION; JOHN KELLY, Secretary of)
 DHS; KEVIN K. MCALEENAN, Acting)
 Commissioner of CBP; and WAYNE BIONDI,)
 Customs and Border Protection (CBP) Port)
 Director of the Area Port of Washington, Dulles.)
)
 Respondents.)

Civil Action No. 1:17-cv-116

ORDER

THIS MATTER IS BEFORE THE COURT on the Motion to Intervene filed by the Commonwealth of Virginia on January 31, 2017. In consideration of the arguments advanced, it is hereby

ORDERED that the Commonwealth's Motion to Intervene is GRANTED.

Date: _____ Entered: _____
Judge Leonie M. Brinkema

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 9:29 AM
To: (b)(6), (b)(7)(C)
Cc: CBP IAD WATCH COMMANDER
Subject: RE: Litigation EO Processing at CBP IAD Spreadsheet

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

(b)(6), (b)(7)(C)
CBP Assistant Chief Counsel (Baltimore)
T: (b)(6), (b)(7)(C) C: (b)(6), (b)(7)(C) F: (b)(6), (b)(7)(C)
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From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 8:53 PM
To: (b)(6), (b)(7)(C)
Cc: CBP IAD WATCH COMMANDER (b)(7)(E)
Subject: Litigation EO Processing at CBP IAD Spreadsheet
Importance: High

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

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

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

Thanks,

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

Watch Commander
CBP Passenger Operations
Washington Dulles International Airport
Department of Homeland Security

Tele: **(b)(6), (b)(7)(C)**
Cell: **(b)(6), (b)(7)(C)**
Fax: **(b)(6), (b)(7)(C)**

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 10:18 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: FW: Follow-up on EDVA -- need for information

(b)(5)

(b)(6), (b)(7)(C)
Assistant Chief Counsel (Baltimore)
U.S. Customs and Border Protection
Ph: (b)(6), (b)(7)(C) / Cell: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 10:03:09 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: RE: Follow-up on EDVA -- need for information

(b)(5)

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: (b)(6), (b)(7)(C)
Date: 2/2/17 9:32 PM (GMT-05:00)
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: Follow-up on EDVA -- need for information

(b)(6), (b)(7)(C) see (b)(6), (b)(7)(C) follow up response.

(b)(5)

(b)(5)

Thanks,

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

Watch Commander
CBP Passenger Operations
Washington Dulles International Airport
Department of Homeland Security

Tele: **(b)(6), (b)(7)(C)**
Cell: **(b)(6), (b)(7)(C)**
Fax: **(b)(6), (b)(7)(C)**

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

Sent: Thursday, February 02, 2017 9:09 PM

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

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

Subject: FW: Follow-up on EDVA -- need for information

(b)(5)

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

Assistant Chief Counsel (Baltimore)
U.S. Customs and Border Protection

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

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

Sent: Thursday, February 02, 2017 9:03:37 PM

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

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

Subject: RE: Follow-up on EDVA -- need for information

(b)(5)

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

Senior Litigation Counsel
United States Department of Justice
Office of Immigration Litigation - District Court Section

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

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Sent: Thursday, February 02, 2017 9:00 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

Subject: FW: Follow-up on EDVA -- need for information

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

Thanks,

(b)(6), (b)(7)(C)
Watch Commander
CBP Passenger Operations
Washington Dulles International Airport Department of Homeland Security
Tele:
Cell: (b)(6), (b)(7)(C)
Fax:

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

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 8:25 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) >>

Subject: RE: Follow-up on EDVA -- need for information

(b)(5)

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Date: 2/2/17 8:17 PM (GMT-05:00)
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: Follow-up on EDVA -- need for information

(b)(5)

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

CBP Assistant Chief Counsel (Baltimore)
T: (b)(6), (b)(7)(C) / C: (b)(6), (b)(7)(C) / F: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
ov>>
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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 4:38 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
C: (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) >> (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: Follow-up on EDVA -- need for information

(b)(5)

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

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

Senior Litigation Counsel

United States Department of Justice

Office of Immigration Litigation - District Court Section

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

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

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 7:19 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: RE: Follow-up on EDVA -- need for information

Thanks.

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 6:41 PM
To: (b)(6), (b)(7)(C); (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: Follow-up on EDVA -- need for information
Importance: High

ALCON,

(b)(5)

Thanks,

(b)(6), (b)(7)(C)
Watch Commander
CBP Passenger Operations
Washington Dulles International Airport
Department of Homeland Security
Tele: (b)(6), (b)(7)(C)
Cell:

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

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 4:58 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: Follow-up on EDVA -- need for information

(b)(5)

(b)(6), (b)(7)(C) or I will call you later to discuss. Thanks

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

Assistant Chief Counsel (Baltimore)
U.S. Customs and Border Protection
Ph (b)(6), (b)(7)(C) Cell (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 4:37:42 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: Follow-up on EDVA -- need for information

(b)(5)

(b)(5)

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

Senior Litigation Counsel
United States Department of Justice
Office of Immigration Litigation – District Court Section

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

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 7:43 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: RE: Answers so far, still working on #5

Thanks.

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 7:40 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: Answers so far, still working on #5

(b)(5)

Thanks,

(b)(6), (b)(7)(C)
Watch Commander
CBP Passenger Operations
Washington Dulles International Airport
Department of Homeland Security
Tele:
Cell: (b)(6), (b)(7)(C)
Fax:

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 7:35 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: ANSWERS SO FAR, STILL WORKING ON #5

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

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 7:32 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: Answers so far, still working on #5

(b)(5)

(b)(6), (b)(7)(C)
Senior Litigation Counsel
United States Department of Justice
Office of Immigration Litigation -- District Court Section

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

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 7:32 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: Answers so far, still working on #5

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

(b)(5)

Thanks.

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

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 7:21 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: Answers so far, still working on #5

(b)(5)

(b)(5)

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

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

Senior Litigation Counsel

United States Department of Justice

Office of Immigration Litigation – District Court Section

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

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

Sent: Thursday, February 02, 2017 7:19 PM

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

Cc:

Subject: Answers so far, still working on #5

(b)(5)

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

CBP Assistant Chief Counsel (Baltimore)

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

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

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 4:58 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: FW: Follow-up on EDVA -- need for information
Attachments: Copy of EO PAX Processed.xlsx

Please see some questions from the DOJ that they would like answers for prior to their hearing tomorrow morning at 10 a.m.

(b)(6), (b)(7)(C) will call you later to discuss. Thanks

(b)(6), (b)(7)(C)
Assistant Chief Counsel (Baltimore)
U.S. Customs and Border Protection
Ph: (b)(6), (b)(7)(C) Cell: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 4:37:42 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: Follow-up on EDVA -- need for information

Thanks for chatting with us and giving us the state of play. Just to memorialize in one place what we need by 10 AM tomorrow:

(b)(5)

(b)(5)

And thanks again for your help on this. We this information in tow hopefully we'll have an at least moderately successful hearing tomorrow!

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

Senior Litigation Counsel

United States Department of Justice

Office of Immigration Litigation – District Court Section

Post Office Box 868 | Ben Franklin Station | Washington, DC 20044

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

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From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 5:31 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: Follow-up on EDVA -- need for information

Thanks. I appreciate the followup.

(b)(6), (b)(7)(C)
CBP Assistant Chief Counsel (Baltimore)
T: (b)(6), (b)(7)(C) C: (b)(6), (b)(7)(C) F: (b)(6), (b)(7)(C)
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From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 5:30 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: Follow-up on EDVA -- need for information

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

(b)(5)

Thanks,

(b)(6), (b)(7)(C)
Watch Commander
CBP Passenger Operations
Washington Dulles International Airport
Department of Homeland Security
Tele: (b)(6), (b)(7)(C)
Cell: (b)(6), (b)(7)(C)
Fax: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 10:58 PM

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

Subject: RE: Follow-up on EDVA -- need for information

(b)(5)

Thanks,

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

Watch Commander
CBP Passenger Operations
Washington Dulles Airport
Department of Homeland Security
Office (b)(6), (b)(7)(C)
Cellphone (b)(6), (b)(7)(C)

Sent from mobile device.

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 10:17:53 PM
To: (b)(6), (b)(7)(C)
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Subject: FW: Follow-up on EDVA -- need for information

(b)(5)

(b)(6), (b)(7)(C)
Assistant Chief Counsel (Baltimore)
U.S. Customs and Border Protection
Ph: (b)(6), (b)(7)(C) Cell: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
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From: (b)(6), (b)(7)(C)
Date: 2/2/17 9:32 PM (GMT-05:00)
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Subject: FW: Follow-up on EDVA -- need for information

(b)(6), (b)(7)(C) see WC (b)(6), (b)(7)(C) follow up response.

(b)(5)

Thanks,

(b)(6), (b)(7)(C)
Watch Commander
CBP Passenger Operations
Washington Dulles International Airport
Department of Homeland Security
Tele: (b)(6), (b)(7)(C)
Cell: (b)(6), (b)(7)(C)
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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 9:09 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: Follow-up on EDVA -- need for information

See clarification request below.

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

Assistant Chief Counsel (Baltimore)
U.S. Customs and Border Protection

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

Cc:

Subject: RE: Follow-up on EDVA -- need for information

(b)(5)

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

Senior Litigation Counsel
United States Department of Justice
Office of Immigration Litigation - District Court Section

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

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

Subject: FW: Follow-up on EDVA -- need for information

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

Thanks,

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

Watch Commander
CBP Passenger Operations
Washington Dulles International Airport Department of Homeland Security
Tele:
Cell: **(b)(6), (b)(7)(C)**
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(b)(6), (b)(7)(C) <**(b)(6), (b)(7)(C)**>
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(b)(5)

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CBP Assistant Chief Counsel (Baltimore)
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(b)(6), (b)(7)(C)

Subject: Follow-up on EDVA -- need for information

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

(b)(6), (b)(7)(C)
Senior Litigation Counsel
United States Department of Justice

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

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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

TAREQ AQEL MOHAMMED	.	Civil Action No. 1:17CV116
AZIZ, et al.,	.	
	.	
Petitioners,	.	
	.	
vs.	.	Alexandria, Virginia
	.	February 3, 2017
DONALD TRUMP, President of	.	10:00 a.m.
the United States, et al.,	.	
	.	
Respondents.	.	
	.	
.	

TRANSCRIPT OF MOTIONS HEARING
BEFORE THE HONORABLE LEONIE M. BRINKEMA
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PETITIONERS:	SIMON SANDOVAL-MOSHENBERG, ESQ. Legal Aid Justice Center 6066 Leesburg Pike, Suite 520 Falls Church, VA 22041 and PAUL W. HUGHES, ESQ. Mayer Brown LLP 1999 K Street, N.W. Washington, D.C. 20006
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FOR THE RESPONDENTS:	EREZ R. REUVENI Senior Litigation Counsel United States Department of Justice Civil Division, Office of Immigration Litigation P.O. Box 868 Ben Franklin Station Washington, D.C. 20044
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(APPEARANCES CONT'D. ON FOLLOWING PAGE)

(Pages 1 - 54)

COMPUTERIZED TRANSCRIPTION OF STENOGRAPHIC NOTES

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APPEARANCES: (Cont'd.)

FOR THE RESPONDENTS: DENNIS C. BARGHAAN, JR., AUSA
United States Attorney's Office
2100 Jamieson Avenue
Alexandria, VA 22314

FOR INTERVENOR PLAINTIFF COMMONWEALTH OF VIRGINIA: MARK R. HERRING, Attorney General
STUART A. RAPHAEL
Solicitor General
Office of the Attorney General
202 North 9th Street
Richmond, VA 23219

FOR INTERVENOR PLAINTIFFS OSMAN NASRELDIN AND SAHAR KAMAL AHMED FADUL: TIMOTHY J. HEAPHY, ESQ.
Hunton & Williams LLP
2200 Pennsylvania Avenue, N.W.
Washington, D.C. 20037

OFFICIAL COURT REPORTER: ANNELIESE J. THOMSON, RDR, CRR
U.S. District Court, Fifth Floor
401 Courthouse Square
Alexandria, VA 22314
(703)299-8595

1 P R O C E E D I N G S

2 THE CLERK: Civil Action 17-116, Tareq Agel Mohammed
3 Aziz, et al., v. Donald Trump, President of the United States,
4 et al. Will counsel please note their appearances for the
5 record.

6 MR. RAPHAEL: Good morning, Your Honor. Stuart
7 Raphael from the Commonwealth of Virginia.

8 THE COURT: Good morning.

9 MR. HERRING: Good morning, Your Honor. Mark
10 Herring.

11 THE COURT: Good morning.

12 MR. HEAPHY: Good morning, Your Honor. I'm Jim
13 Heaphy at Hunton & Williams. I'm here for Osman Nasreldin and
14 Sahar Fadul.

15 THE COURT: Good morning.

16 MR. HEAPHY: Good morning.

17 MR. SANDOVAL-MOSHENBERG: Good morning, Your Honor.
18 Simon Sandoval-Moshenberg, Legal Aid Justice Center, appearing
19 pro bono for the Aziz petitioners; and with me is Paul Hughes
20 with the Mayer Brown law firm, who has been admitted pro hac
21 vice.

22 THE COURT: Good morning, counsel. We almost ran out
23 of seats for you-all, didn't we?

24 MR. BARGHAAN: And good morning, Your Honor.
25 Assistant United States Attorney Dennis Barghaan on behalf of

1 the respondents. With me today is Erez Reuveni from the Office
2 of Immigration Litigation at the Department of Justice, the
3 Civil Division, and he will be arguing the cause on behalf of
4 the respondents this morning.

5 THE COURT: Don't you want to do that, Mr. Barghaan?

6 MR. BARGHAAN: Can I plead the fifth?

7 (Laughter.)

8 THE COURT: You realize you'll be quoted on that one,
9 I'm sure. All right.

10 Well, I'm glad everybody is smiling this morning
11 because I hope we can resolve what's before us today in a good
12 and amicable and civil fashion. All right, we have several
13 motions before us, and I want to address the first one, which
14 is the motion to hold in abeyance. It's my understanding that
15 in terms of the two Aziz plaintiffs, they have worked out their
16 dispute with the United States. Is that correct?

17 MR. REUVENI: That is correct, Your Honor.

18 THE COURT: All right. Could you -- how close is
19 that resolution to being finalized?

20 MR. REUVENI: So we have a signed settlement document
21 that both parties have countersigned. It is not finally
22 executed; that will take several days. There are certain
23 conditions in the settlement that need to be -- need to occur
24 before the settlement is finally executed, at which point
25 our -- the terms of the settlement will lead to dismissal of

1 the Aziz brothers' claims.

2 THE COURT: But as you know, there were other, I
3 believe, 60 John Does also named in that complaint --

4 MR. REUVENI: Yes.

5 THE COURT: -- so that there are other claims that
6 still are potentially unresolved.

7 MR. REUVENI: I don't want to speak on behalf of
8 plaintiffs' counsel, but there is language in there that the
9 government believes addresses those claims as well. It just
10 leads -- it would lead to a dismissal without prejudice, and if
11 those claims are picked up again, if individuals are identified
12 that can raise those claims, they'd be free to bring them
13 before the Court.

14 THE COURT: All right. Well, that, I think, then is
15 a segue into the motion from the commonwealth to intervene in
16 this case. Mr. Raphael?

17 MR. RAPHAEL: Your Honor, if I may, I think
18 Mr. Heaphy has a motion to intervene. It would make sense for
19 sequencing purposes for him to -- for the Court to address
20 that. I think he's going to be very brief.

21 THE COURT: All right, that's fine.

22 MR. HEAPHY: Thank you, Your Honor. Your Honor, good
23 morning again. I'm Tim Heaphy, and I'm here representing the
24 proposed intervenors Osman Nasreldin and Sahar Fadul.

25 We have filed a motion to intervene in this matter

1 because our clients are in a very same position as the
2 petitioner-plaintiffs, the Aziz brothers. Very briefly, Your
3 Honor, our clients are an American citizen, Mr. Nasreldin, and
4 his Somali fiancée, Ms. Fadul. She was on the very same flight
5 with the Aziz brothers from Ethiopia to Dulles Airport on
6 Friday, January 28.

7 She was detained at the airport, asked to sign a
8 paper, we believe, withdrawing her K-1 visa, which she had been
9 lawfully issued by the embassy in Sudan, and when she did sign
10 that document, despite the fact that she doesn't speak English
11 and did not understand it, she was immediately returned to
12 Ethiopia, and it is on that basis that we have filed the motion
13 to intervene and seek the Court's leave to help us reverse that
14 action and get her admitted on that lawfully issued K-1 visa.

15 THE COURT: So she's within those 60 John Does that
16 were part of the original case.

17 MR. HEAPHY: I believe so, Your Honor, but again --

18 THE COURT: Well, if she was at Dulles Airport --

19 MR. HEAPHY: She was.

20 THE COURT: -- she was among those.

21 MR. HEAPHY: She was. I think she was actually on
22 the same flight, Your Honor, yes. But again, we also represent
23 her American citizen husband, who is a resident of Colorado.

24 Now, we have also been offered a proposed resolution
25 by the United States. I think it is exactly the same

1 resolution that is offered the Aziz brothers, and that
2 essentially would be to return Ms. Fadul to the United States
3 on that originally executed K-1 visa, and we are inclined to
4 work with the United States to have that occur, but we do not
5 believe that the litigation should be held in abeyance.

6 Our preference is for Your Honor to grant our motion
7 to intervene because there are common questions of law and fact
8 at issue with our clients and the Aziz brothers, but until our
9 client is returned to the United States pursuant to that
10 agreement, this is a very live controversy.

11 THE COURT: All right.

12 MR. HEAPHY: As a matter of fact, we actually asked
13 the Court to set a deadline by which we would file a
14 substantive complaint, and if Ms. Fadul has been returned,
15 obviously, that would moot that, and we would withdraw for --
16 or seek to dismiss our case, but we believe, Your Honor, it's a
17 very live controversy, and unless and until Ms. Fadul is
18 returned to this country pursuant to this negotiated settlement
19 that we are attempting to work out with the government.

20 We don't have a signed document. We have had
21 discussions, but essentially, it would be to return our client
22 to the United States, which would then moot her substantive
23 claims.

24 THE COURT: Thank you.

25 MR. HEAPHY: So, Your Honor, again, we would just

1 move to formally intervene, and hopefully, the Court will grant
2 our motion.

3 THE COURT: All right.

4 MR. REUVENI: Good morning again, Your Honor. This
5 can be very short. We have an agreement in principle.
6 However, in case that doesn't come together, which I don't have
7 any reason to believe it should, there are very similar terms
8 that, as her counsel indicated, if that does not follow
9 through, intervention would not be appropriate in this case.

10 The individual who we are seeking to bring back
11 pursuant to this settlement we have in principle is not an
12 unlawful permanent resident is and not an immigrant visa
13 holder.

14 THE COURT: But she is somebody who went through a
15 carefully vetted review process, correct, before she got the
16 authorization to come here?

17 MR. REUVENI: That's absolutely correct.

18 THE COURT: That's absolutely correct, all right.

19 MR. REUVENI: She is a -- well, actually, sorry, let
20 me clarify.

21 THE COURT: All right.

22 MR. REUVENI: There are different levels.

23 THE COURT: I'm fully aware of that.

24 MR. REUVENI: A K-1 visa is a nonimmigrant visa that
25 fiances can use to come to the United States and within 90

1 days get married once they arrive here. It is not the same
2 level of rigorous review that may occur in the context of
3 refugees or in other sorts of review scenarios.

4 And the issues that would arise if this case -- and
5 we're not saying they can't bring their case. They can
6 certainly bring their case. It's just not the same nexus of
7 facts or events. It's not the same type of visa. It's not the
8 same type of legal issues. It's not the same sort of due
9 process rights that may be in play.

10 It would unnecessarily complicate this case and
11 essentially set up, if this case moves forward, which we very
12 much hope it does not at least not respect to the Aziz brothers
13 and with respect to the additional individual who wishes to
14 intervene, but it would set up two separate tracks before Your
15 Honor of a nonimmigrant track, an immigrant visa track, and a
16 lawful permanent resident track, so you'd have three separate
17 sets of legal issues.

18 THE COURT: Well, I don't know why it should. If, in
19 fact, the proper way of looking at this case is to simply draw
20 a line in the sand and say that any visas or other
21 authorizations to come into the United States that had gone
22 through the then existing appropriate processes before the
23 executive order went into effect should be implemented, and --
24 so that anybody, whether they're a refugee or they've got a K-1
25 visa or they've got a -- or they're a lawful permanent

1 resident, if that paperwork had gone through, they've been
2 properly vetted through the processes that we've had in place
3 up to this point, why should they not get the benefit of that?

4 Going forward is another question because the
5 executive order has changed that situation, but I'm looking
6 right now and I think most of the -- all of the issues in this
7 case right now are focused essentially on that, that people who
8 have already gotten the permission to be in this country or to
9 come to this country, why should that not be honored?

10 MR. REUVENI: Before I answer that, just one global
11 response to that. I don't know that the issues that the
12 commonwealth wishes to raise, but we'll talk about that later,
13 fall into that category, but with respect to the Aziz
14 plaintiffs and with respect to the individual with the K-1
15 visa, yes, our understanding is they all arrived here over the
16 weekend, which is why the United States government is looking
17 to resolve those particular issues.

18 If I may perhaps just suggest this as a course
19 forward with respect to the motion to intervene, we do have an
20 agreement in principle. At this point, we're simply
21 wordsmithing. There's no principle terms that are in
22 disagreement at this point between the parties.

23 Perhaps we table the motion to intervene for a short
24 period of time, allow us to reach a settlement, and we may not
25 even need to deal with these issues, but we can do that on a

1 short turnaround, if you don't object to that, of course, and
2 we don't have to address this on the legal matter -- on the
3 legal merits.

4 MR. HEAPHY: If I may, Your Honor, I do object to
5 that. We need to be intervened in this case.

6 THE COURT: You want a stake in this litigation just
7 in case.

8 MR. HEAPHY: We need to be in the case. We see it
9 exactly as Your Honor just articulated in your question. This
10 is a matter of whether or not people with lawful visas vetted
11 carefully by the United States government were wrongly and
12 unconstitutionally denied access. That's the situation
13 involving our client with the K-1 visa and those with the
14 immigrant visas.

15 There may be subtle factual distinctions that would
16 be relevant, but the common issues of law and fact in our view
17 compel intervention. We need to be a party in this case,
18 frankly, for leverage to enforce whatever settlement may ensue,
19 and we don't have a settlement until Ms. Fadul sets foot back
20 in the United States, and that has not happened yet.

21 THE COURT: I understand. Well, first of all, I want
22 to commend -- I want to commend the government for working so
23 quickly in trying to resolve these cases. That's great. And I
24 don't want to do anything that's going to interfere with that,
25 but I do agree with Mr. Heaphy that, number one, I think that

1 his clients have alleged sufficient common facts and issues of
2 law that are already included in the amended papers that have
3 been filed in the original case to justify the Court's exercise
4 of its discretion and to allow them to intervene, so the motion
5 is granted, all right?

6 MR. REUVENI: Your Honor, I understand the order, but
7 I just want to verify something for the record.

8 THE COURT: Yeah.

9 MR. REUVENI: I mean, we'll work this out going
10 forward, of course.

11 It is the government's understanding that
12 Mr. Heaphy's client is not in either of the two classes before
13 you in the current -- in the current state of this case. A
14 nonimmigrant visa is very different than an immigrant visa.
15 Very different equities attach. Very different processes
16 occur.

17 THE COURT: Yes, and --

18 MR. REUVENI: Putting that aside --

19 THE COURT: Right.

20 MR. REUVENI: Putting that aside, going forward if we
21 need to, we'll elaborate on that.

22 THE COURT: Thank you.

23 All right, Mr. Raphael?

24 MR. RAPHAEL: Thank you, Your Honor. I stood up
25 before because the permissive intervention and intervention of

1 right issues that you were just talking about are obviously at
2 issue in our case with our motion as well. So we do have a
3 motion to intervene. We filed that on Tuesday. On Wednesday,
4 we filed a proposed complaint in intervention.

5 And I think it's important to start from the
6 standpoint that at this stage of the proceeding, there are now
7 two parties in the case that are in that have, that clearly
8 have standing, and the law is clear, as I believe the
9 government cited in its papers, that you only need one
10 plaintiff to have standing in order for the Court to be able to
11 exercise its Article III jurisdiction.

12 So I'm going to get to in a second why it's
13 absolutely clear that Virginia has standing because of direct
14 injuries to Virginia, but the government argued last night in
15 their brief that we don't have standing, and given that there
16 are now several parties who are plaintiffs in the case, the
17 Aziz brothers and Mr. Heaphy's clients, standing is just not a
18 question.

19 And the case I would cite for that is *Rumsfeld v.*
20 *Forum for Academic and Institution Rights*. It's 547 U.S. 47,
21 at -- pinpoint is 52, note 2, from 2006, where the Court said
22 the presence of one party with standing is sufficient to
23 satisfy Article III's case or controversy requirement.

24 So the government's principal objection to our motion
25 to intervene is that we don't have standing. It's just not an

1 issue given the current posture of the case.

2 They also suggest that the case is somehow mooted now
3 because they're working out a deal to whisk these other
4 plaintiffs back in exchange for their promising to dismiss
5 their cases once they get back to U.S. soil. That's just not
6 accurate as far as the law goes.

7 We cited to the Court *CVLR v. Wynne* in the papers we
8 filed last night. That's 792 F.3d 469, 475. And I have a copy
9 of that. If it would help the Court, I have a copy of that.

10 THE COURT: It's all right.

11 MR. RAPHAEL: Okay. Two sentences that appear at
12 page 475 of that, of that opinion, the first one is that most
13 courts -- this is in footnote 2 -- "Most courts that have
14 considered situations similar to Tosco" -- which was a Tenth
15 Circuit case -- "agree that when the motion to intervene is not
16 filed until after the underlying case is fully resolved, that
17 motion is moot."

18 The underlying case here is obviously not fully
19 resolved. The Aziz brothers and Mr. Heaphy's clients are in
20 the case, and it's not fully resolved, but more importantly, I
21 think this is sort of the -- the important language is further
22 down the page. The Fourth Circuit said, "To the contrary, the
23 case was live when Appellants moved to intervene, and remained
24 so when the district court denied the motion . . ."

25 So if the intervention motion is filed when the case

1 is a live controversy, that is all that is needed, even if the
2 underlying case later becomes moot. So you measure this as of
3 the time the motion to intervene was filed, and that was filed
4 on Tuesday, when this was absolutely a live controversy, and
5 still is.

6 Now, I'm going to address standing. We don't need to
7 because we've got existing parties that have it, but I want the
8 Court to be comfortable that we absolutely have direct injury
9 here. To have standing, you need an injury that's caused by
10 the conduct at issue and that would be redressed by the relief
11 that you're seeking, and we satisfy all three of those
12 requirements.

13 And I point out, by the way, that the federal court
14 in Massachusetts just yesterday in the *Louhghalam v. Trump*
15 case, docket 17-10154, granted Massachusetts' motion to
16 intervene in a case that has a very similar posture, and I
17 actually brought a copy of that order, which I'd be
18 delighted --

19 THE COURT: We've also seen that.

20 MR. RAPHAEL: Okay. Very good.

21 So what is the direct injury here? You know, in the
22 Massachusetts case, Massachusetts was arguing for a much sort
23 of broader notion of standing, to just protect citizens, you
24 know, allowing refugees to come to the state.

25 We're not, we're not challenging the refugee

1 provision in this case. We're here based on direct injury to
2 Virginia, and it's laid out in Taylor Reveley's declaration,
3 which we filed yesterday. That's ECF 32.

4 In the commonwealth, in our 14 colleges and
5 universities, not to mention our community colleges, there are
6 more than 350 students alone at VCU, Virginia Tech, George
7 Mason, UVA, and William & Mary, 350 students who come from
8 these banned countries. There are numerous others at other
9 schools. We haven't been able to tally them all up yet, but
10 that's a lot of students coming to our public schools.

11 We know at this point based on Mr. Reveley's
12 declaration, and this is paragraph 5, there are dozens of
13 employees and faculty who have work visas or LPR status who
14 come from these banned countries.

15 We know of at least two students who are trapped and
16 cannot get back to the United States. One of them is an
17 Iranian doctoral candidate who needs to come back to have his
18 examination for his dissertation, and he was planning to come
19 with his wife. They've been issued visas, and then they were
20 cancelled. They can't get here. And they need to do that this
21 semester.

22 And then we know of a young lady who is a student at
23 George Mason University who's from Libya. Her visa was
24 cancelled when she was in Turkey, and she's stuck in Turkey.

25 Now, to the government's credit, they've been working

1 with us to try to get the information needed so they can free
2 her to come back, and that's one reason why we were willing to
3 set the TRO -- the preliminary injunction hearing for next
4 Friday rather than for, for this Friday, but I think that
5 demonstrates the irreparable harm and injury to Virginia's
6 interests that the executive order is causing right now.

7 There are other harms that are laid out in
8 Mr. Reveley's declaration. For example, a number of scholars
9 have cancelled their travel plans to international conferences.
10 They're afraid to leave the country because they won't be able
11 to get back, and those include some Iranian-born faculty and
12 students. That's paragraph 7 of Mr. Reveley's declaration.

13 We have examples of visiting scholars who've
14 cancelled their plans to come here. There are five people in
15 that category, paragraph 9 of Mr. Reveley's declaration.

16 There are a number of students who have now withdrawn
17 their applications to come to our schools. We're aware of two
18 Sudanese applicants and a handful of Iranian engineering
19 students who, who have withdrawn their applications. That's
20 lost opportunity and lost -- and if you have to put it in
21 monetary terms, obviously, this is much bigger than that, but
22 if you have to put it in monetary terms, that's lost revenue to
23 the commonwealth.

24 All of those direct injuries are plainly caused by
25 the executive order, and they will plainly be redressed by the

1 injunction that we're seeking. We absolutely have standing.

2 Now, the primary group we're here to protect are the
3 students and faculty at our universities and colleges, but we
4 are also here to protect Virginia residents who are here on LPR
5 or work or student visas even if they're not going to our
6 schools, and we have standing for that, too, because they are
7 taxpayers.

8 Under IRS Publication 519, at page 3 to 4, the IRS
9 rules provide that green card holders and others who have been
10 substantially present in the U.S. are considered U.S. residents
11 for tax purposes, and Virginia follows that rule. It's on our
12 Web site under the residency status page at the Department of
13 Taxation Web site. It says, "If you are a resident or a
14 nonresident alien required to file a federal income tax return,
15 and you meet the definition of a Virginia resident, part-year
16 resident or nonresident and other filing requirements, you must
17 file a Virginia return, unless exempted from the requirement by
18 federal treaty."

19 So they're taxpayers, and if they can't be here, we
20 lose that tax revenue. And that kind of trivializes what's
21 really important here, but that's plainly a pecuniary interest
22 that the commonwealth has.

23 And if you need case law to back that up, I've got
24 two suggestions. Number one, *Corr v. MWAA*. That was the
25 Dulles Toll Road case which Judge Trenga decided; and, you

1 know, when I represented MWAA on that case, I argued that the
2 toll payers didn't have standing because a zillion people pay
3 tolls, and that it's not adequate to restrict who the
4 plaintiffs could be, and I persuaded him I was right, but the
5 Fourth Circuit reversed in that case.

6 The Fourth Circuit held -- and this is at 740 F.3d
7 295 (2014) -- the Fourth Circuit held that paying like a \$2
8 toll was enough to give them standing to complain that MWAA was
9 unconstitutional, and the Fourth Circuit let that case go
10 forward. And so if paying \$2 is enough for standing, certainly
11 everything that the commonwealth is losing here is enough for
12 standing.

13 And one other case I'd cite is *Texas v. United*
14 *States*, the Fifth Circuit case from 2015, 787 F.3d 733. You
15 know, Texas challenged President Obama's DAPA policy, and their
16 basis for standing was that because the federal government
17 deemed these people from other countries to be lawfully
18 present, Texas had to spend \$131 on each of them in order to
19 issue them a license or some kind of identifying paper, and
20 that was enough for standing in Texas.

21 So given that low bar, we amply meet it here. We
22 clearly have standing, but again, we don't need it because
23 there are two parties in the case who have it.

24 Now, we have sought both permissive standing --
25 permissive intervention and as of right intervention, and I

1 think I'm going to flip it and take permissive first because
2 it's really, frankly, the easiest way for the Court to decide
3 it. It's totally in your discretion to do it, and this is
4 where I was going to stand up for Mr. Heaphy's client, because
5 I think it's easy to think of his motion to intervene in a very
6 narrow way like we're just dealing with his two clients.

7 This is a much bigger issue, and I think there's a
8 very good chance that you're going to be seeing a lot more
9 motions to intervene, and that's why it's important to
10 understand what permissive intervention is all about.

11 There are three elements. The first one, 24(b)(1),
12 has to be timely. We're here in two days after the original
13 complaint was filed. That is clearly timely.

14 Number two, it has to involve a claim or defense that
15 share with the main action a common question of fact or law.
16 That's 24(b)(1)(B). We only need one of those elements.

17 Both of those elements are satisfied here. There's a
18 common legal claim that the executive order is
19 unconstitutional. We've pleaded the same theories as the
20 underlying complaint. There are also common facts arising from
21 the events this past weekend at Dulles. So for both of those
22 reasons, you clearly have permissive standing under element 2.

23 And there's a third one. The third element is
24 prejudice to the parties. This is 24(b)(3). It says: "In
25 exercising its discretion, the court must consider whether the

1 intervention will unduly delay or prejudice the adjudication of
2 the original parties' rights."

3 Well, there's plainly no prejudice to adjudicating
4 the Aziz brothers' rights. In fact, they consent to our
5 intervention. They're happy for us to be in this case. So no
6 prejudice to their rights.

7 Is there any prejudice to the government's rights?
8 Obviously not. Forcing the government to have to adjudicate
9 the constitutionality of the executive order sooner than they
10 would like to does not prejudice their rights. You're not
11 entitled to do a delay for delay's sake. So permissive
12 intervention is plainly established.

13 We cited a case at page 7 of our brief on this, ECF
14 No. 15, footnote 17, I want to bring to the Court's attention:
15 *Feller v. Brock*. It's 802 F.2d 722, 729 (4th Cir. 1986), and
16 it really captures the purpose of permissive standing --
17 permissive intervention.

18 The court said: ". . . [L]iberal intervention is
19 desirable" -- desirable -- "to dispose of as much of a
20 controversy 'involving as many apparently concerned persons as
21 is compatible with efficiency and due process.'" That was
22 tailor -- in other words, permissive intervention is
23 tailor-designed for exactly this kind of controversy, because
24 when it gets out that what the government is really doing is
25 anybody who comes forward to sue them will be allowed back in

1 the United States, there are a lot of people who are going to
2 want to come forward to take that deal, and you shouldn't make
3 them file a new lawsuit to do that. That's exactly what
4 permissive intervention is for.

5 Let me turn to intervention of right. The federal
6 court in Massachusetts, I know Your Honor is familiar with
7 that, granted Massachusetts' intervention of right as opposed
8 to discretion. It granted it as of right. Similar elements.
9 It has to be timely. We are, two days. You have to show that
10 the intervenor shares -- claims an interest relating to the
11 property or transaction that's the subject of the action and is
12 so situated that disposing of the action may as a practical
13 matter impair or impede the movant's ability to protect its
14 interest unless existing parties adequately represent that
15 interest.

16 I have articulated Virginia's substantial interest.
17 I think that's clearly satisfied. Virginia's interests will be
18 adversely affected were this executive order upheld, and as a
19 sovereign entity, we are plainly not represented by the Aziz
20 brothers or by Mr. Heaphy's clients, so all of those elements
21 are satisfied.

22 Now, you've heard the government say, well, the
23 claims by these plaintiffs and by Virginia are kind of
24 different claims so they shouldn't be in this case. That is
25 not the test for intervention. In the *CVLR* case, you had

1 different plaintiffs who were injured differently by the
2 defendants' common racketeering scheme.

3 Of course they were different claims. The issue is
4 is there a common claim of law or a common claim of fact, and
5 you plainly have that here.

6 Practicality is also a critical aspect of the
7 decision whether to allow intervention, and the Ninth Circuit
8 said in *Citizens for Balanced Use*, 648 F.3d 893, 897: "In
9 addition to mandating broad construction" -- and they're
10 talking about intervention of right -- "our review is guided
11 primarily by practical considerations, not technical
12 distractions."

13 Again, you should be using this vehicle to address
14 this controversy in a broader way than simply focusing on a
15 specific plaintiff's claim.

16 THE COURT: All right, thank you, Mr. Raphael.

17 Let me hear, Mr. Reuveni -- is that how you pronounce
18 your name?

19 MR. REUVENI: Yes, Your Honor.

20 THE COURT: All right. Mr. Reuveni, do you know --
21 first of all, since you are senior litigation counsel, are you
22 overseeing this litigation as a whole, or are you just
23 addressing it in this court?

24 MR. REUVENI: At the moment, I'm just addressing it
25 in this court, but we are, we are, as you know --

1 THE COURT: You're litigating all over the country.

2 MR. REUVENI: We're litigating everywhere right now.

3 THE COURT: Okay. So I would assume down the road,
4 there's going to be some uniform approach to this case -- these
5 cases.

6 MR. REUVENI: I would clearly hope so. It would
7 allow me to sleep more.

8 THE COURT: All right. Do you have any sense at this
9 point as to how many people have been affected by this, that
10 is, how many people to whom -- from these seven countries, how
11 many people had gotten some kind of visa or authorization to
12 enter the United States? Any idea? Are we talking thousands,
13 tens of thousands, hundreds of thousands, or you don't know?

14 MR. REUVENI: Well, I think it's important to
15 distinguish two things here in answering this question. There
16 are the group of people that made their plans, had their visas,
17 and attempted to come over right after the order was signed or
18 may have already been in the air. Let's call that the events
19 of the weekend, January 27th to the 29th. It's a very small
20 number. I don't have the exact figures. It's in the ballpark
21 of between 100 and 200 people. It's a very small --

22 THE COURT: Nationwide, not just coming to Dulles.

23 MR. REUVENI: Don't hold me to that, but let me make
24 sure that's correct as to Dulles versus nationwide, and I can
25 get that to you very quickly afterwards, but that's a much

1 smaller number than the folks that are abroad and can't come
2 here currently because their visas have been revoked, and so
3 the government has submitted in two separate lawsuits, the one
4 in Massachusetts and the one in New York, a notice -- we didn't
5 submit it here because we didn't believe it was relevant to the
6 specific facts at issue in this case, because it involved
7 immigrant visas and lawful permanent resident visas that had
8 come over over the weekend. Visas have been revoked. Over
9 100,000 visas have been revoked. That's the scope of this
10 thing. Those were revoked on Friday at 6:30 p.m.

11 That is not this lawsuit. It is not the lawsuit
12 Virginia wishes to bring, and it is not the lawsuit the
13 plaintiffs -- the named plaintiffs that are already in the case
14 wish to bring, and it is certainly not the lawsuit that the
15 intervenor who you've granted leave to participate, the K-1
16 visa, wishes to bring. Those two individuals and others
17 similarly situated, at least in this case, we are attempting to
18 bring them back and resolve those claims.

19 The individuals abroad who did not get on a plane
20 before any of this happened and are now trying to come into the
21 United States, a very different case, and the government at
22 this time is defending those cases.

23 THE COURT: But what's the logical difference?

24 MR. REUVENI: The logical difference is they are
25 folks that made plans and had sort of just call it a reliance

1 interest. While we were implementing this thing, our clients
2 were implementing the order, and it was a very chaotic 48 hours
3 for all of us, those folks seem to be the ones that have the
4 better argument from the government's perspective as to
5 something not completely perfect from the government's view
6 happened.

7 Those folks that are abroad right now and their visas
8 have been revoked, that's a totally different case, and if we
9 are given the opportunity, if that issue arises in this case
10 and it's certainly already arisen in the Massachusetts case and
11 potentially in the Washington case that the attorney general of
12 Washington is bringing, we would argue, the government would
13 argue that that visa revocation is a non-reviewable
14 discretionary decision committed to the executive discretion.
15 That's by statute, 8 U.S.C. 1201 and 8 U.S.C. 1155, but
16 obviously, we're getting ahead of ourselves here. That's not
17 this case, but that's why we would think that will be a very
18 different lawsuit.

19 So to the extent Your Honor is contemplating that as
20 being part of what you have before you right now, there are no
21 claims to that effect in this case, no plaintiffs in this case
22 with those types of claims. Virginia, I don't believe -- I've
23 seen the complaint that they filed last night or was it two
24 days ago, they don't raise those claims. That would be a very
25 different lawsuit, and there's already other cases addressing

1 that issue -- or where that issue is raised.

2 As to this case, as to the commonwealth and the
3 motion for intervention, I think it's absolutely fundamental
4 that they demonstrate standing if they want to participate in
5 this case or any case. If they were to file their own lawsuit,
6 they would have to have standing. If you grant them
7 intervention, they would still need to have standing because
8 when the Aziz plaintiffs and when the K-1 visa plaintiff, their
9 matters are resolved, there's no one left with standing, and
10 standing has to exist at every step of the lawsuit -- at its
11 commencement, at the motion for preliminary injunction stage,
12 at the motion to dismiss stage, and so on all the way up on
13 appeal. So if they don't have standing, they can't get in this
14 case. They can't bring any case.

15 So this is a pivotal issue to address, and it may not
16 be this venue in which it should be addressed. It should be in
17 their own case, with their own issues, with their own
18 plaintiffs or individuals they've identified through
19 declarations.

20 The issues here are not at all interrelated with the
21 issues I believe the commonwealth is attempting to bring before
22 Your Honor. The LPR issue that they raise, it's a moot point
23 now. We've all seen at this point, I think, the White House
24 guidance on that, and we submitted it with our papers last
25 night on the opposition --

1 THE COURT: But, you know, there's case law that just
2 because there has been a response to alleged illegal activity
3 doesn't get the parties totally off the hook.

4 MR. REUVENI: That's certainly true. I'm familiar
5 with that, Your Honor, but I would say in this case involving
6 the things that happened at Dulles, not a single lawful
7 permanent resident was turned around. They've all been
8 admitted into the United States. They're all in the United
9 States presently.

10 Not a single individual was turned around, so there
11 is no live controversy as to any lawful permanent resident,
12 including the Doe plaintiffs -- or the unnamed Doe plaintiffs.
13 They've all been admitted. We've confirmed that with our
14 client. Not a single lawful permanent resident arriving in
15 Dulles before your order came in and after you had entered Your
16 Honor's order, they've not been turned around. They have been
17 admitted. They're here in the United States.

18 And going forward, lawful permanent residents who
19 wish to come to the United States, the executive order is not
20 being applied to them. They are coming in. They're getting
21 into the United States.

22 So the lawful permanent resident issue from the
23 government's view in this case is a moot point. There are no
24 lawful permanent residents' interests at stake in this case any
25 longer, and so to the extent the commonwealth wishes to

1 piggyback on those interests to get into this case, that would
2 be inappropriate because those claims are moot, and there's no
3 live controversy as to any lawful permanent resident.

4 I do want to talk for a minute about the case that
5 the commonwealth raised with you a number of times concerning
6 its presentation, the *CVLR* case. So that's a very different
7 case. I've had an opportunity to see it as well as the
8 commonwealth. That is a case where a party moved to intervene,
9 and that motion was denied while the case was live. They
10 appealed the denial of the motion to intervene after the case
11 was resolved by the actual named parties.

12 The Court of Appeals said it could exercise its
13 appellate jurisdiction to address the issue of whether that was
14 an erroneous denial of the motion to intervene, and I think
15 it's important, the commonwealth left this part out when it was
16 reading various language to you, that case cites an earlier
17 case from the Fourth Circuit, *Atkins v. State Board*, 418 F.2d
18 at 876, that's a 1969 case: ". . . [A] court may treat
19 intervention as a separate action" only when "the intervenor
20 has an independent basis for jurisdiction."

21 So it's arguable whether that case has any bearing
22 here at all. The cases that are more relevant are those cases
23 cited in the federal government's brief at pages 3 through 4.
24 I'm referring to the Eleventh Circuit, the Tenth Circuit, the
25 Seventh Circuit, and the Ninth Circuit, all of which hold --

1 and the Ninth Circuit en banc at that -- the intervenor has to
2 have standing throughout the litigation. They can't piggyback
3 on standing, particularly where, as here, the actual parties to
4 the case, including the other intervenor who is now in the
5 case, want to resolve the case and move on.

6 We will meet Virginia in court; I have no doubt about
7 that. The question is simply is this case, with very different
8 issues of the actual named plaintiffs, the place to do that.

9 As I mentioned, we are defending these cases
10 nationwide. We're not trying to run and hide from Virginia.
11 We know we're going to be defending this in Virginia and
12 elsewhere. The question simply is whether it should be here in
13 this case.

14 As to the standing itself in this case, from what we
15 know now, Virginia seems to raise two theories as to standing.
16 They wish to sue on behalf of their citizens generally, but
17 that's a settled issue. The Supreme Court settled that in the
18 1920s in the *Mellon* case, and *Massachusetts v. E.P.A.* case in
19 2007 similarly revisited the issue and made clear *Mellon* is
20 still good law.

21 The fact that the federal government 's action causes
22 a general tax burden on your citizens does not provide you
23 parens -- and I'm going to mispronounce this; I'm terrible at
24 latin -- parens patriae jurisdiction or standing. That just
25 doesn't -- that is a nonstarter in the government's view, and

1 we have that in our papers and cases, and we're happy to give
2 you more on that if you'd like.

3 The other, the other injury they raise is the impact
4 to their public universities, and again, I think here it's
5 important to realize what is really being challenged: Federal
6 action in the federal space which is committed entirely to the
7 federal government under the separation of powers on the
8 state-federal system we have. So it is the federal government
9 that actually would have this general welfare of the citizenry
10 jurisdiction or standing to speak on behalf of individuals
11 affected by federal law, not Virginia.

12 And I can refer you specifically to cases addressing
13 this very issue. We have them in our papers. One,
14 *Pennsylvania v. Kleppe* (D.C. Cir. 1976), 533 F.2d 668, or if
15 it's easier, I'll just refer you to the pages in the brief
16 where that --

17 THE COURT: That's all right. We've read it.

18 MR. REUVENI: Okay. Very good. I didn't -- I have
19 no doubt you -- the -- so as to the actual individuals,
20 Virginia speaks in generalities, and that's really not what
21 standing requires. We need specific -- for there to be Article
22 III jurisdiction, there needs to be specific articulated injury
23 as to specific individuals, not the commonwealth writ large.

24 Their papers refer to individuals, generally
25 professors or students, and again, these are individuals who

1 are not similarly situated to the individuals that are
2 currently in this case. F-1 visas and J-1 visas, which would
3 refer to students coming to the commonwealth's universities,
4 those are nonimmigrant visas, and this is the issue I alluded
5 to earlier. This is a very different claim, very different
6 issues, very different legal defense the government would make
7 and different arguments that plaintiffs or the commonwealth
8 would make if that issue was in this case.

9 As to some of the other issues, the commonwealth
10 raised an establishment clause violation as a basis for
11 standing in this case. I'd just like to refer the Court to the
12 Ninth Circuit's decision on this very issue. It's called the
13 *Catholic League for Religious and Civil Rights v. City of San*
14 *Francisco*, 624 F.3d 1050. This one is not in our papers.
15 States cannot allege injury based on religious stigma or
16 spiritual or psychological harm derived from federal action or
17 state action based on -- or impacting religion in some way.

18 The commonwealth doesn't really address that in their
19 papers, but that's another impediment to jurisdiction going
20 forward.

21 Intervention as of right and permissive intervention,
22 their papers as to as of right are premised on the same
23 jurisdictional theory that they cannot rely on. That's the
24 general welfare of the citizenry. So I won't spend too much
25 time on that.

1 Permissive joinder, again, this case is winding down.
2 Well, at least the government believes as to the named
3 plaintiffs, it is winding down. Let me be clear on that. As
4 to also the intervenor you just granted intervention to, that
5 we can resolve very quickly.

6 And it is, it is our position that it is in the
7 interests of the United States to resolve these where it is
8 appropriate, and the commonwealth's papers suggest that we're
9 just trying to get out of a lawsuit. That's -- we're being
10 sued right now in ten different courts. We're going to be sued
11 tomorrow in 20 different courts. That's just not the case.
12 We're defending these cases. We're not playing games with the
13 courts. It's just a matter of whether these particular
14 plaintiffs and the issues in this case are the appropriate
15 vehicle for the commonwealth to come into court and have its
16 day in court, particularly where they at this time so far as
17 the government is concerned don't have standing to raise those
18 claims.

19 If you have any more questions on that, that's enough
20 for me.

21 THE COURT: All right. Well, the issue has been very
22 thoroughly briefed and argued. We've had, obviously,
23 relatively short periods of time for both counsel and the Court
24 to look at all this, but I am satisfied at this point that the
25 commonwealth has made a sufficient argument to establish that

1 it does have standing to enter into this lawsuit both under
2 permissive and as of right principles of intervention, and at
3 this point, I'm granting the motion and therefore will allow
4 the commonwealth to enter into this litigation.

5 There have been no objections from either the
6 original plaintiffs or from the new intervenor, and I therefore
7 find that it is not inappropriate to allow the commonwealth in
8 the case.

9 Now, part of the commonwealth's papers, however, and
10 I'm not actually going to hear a lot of argument on this today,
11 the commonwealth has included a motion for an order to show
12 cause, and I'm not going to grant that motion at this time, in
13 part because I am encouraged by the attitude of the government
14 that they're trying to resolve these cases, and I don't want to
15 stir up the waters unnecessarily.

16 This Court has always taken the position in any type
17 of civil litigation that the most successful litigation is that
18 which can be amicably and appropriately settled, and,
19 Mr. Barghaan, I know you and your office have a great deal of
20 experience with that, and I know the Department of Justice does
21 as well.

22 I have to tell you I've been on this bench a long
23 time. I was the judge that handled the September 11 case. I
24 have never had so much public outpouring as I have seen in this
25 case. It is amazing. I have spoken to some of the other

1 judges in the country who have these cases, and their
2 experience has been the same. This order touched something in
3 the United States that I've never seen before. People are
4 really upset.

5 Now, there is no question the president of the United
6 States has almost, almost unfettered discretion in matters of
7 international relations and in protecting the borders. There's
8 no question about that. But it's not unfettered. There are
9 limits.

10 And this case, this order went into -- was issued so
11 quickly, it's quite clear that there were not all the -- not
12 all the thought went into it that should have gone into it. As
13 a result, there has been chaos. I mean, the example being how
14 the, for lawful permanent residents, they were captured in this
15 order, and now the government has recognized that was a
16 mistake, and they have backed off of that.

17 But it is a real problem, it seems to me, when the
18 government has gone through the vetting process, has authorized
19 individuals to come to this country, and then without any kind,
20 from what we can tell, of significant fact-finding or any kind
21 of actual hard evidence that there is a need to rescind those
22 decisions, to revoke them.

23 Human beings have relied upon those decisions that
24 were made by hard-working government authorities. Families
25 have expected family members to be reunited with them.

1 Universities have expected students or faculty to be able to
2 come back. It has obviously thrown hundreds of thousands of
3 people into states of great discomfort, and it's something that
4 the government should think very carefully about how you want
5 to resolve all of these cases globally.

6 Again, I commend you for having taken the steps
7 you've taken so far, but I don't think it's far enough, and I
8 would hope that you would give serious thought to thinking more
9 broadly about how you want to address these issues.

10 In any case, we have this case scheduled for next
11 Friday for a hearing on a more permanent situation. At this
12 point, all I'm going to do, and I'll have some orders that
13 we'll issue at some point today, the injunction, the temporary
14 restraining order which we issued last Saturday was only for
15 seven days. That's how it was presented to the Court. I want
16 to leave that injunction in place, and I'm going to expand it
17 slightly, but only slightly, and you'll get it later today, but
18 it will be in place until next Friday.

19 I want to make sure that there is no slippage, and
20 that is, that lawful permanent residents clearly are allowed to
21 come back in. I understand the government has agreed to do
22 that. I want to make sure that it is done, so I want to
23 definitely keep that within the language of the injunction, and
24 at this point, that would be maintaining the status quo.

25 Plus, I am concerned about the representations in the

1 commonwealth's papers that although the order had clearly said
2 that people who are being held at Dulles should have the
3 opportunity to have access to counsel, that that was not being
4 done. Now, I understand from the government's papers that
5 there was some telephone arrangement that was set up. I don't
6 want to get into the details of that today other than to say
7 that the agents need to be careful at the airport not to
8 violate a court order because there are sanctions that can
9 result from that.

10 I'm not unsympathetic with the poor Customs and
11 Border Patrol officials at the airport Saturday and Sunday. It
12 was chaotic for everybody, and I'm certainly not going to find
13 that the people at the low level, who were just following
14 orders, that was too confusing a time to find that any of them
15 would have been in contempt.

16 Whether or not any of the people who are more in
17 control should have acted differently, I'm not in a position at
18 this point to address, and frankly, I don't think it furthers
19 the goal of trying to get these issues resolved by pushing for
20 contempt citations at this point.

21 It does appear as though the government is now
22 working diligently to resolve many of the ills involved, maybe
23 not all but many of the ills involved in the original case, and
24 that gives the Court some optimism in this respect, all right?
25 So unless there's anything else, I think I've resolved all the

1 issues.

2 Mr. Raphael?

3 MR. RAPHAEL: Yes, Your Honor, thank you. Just a
4 couple minor points. Just to be clear, we weren't seeking to
5 hold the government in contempt. We were seeking to have them
6 account for what they've done.

7 When Your Honor expands slightly the language of the
8 TRO, I would ask that you make clear that the requirement to
9 permit access to lawyers means in person access. The paragraph
10 7, I think it was, of the motion for a TRO made it clear that
11 there were lawyers waiting there to see these people. There
12 was nothing preventing them from seeing them if they were
13 allowed. They were all -- the people were gathered together.

14 And the government has apparently taken the position
15 that it didn't require in person access. So I think you need
16 to clarify that or -- they say maybe, maybe telephone access
17 was okay. We don't have any records --

18 THE COURT: They indicated -- and again, I wasn't
19 there; I don't know what was going on -- that the folks were
20 being held in the secondary inspection locations, and I don't
21 think counsel are permitted into the secondary area. That's
22 the problem.

23 And so -- but access can be -- I mean, prisoners all
24 the time have adequate access to counsel via telephone.

25 MR. RAPHAEL: Right. And my point is that we don't

1 have any records to show that, in fact, people were being
2 granted access, that the named plaintiffs and the intervenors
3 say that their phones were taken away. Mr. Heaphy's client
4 wasn't allowed to call her fiance.

5 Maybe that was before the TRO issued, but I think
6 that there is something very troubling about the fact that
7 there were so many lawyers there waiting to help, and not a
8 single one of them got to talk with any of the detainees. So I
9 would just ask the Court to make it clear that CBP must provide
10 access to lawyers who are on hand, willing and waiting to help,
11 or it's going to be unfair to these people.

12 THE COURT: All right. Let me hear the government's
13 response to that. I'm sorry, was there another thing?

14 MR. RAPHAEL: Yeah, I had a couple more points. Part
15 of the problem -- part of the consequence of the lawyers not
16 having access is there was a restriction on the flow of public
17 information. We know very little about what was going on
18 there. The fact that lawyers weren't involved means the
19 lawyers couldn't tell us what was going on there.

20 As you know, the attorney general sent a letter to
21 the government on last Sunday with these concerns and asking
22 for the names of Virginia residents who have been removed from
23 the country or blocked from entering, and so I would ask the
24 Court today to require the government to tell the commonwealth
25 of Virginia which Virginia residents have been denied entry or

1 have been removed from the country, and I would ask for the
2 name, the Virginia address, the foreign residence address, the
3 type of visa, a phone number where we can get in touch with
4 these Virginia residents, and an e-mail address if they have
5 it.

6 I would ask for that both retrospectively, anybody
7 whose visas were cancelled, and prospectively, any Virginia
8 resident whose visa is cancelled going forward, and the same
9 for people removed. If somebody's been removed from the
10 country, we'd like to know which Virginia residents were
11 removed both retrospectively and prospectively. I don't think
12 that's asking for a lot.

13 And I want to say one thing about the government's
14 good faith. I am, I am pleased that they are willing to whisk
15 people back when they come to our attention. They're not going
16 to come to our attention if we don't have this list because,
17 you know, please stand forward if you're not here, right? It's
18 hard to know who's affected. So I think that list is really
19 important.

20 And I don't, I don't want to be overly critical of
21 the government on this, but I think it's important to point out
22 that there appears to be some strategic maneuvering here not by
23 counsel but by counsel's client. So whenever one of these
24 folks comes forward and files a lawsuit and intervenes, they
25 are immediately presented with a deal that drop your case and

1 I'll bring your person back and dismiss your case with
2 prejudice, which is exactly why you need a vehicle like this
3 case, where you allow permissive intervention, but there's
4 something very troubling about the way this is playing out.

5 These people were excluded based on national origin
6 on the theory that they were a security risk, but if they can
7 file a lawsuit, you get right back unless you are a security
8 risk. So I'm very -- we're very troubled by that.

9 MR. HEAPHY: Your Honor, before the government goes,
10 can I just add one thing?

11 THE COURT: Yes.

12 MR. HEAPHY: Thank you. It's on the scope of your
13 order on counsel, Your Honor. My client now has a lawyer, and
14 that's me, and arguably, we would be protected by the temporary
15 restraining order in terms of access to counsel, and I just
16 want to be clear that I understand the Court's order correctly.
17 It applies to lawyers' access to all legal permanent residents
18 being detained at Dulles International Airport.

19 When it's extended, Your Honor, I would assume that
20 that allows me to have access to Ms. Fadul despite the fact
21 that she's in this K-1 status, not yet a lawful permanent
22 resident, that the Legal Aid Justice Center and Mayer Brown
23 also have access to their clients upon their return.

24 My understanding is that the government, through its
25 good faith efforts to resolve the case, are going to make

1 efforts to reinstate my client's visa, but when she arrives,
2 we'd very much like to be there and facilitate her processing
3 through CBP so that there is no confusion, that the order is
4 enforced.

5 THE COURT: Well, before this order went into effect,
6 what was the arrangement for access to counsel at Dulles
7 Airport?

8 MR. HEAPHY: I don't know, Your Honor.

9 THE COURT: All right.

10 MR. SANDOVAL-MOSHENBERG: If I may address that?

11 THE COURT: All right, Mr. Sandoval-Moshenber.

12 MR. SANDOVAL-MOSHENBERG: Thank you, Your Honor. My
13 practice, although I've been practicing immigration for
14 eight-and-a-half years, does not generally involve consular
15 processing, bringing people into the country, but I can tell
16 you that it is not the case that lawyers are never allowed to
17 speak with clients when those clients are taken, for example,
18 into credible fear interviews, for example. So it is -- it
19 would certainly not be the first time, you know, in the history
20 of Dulles Airport that attorneys are allowed back into the CBP
21 area.

22 THE COURT: All right.

23 All right?

24 MR. REUVENI: Maybe I can go now?

25 THE COURT: Yeah.

1 MR. REUVENI: Thank you. Let me take these in
2 reverse order, Your Honor, because there are a number of things
3 here, and it looks like we are going to argue some aspect of
4 the commonwealth's motion, even though we weren't going to, but
5 now we are.

6 You hit on this point earlier, and this is a line, I
7 think, that CBP would have to draw, and this is just, lawyers
8 do not get into secondary inspection unless that becomes a
9 custodial interrogation or a criminal investigation occurs and
10 a right to counsel attaches.

11 The INA is very clear on this, and I want to speak to
12 the Aziz attorney's point. Credible fear hearings, those are
13 an adjudicatory proceeding that you actually have by regulation
14 entitlement to counsel. You're not in secondary when that
15 happens. A credible fear hearing does not occur in secondary
16 with CBP. A credible fear hearing occurs in front of the
17 United States Citizenship and Immigration Service. Totally
18 different entity, not part of this lawsuit at least at this
19 time.

20 I am not aware of, no party has cited any case in
21 which any individual, including citizens returning to the
22 United States who would just go through normal secondary
23 process, have a lawyer in secondary. I don't think it's really
24 hard to imagine what sort of operational problems that may
25 present at the border, but more so in terms of trying to move

1 forward with this litigation and just getting past this weekend
2 and addressing the real issues, that's the sort of thing that
3 the government would probably have to look at very closely if
4 the order was expanding to that.

5 Actually, I will say this: The counsel, pro bono
6 counsel, we are not aware of anyone after Your Court -- Your
7 Honor's order was implemented who -- of anyone asking for
8 counsel who was a lawful permanent resident once they received
9 this document, because they were getting waived through very
10 quickly -- why would you want to talk to a lawyer if you're
11 getting admitted to the United States? -- which suggests things
12 were working fine once your order was operationalized.

13 So there's really -- the government would strongly
14 oppose, and this is really the only issue we're left -- we're
15 opposing here, expanding the order to apply to individuals who
16 are in secondary. That's not the law, and the INA doesn't
17 provide for it, and there's no constitutional right to that for
18 anyone, let alone arriving aliens who have never been admitted
19 to the United States before and have no ties or connection to
20 this country.

21 As to the commonwealth's request for a list, that
22 seems way beyond the scope of the TRO you entered, which had to
23 do with access to counsel, and the commonwealth never mentioned
24 this to us when we in good faith were discussing bringing back
25 these potentially one or two individuals they mentioned.

1 I want to -- since I mention that, I take issue with
2 the fact on behalf of the federal government that the
3 commonwealth is suggesting we're mooting cases out
4 strategically. Everyone in this courtroom knows very well we
5 have dozens of these across the country. Some of them we are
6 litigating; some of them we're not.

7 As to the events that happened on the weekend, those
8 seem like cases we're looking to resolve because that is an
9 entirely different scenario than people now trying to come to
10 the United States with a revoked visa. Those we're defending.
11 Those at this time we're continuing to defend. There's no
12 strategic mooting of cases out occurring here from the
13 government's view.

14 Back to the list, I mean, we would oppose that. We
15 don't see any reason for it right now, and frankly, it would
16 complicate moving forward with trying to resolve some of these
17 cases if we have to dig in and look for names, and I don't see
18 its relevance right now. I don't see its helpfulness to where
19 we are in this case right now, and at the very least, we would
20 request, Your Honor, an opportunity to provide a brief opposing
21 that.

22 THE COURT: Well, again, how many people do you think
23 as best you can tell were removed from Dulles over the weekend?

24 MR. REUVENI: So now that we're talking about not
25 just lawful permanent residents --

1 THE COURT: The whole --

2 MR. REUVENI: Everyone --

3 THE COURT: Yeah.

4 MR. REUVENI: -- trying to come into Virginia, I
5 don't know the answer because the answer I had before I came to
6 court today was limited to lawful permanent residents, which
7 was zero people removed over the weekend.

8 So I don't have the answer as to nonimmigrants, and I
9 don't have the answer as to individuals who had immigrant visas
10 but had not yet been admitted to the United States so had not
11 yet been lawful permanent residents.

12 THE COURT: And among -- I'm sorry, among the people
13 who were removed on Saturday and/or Sunday, did that include
14 refugees? If you know. If you don't know, I mean,
15 obviously -- yeah.

16 MR. REUVENI: No, I'd be speculating. I'd like to
17 say no, but I'm speculating.

18 THE COURT: All right.

19 MR. REUVENI: So I'll just go with I don't know right
20 now.

21 THE COURT: Okay.

22 MR. REUVENI: If need be, if necessary, I can find
23 out, but what I do know, not a single lawful permanent resident
24 even before your order was entered, between the time the
25 executive order was signed and your TRO was -- CBP received

1 notice of it, and thereafter, no lawful permanent residents
2 were removed. The government -- every single one has been
3 admitted to the United States that I'm aware of, and those that
4 would now proceed to continue to try to come to Dulles and get
5 on a plane, the way that they're supposed to be working is they
6 get on a plane, they arrive at Dulles, they don't otherwise
7 have some reason under the INA during the secondary inspection,
8 if they get through secondary, to be denied entry, they're
9 admitted to the United States.

10 THE COURT: Are lawful permanent residents normally,
11 normally required to go through secondary?

12 MR. REUVENI: No one is required to go through
13 secondary if they're a lawful permanent resident, but everyone
14 including citizens can be asked to go through secondary.

15 THE COURT: Right. All right, so there has never
16 been an established practice in the past that all LPRs must go
17 through secondary?

18 MR. REUVENI: I'm not aware of one.

19 THE COURT: And is that what's happening now? That
20 is, those LPRs who are being permitted, permitted back in the
21 country from those particular countries, are they all required
22 to go through secondary?

23 MR. REUVENI: Well, no. To be clear, we're talking
24 about two different points in time. So we're talking about the
25 weekend, and yes, at that time, lawful permanent residents were

1 going through secondary and then getting this waiver process
2 that the executive order anticipates and outlines, and they
3 were getting waived through pretty quickly, 15 to 30 minutes
4 after, by Sunday is my understanding.

5 Going forward, no. We have the White House guidance
6 that we attached to our intervention. The way that our --
7 opposition to intervention. The way that is being
8 operationalized, they are not, they are not going through
9 secondary.

10 If there is an independent reason other than the
11 executive order, as it would have been before the order was
12 signed on Friday, to go to secondary, they're going to
13 secondary, as everybody else would if the order didn't exist.

14 THE COURT: So it's your understanding that lawful
15 permanent residents now are being treated exactly the -- from
16 those seven countries are being treated the same as they would
17 have been treated a year ago.

18 MR. REUVENI: Correct. So the guidance and the way
19 that it's being implemented, sections 3(c) and 3(e) of the
20 executive order that would otherwise apply if read that way to
21 lawful permanent residents does not apply to them, so they are
22 to be treated -- are being treated so far as I know as though
23 it was 4:21 Friday.

24 THE COURT: But you would agree with me that within
25 the four corners of that document, that is not included. It

1 required the additional statement by counsel to make it clear
2 that they were not included within the executive order.

3 MR. REUVENI: Well --

4 THE COURT: I didn't see the word "lawful permanent
5 residents" in there.

6 MR. REUVENI: No, that is in there. "I understand
7 that there has been reasonable uncertainty about whether those
8 provisions" -- and I'm reading from the counsel for the
9 president's memorandum, back to the language -- "apply to
10 lawful permanent residents of the United States. Accordingly,
11 to remove any confusion, I now clarify that Sections 3(c) and
12 3(e) do not apply to such individuals. Please immediately
13 convey this interpretive guidance to all individuals
14 responsible for the administration and implementation of the
15 Executive Order."

16 So at least in the government's understanding of
17 this, no lawful permanent residents are going to secondary
18 solely on the basis of the executive order. Again, if there's
19 some independent basis that it preexisted the executive order
20 that's in the INA, yes, they're going to secondary, but other
21 than that, no. The order does not apply to them so far as the
22 government is concerned.

23 THE COURT: All right.

24 MR. REUVENI: Thank you.

25 THE COURT: Mr. Raphael?

1 MR. RAPHAEL: Just a couple points. Just on that
2 last point, section -- as we, as we read the executive order,
3 it does apply to lawful permanent residents. There is an
4 exemption -- an exception in 5(g), but it requires case-by-case
5 review.

6 And so what's happened here is after the chaos
7 developed, I think the government realized they made a mistake
8 or at least it wasn't turning out as they planned, and the
9 secretary has promulgated this sort of categorical decree that
10 if you're an LPR, you can come in. I don't, I don't see how
11 that comports with 5(g), which required case-by-case review.

12 But Your Honor touched on it earlier. Under the
13 voluntary cessation doctrine, they snap their fingers; they
14 change it. They can snap their fingers back, and unless the
15 wrongful conduct is absolutely certain not to recur, they can't
16 moot the case out by changing their -- by changing what they're
17 doing.

18 On the issue of the list, this is no surprise. We
19 asked for this list last Sunday. We might not have gotten in
20 this case if they'd given it to us and we could figure out the
21 full extent of the damage to Virginia residents.

22 We're here seven days after this order was issued,
23 only five business days, and we know of these two students who
24 were stranded that I mentioned earlier, and yeah, we're trying
25 to get them back, but there could be many others, and we can't

1 find them unless we know who they are. It is not an
2 unreasonable request for the government to tell us which
3 Virginia residents they have not let in or who have been
4 removed, and I think that's very reasonable.

5 And the last thing I might ask, Your Honor, given a
6 showing of cooperation here, if Your Honor might consider
7 appointing a magistrate judge who might facilitate mediation
8 efforts, such as Magistrate Judge Buchanan, who's been
9 extremely successful on these things.

10 THE COURT: All right. Well --

11 MR. REUVENI: Your Honor, just one last point?

12 THE COURT: Yeah.

13 MR. REUVENI: I just want to clarify any confusion
14 here. Paragraph 5(g) that counsel refers to applies to
15 refugees. Paragraph 3 applies to lawful permanent residents.
16 That's why the White House guidance says nothing about
17 paragraph 5. Refugees coming here are not lawful permanent
18 residents; they're refugees, different category. Maybe one day
19 they will become lawful permanent residents, but refugees don't
20 have that status when they arrive in the United States.

21 THE COURT: All right, thank you.

22 MR. RAPHAEL: I'm sorry, it's 3(g), not 5(g). 3(g)
23 does apply. 3(g).

24 MR. REUVENI: You said 5(g).

25 THE COURT: You had said 5(g).

1 MR. RAPHAEL: I apologize, it was 3(g). That calls
2 for case-by-case review.

3 THE COURT: All right.

4 MR. REUVENI: On the list, again we would, we would
5 oppose what the commonwealth is proposing, and we think it
6 would change the tenor of this litigation dramatically, but if
7 you would like us to get back to you with a brief on that, we
8 can do so. We just haven't had enough time to think of that or
9 respond to it. It just came up today.

10 THE COURT: All right.

11 MR. REUVENI: As to the letter, I mean, I would say
12 one last thing; I apologize, Your Honor. The letter asked us
13 to respond to ongoing litigation. I think we all understand
14 the position that puts the U.S. government in when we're asked
15 to give information that could affect ongoing litigation.

16 THE COURT: All right. Well, we'll take a look at
17 that issue in chambers, but at this point, then I've allowed --
18 granted the motions to intervene. We're going to extend the
19 temporary restraining order to keep things somewhat in place.

20 The access to counsel issue is a troubling one
21 because I -- my experience having handled many cases at Dulles
22 is that, in fact, the government's position is correct that
23 normally, under normal circumstances, counsel would not have
24 the right to have direct, in person contact with people who are
25 held up in the process there.

1 There are exceptions, and I do believe in one of your
2 sets of papers, there was discussion about reference of people
3 to hotlines or telephone contact with various agencies that
4 provide legal counsel in immigration. So I'll see what makes
5 sense to me.

6 I mean, I do think that probably this issue is
7 somewhat less pressing than it was on Saturday because at this
8 point, I don't think folks are coming to the airport who would
9 be covered by this, right? I mean, are there any more issues
10 of people who have been coming to the airport and being turned
11 around since this weekend?

12 MR. RAPHAEL: Well, I mean, LPRs, I guess after the
13 government's change in position, are now allowed in.

14 THE COURT: LPRs are coming in, and the problem now
15 is from your standpoint, is that everybody else is basically
16 stopped because the airlines won't let -- they aren't getting
17 the visas.

18 MR. RAPHAEL: That's right.

19 THE COURT: Yeah.

20 MR. RAPHAEL: And Your Honor's TRO applied only to
21 LPRs.

22 THE COURT: Correct.

23 MR. RAPHAEL: And so I think the counsel issue is
24 still a live issue if they have problems going forward.

25 THE COURT: If LPRs have problems.

1 MR. RAPHAEL: Yes, yes.

2 MR. REUVENI: Yes. No one is getting turned around
3 at the airport if they're a lawful permanent resident. If
4 they're not and they don't have a valid visa, practically
5 speaking, they're not getting on a plane to get here, so that
6 can't be an issue unless and until they do.

7 THE COURT: All right, thank you.

8 All right, I think that resolves everything for
9 today. We will recess court until 12:00.

10 MR. RAPHAEL: Thank you.

11 (Which were all the proceedings had
12 at this time.)

13

14 CERTIFICATE OF THE REPORTER

15 I certify that the foregoing is a correct transcript of
16 the record of proceedings in the above-entitled matter.

17

18

19

/s/
Anneliese J. Thomson

20

21

22

23

24

25

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 6:51 PM
To: (b)(6), (b)(7)(C)
Subject: RE: LPR legal sheet

We are definitely not letting lawyers back into our Inspection area. Expanding to all LPR by giving of the pro bono sheet is a very conservative approach for now. We are hoping to settle this case soon. I'll provide an update tomorrow. Thanks.

(b)(6), (b)(7)(C)
Assistant Chief Counsel (Baltimore)
U.S. Customs and Border Protection
Ph: (b)(6), (b)(7)(C) / Cell: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 6:48:53 PM
To: (b)(6), (b)(7)(C)
Subject: FW: LPR legal sheet

Geeez, will it ever end??

(b)(5)

Sent via mobile device

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

(b)(6), (b)(7)(C) Port Office Desk
Terminal Desk
Cell

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 6:35:12 PM

To: CBP IAD Supervisors
Subject: LPR legal sheet

ALCON

(b)(5), until further notice we must provide all LPRs that are referred to secondary (detained) the list of free legal services. This requirement applies regardless of reason for referral. The court order verbiage states “respondents shall permit lawyers access to all legal permanent residents being detained at Dulles International Airport” It does NOT specify in reference to the EO, therefore we must continue to provide this list to all LPRs until litigation clears the matter.

The timing of the distribution should be the same as we currently handle the EO referrals. After the passenger has been in the back for a reasonable amount of time, they should be given the sheet. Per previous guidance “We recommend that this be given to them after approximately 15 minutes of questioning in secondary.”

Should the inspection take less time, hand them the sheet before departure.

Please make sure we have sufficient copies.

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

Acting Assistant Port Director, Passenger Operations

Dulles International Airport

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

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

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 8:13 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Answers so far, still working on #5

10-4.

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 8:12 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: Answers so far, still working on #5

(b)(5)

Thanks,

(b)(6), (b)(7)(C)
Watch Commander
CBP Passenger Operations
Washington Dulles International Airport
Department of Homeland Security
Tele: (b)(6), (b)(7)(C)
Cell: (b)(6), (b)(7)(C)
Fax: (b)(6), (b)(7)(C)

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Sent: Thursday, February 02, 2017 8:11 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: ANSWERS SO FAR, STILL WORKING ON #5

(b)(5)

Thanks,

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

Watch Commander
CBP Passenger Operations
Washington Dulles International Airport
Department of Homeland Security
Tele: [redacted]
Cell: (b)(6), (b)(7)(C)
Fax: [redacted]

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 8:10 PM
To: [redacted] (b)(6), (b)(7)(C)
[redacted] (b)(6), (b)(7)(C)
Subject: RE: Answers so far, still working on #5

[redacted] (b)(5)

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 8:07 PM
To: [redacted] (b)(6), (b)(7)(C)
[redacted] (b)(6), (b)(7)(C)
Subject: RE: Answers so far, still working on #5

(b)(5)

Thanks,

[redacted] (b)(6), (b)(7)(C)
Watch Commander
CBP Passenger Operations
Washington Dulles International Airport
Department of Homeland Security
Tele: [redacted]
Cell: (b)(6), (b)(7)(C)
Fax: [redacted]

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 8:02 PM
To: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: FW: Answers so far, still working on #5

(b)(5)

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 8:00 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: Answers so far, still working on #5

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

(b)(5)

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

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 7:21 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: Answers so far, still working on #5

(b)(5)

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

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

Senior Litigation Counsel
United States Department of Justice
Office of Immigration Litigation – District Court Section

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

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

Sent: Thursday, February 02, 2017 7:19 PM

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

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

Subject: Answers so far, still working on #5

(b)(5)

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

CRP Assistant Chief Counsel (Baltimore)

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

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From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 3:34 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Compliance with ED VA order

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

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 3:32 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) Owen, Todd C (AC OFO)
(b)(6), (b)(7)(C) WAGNER, JOHN P (b)(6), (b)(7)(C); HOFFMAN, TODD A
(b)(6), (b)(7)(C) HUTTON, JAMES R (b)(6), (b)(7)(C); DURST, CASEY OWEN
(b)(6), (b)(7)(C)
Subject: RE: Compliance with ED VA order

(b)(5)

Thank you..

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

(b)(6), (b)(7)(C)
Port Director
Dulles Airport
U.S. Customs and Border Protection
22685 Holiday Park (HP) Drive Suite (b)(6), (b)(7)(C)
Sterling, VA 20598

(b)(6), (b)(7)(C) HP Desk Direct
Terminal Desk Direct
cell

From: (b)(6), (b)(7)(C)
Sent: Sunday, January 29, 2017 2:33 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) Owen, Todd C (AC OFO)
(b)(6), (b)(7)(C) WAGNER, JOHN P (b)(6), (b)(7)(C) HOFFMAN, TODD A

(b)(6), (b)(7)(C) HUTTON, JAMES R (b)(6), (b)(7)(C) DURST, CASEY OWEN
(b)(6), (b)(7)(C)

Subject: RE: Compliance with ED VA order

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

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

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

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

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

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

Sent: Sunday, January 29, 2017 11:46 AM

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

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

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

(b)(6), (b)(7)(C) Owen, Todd C (AC OFO)

(b)(6), (b)(7)(C) WAGNER, JOHN P (b)(6), (b)(7)(C) HOFFMAN, TODD A

(b)(6), (b)(7)(C); HUTTON, JAMES R (b)(6), (b)(7)(C) DURST, CASEY OWEN

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

Subject: Compliance with ED VA order

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

(b)(5)

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

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

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

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

Case No. 1:17-cv-116

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

Date: January 28, 2017

Petitioners,

v.

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


Respondents.

TEMPORARY RESTRAINING ORDER

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

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

Dates: January 28, 2017

lsl 

Leonie M. Brinkema
United States District Judge

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 5:35 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: RE: Follow-up on EDVA -- need for information

Thanks.

(b)(6), (b)(7)(C)
Assistant Chief Counsel (Baltimore)
U.S. Customs and Border Protection
Ph: (b)(6), (b)(7)(C) / Cell: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 5:32:23 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: RE: Follow-up on EDVA -- need for information

Yes sir, (b)(6), (b)(7)(C) and I are taking a look at it now and will get answers that we can...

Thanks,

(b)(6), (b)(7)(C)
Watch Commander
CBP Passenger Operations
Washington Dulles International Airport
Department of Homeland Security
Tele: (b)(6), (b)(7)(C)
Cell: (b)(6), (b)(7)(C)
Fax: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 5:31 PM
To: (b)(6), (b)(7)(C) (OCC) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: Follow-up on EDVA -- need for information

(b)(6), (b)(7)(C) please review for us.

Sent via mobile device

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

(b)(6), (b)(7)(C) Port Office Desk
Terminal Desk
Cell

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 4:57:36 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: Follow-up on EDVA -- need for information

(b)(5)

(b)(6), (b)(7)(C) or I will call you later to discuss. Thanks

(b)(6), (b)(7)(C)
Assistant Chief Counsel (Baltimore)
U.S. Customs and Border Protection
Ph: (b)(6), (b)(7)(C) Cell: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 4:37:42 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: Follow-up on EDVA -- need for information

(b)(5)

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

Senior Litigation Counsel

United States Department of Justice

Office of Immigration Litigation – District Court Section

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

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 6:33 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Follow-up on EDVA -- need for information

Importance: High

(b)(5)

(b)(6), (b)(7)(C)
Assistant Chief Counsel (Baltimore)
U.S. Customs and Border Protection
Ph: (b)(6), (b)(7)(C) Cell: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 6:24:37 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: RE: Follow-up on EDVA -- need for information

(b)(5)

(b)(6), (b)(7)(C)
Senior Litigation Counsel
United States Department of Justice
Office of Immigration Litigation – District Court Section
(b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 5:13 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)

Subject: RE: Follow-up on EDVA -- need for information
Importance: High

(b)(5)

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

Senior Litigation Counsel
United States Department of Justice
Office of Immigration Litigation – District Court Section

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

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

Sent: Thursday, February 02, 2017 4:38 PM

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

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

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

Subject: Follow-up on EDVA -- need for information

(b)(5)

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

Senior Litigation Counsel
United States Department of Justice

Office of Immigration Litigation – District Court Section

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

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 7:19 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Follow-up on EDVA -- need for information

10-4

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 6:37 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: Follow-up on EDVA -- need for information

(b)(5)

Thanks,

(b)(6), (b)(7)(C)
Watch Commander
CBP Passenger Operations
Washington Dulles International Airport
Department of Homeland Security
Tele: (b)(6), (b)(7)(C)
Cell: (b)(6), (b)(7)(C)
Fax: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 6:35 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: Follow-up on EDVA -- need for information

(b)(5)

Sent via mobile device

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

Port Director
Dulles Airport
U.S. Customs and Border Protection

(b)(6), (b)(7)(C) Port Office Desk
Terminal Desk
Cell

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 6:32:44 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Follow-up on EDVA -- need for information

(b)(5)

(b)(6), (b)(7)(C)
Assistant Chief Counsel (Baltimore)
U.S. Customs and Border Protection
Ph: (b)(6), (b)(7)(C) Cell: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 6:24:37 PM
To: (b)(6), (b)(7)(C)
Cc:
Subject: RE: Follow-up on EDVA -- need for information

(b)(5)

(b)(6), (b)(7)(C)
Senior Litigation Counsel
United States Department of Justice
Office of Immigration Litigation – District Court Section

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

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 5:13 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

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

Subject: RE: Follow-up on EDVA -- need for information

Importance: High

(b)(5)

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

Senior Litigation Counsel

United States Department of Justice

Office of Immigration Litigation – District Court Section

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

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

Sent: Thursday, February 02, 2017 4:38 PM

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

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

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

Subject: Follow-up on EDVA -- need for information

(b)(5)

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

Senior Litigation Counsel

United States Department of Justice

Office of Immigration Litigation – District Court Section

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

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Message

From: (b)(6), (b)(7)(C)
Sent: 1/29/2017 5:02:07 AM
To: (b)(6), (b)(7)(C)
Subject: RE: Temporary Restraining Order Eastern District Court

Thanks.

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 11:57 PM
To: (b)(6), (b)(7)(C)
Subject: FW: Temporary Restraining Order Eastern District Court

(b)(6), (b)(7)(C) ...just fyi..and no more LPRs remain in our area as of this writing wb

Sent via mobile device

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

(b)(6), (b)(7)(C) Port Office Desk
 Terminal Desk
 Cell

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 11:55:31 PM
To: (b)(6), (b)(7)(C)
Cc: CBP IAD WATCH COMMANDER
Subject: RE: Temporary Restraining Order Eastern District Court

Ok

Sent via mobile device

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

(b)(6), (b)(7)(C) Port Office Desk
(b)(6), (b)(7)(C) Terminal Desk
(b)(6), (b)(7)(C) Cell

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 11:52:38 PM
To: (b)(6), (b)(7)(C)
Cc: CBP IAD WATCH COMMANDER
Subject: RE: Temporary Restraining Order Eastern District Court

(b)(5)

Thanks,

(b)(6), (b)(7)(C)
Watch Commander
CBP Passenger Operations

Washington Dulles Airport
Department of Homeland Security
Office (b)(6), (b)(7)(C)
Cellphone (b)(6), (b)(7)(C)

Sent from mobile device.

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 11:46:33 PM
To: (b)(6), (b)(7)(C)
Cc: CBP IAD WATCH COMMANDER
Subject: RE: Temporary Restraining Order Eastern District Court

(b)(6), (b)(7)(C) those names on the document. (b)(6), (b)(7)(C) etc...are they true names of pax we had today in holding ?

Sent via mobile device

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

(b)(6), (b)(7)(C) Port Office Desk
Terminal Desk
Cell

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

Sent: Saturday, January 28, 2017 10:34:45 PM

To: (b)(6), (b)(7)(C) CBP IAD WATCH COMMANDER

Subject: RE: Temporary Restraining Order Eastern District Court

Sorry, sent prematurely. This was brought in by MWAA police at insistence of lawyers outside in public area of the terminal (Was not "served" on us, just brought in...)

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

Please advise what course of action should we take

Thanks,

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

Watch Commander

CBP Passenger Operations

Washington Dulles International Airport

Department of Homeland Security

Tele:

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

Fax:

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

Sent: Saturday, January 28, 2017 10:30 PM

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

(b)(6), (b)(7)(C) CBP IAD WATCH COMMANDER <CBPIADWATCHCOMMANDER@cbp.dhs.gov>

Subject: Temporary Restraining Order Eastern District Court

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

Case No. 1:17-cv-116

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

Date: January 28, 2017

Petitioners,

v.

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

Respondents.

TEMPORARY RESTRAINING ORDER

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

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

Dates: January 28, 2017

LM *2/13*
Leonie M. Brinkema
United States District Judge

Thanks,

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

Watch Commander
CBP Passenger Operations
Washington Dulles International Airport
Department of Homeland Security

Tele:

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

Fax:

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 11:28 PM
To: (b)(6), (b)(7)(C) CBP IAD Supervisors
Subject: Midnight Pass Down - February 2, 2017

MUSTER ITEM:

FORWARD TOPIC TO ALL SHIFTS AND ENSURE THAT THIS INFORMATION IS DISEMINATED TO ALL PORT STAFF:

Until further notice **we must provide all LPRs that are referred to secondary (detained) the list of free legal services. This requirement applies regardless of reason for referral.** The court order verbiage states “respondents shall permit lawyers access to all legal permanent residents being detained at Dulles International Airport” **It does NOT specify in reference to the EO, therefore we must continue to provide this list to all LPRs until litigation clears the matter.** The timing of the distribution should be the same as we currently handle the EO referrals. After the passenger has been in the back for a reasonable amount of time, they should be given the sheet. Per previous guidance “We recommend that this be given to them after approximately 15 minutes of questioning in secondary.” Should the inspection take less time, hand them the sheet before departure. Please make sure we have sufficient copies.

Midnight Flights:

- CM 488 2354 hours 137 pax
- AM 622 2330 hours 87 pax

Primary:

- CLEAR

Secondary:

- **SECI:** CLEAR
- **SECC:** CLEAR
- **AQI:** CLEAR
- **Cashier:** SCBPO (b)(6), (b)(7)(C) has secured the cashier transactions in the safe.
- **RPM:** N/A – Standby Mode

OVERNIGHT:

A#	(b)(6), (b)(7)(C)
LAST NAME	
FIRST NAME	
DOB	
CITIZENSHIP	

DISPOSITION	VWR
OUTBOUND FLT	BA 216
ETD	
BOARDING TIME	
AIRLINES	BA
3 rd Party Notified	YES
BOARDING CBPOs	
DATE OF ARRIVAL	02/02/2017
INBOUND FLT	BA 293
TICKETS	YES
I 259	YES
CASE OFFICER	(b)(6), (b)(7)(C)
SCBPO	
CHIEF	
WATER/RESTROOM	YES
FOOD	YES
MEDICAL	NO

Compliance Exams/Global Entry Random Exams:

LOCATION	CPX	GRR
IAD	(b)(6), (b)(7)(C)	(b)(6), (b)(7)(C)
FIS		
TOTALS:		

OVERTIME:

- Over Time used at the time of this message:

- **COPR:** [Redacted]
- **CLBK:** [Redacted]
- **CMUT:** [Redacted]

IAT/ CELLS:

- CLEAR

GEEC:

- All units checked; none required additional paper.
- All units checked; none required reboot.
- All units checked; none required repair.

SL/EAL:

Other:

- Command Center Camera is in the CMC safe.

(b)(6), (b)(7)(C)
Supervisory CBPO
Washington/Dulles Int'l Airport
(b)(6), (b)(7)(C) fax

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 6:53 PM
To: CBP IAD Supervisors
Subject: FILES

To all,

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

Thanks

CBPO (b)(6), (b)(7)(C)
DEFERRED INSPECTIONS
(b)(6), (b)(7)(C)

Executive Order Tracking - Cumulative Totals

Field Office: ALL

Date: 1/27/2017 -1/29/2017

Report Time: 0500

Cumulative

Country	Number of Non-Immigrant Visa Encounters	Number of Immigrant Visa Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted	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 DEO
Iran	61	30	285	1	54	0	(b)(6), (b)(7)(C)	0	1	0	0	1	297
Iraq	55	62	118	0	56	0		0	0	0	7	0	165
Libya	0	3	4	0	0	0		0	0	0	3	0	4
Somalia	0	7	4	0	1	0		0	0	0	4	0	6
Sudan	15	15	38	0	25	0		0	0	0	0	0	39
Syria	28	21	37	0	31	2		0	0	1	3	0	41
Yemen	12	18	8	0	13	0		0	0	0	6	0	9
Total	171	156	494	1	180	2			0	1	1	23	1

Executive Order Tracking - Reporting Period Totals

2100-0500 January 29, 2017

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted	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 DEO
Iran	9	6	80	1	7	0	0	0	0	0	0	0	82
Iraq	6	21	72	0	5	0	0	0	0	0	0	0	86
Libya	0	0	1	0	0	0	0	0	0	0	0	0	1
Somalia	0	0	1	0	0	0	0	0	0	0	0	0	1
Sudan	1	0	7	0	0	0	0	0	0	0	0	0	7
Syria	3	2	15	0	1	0	0	0	0	0	0	0	15
Yemen	3	1	4	0	0	0	0	0	0	0	0	0	4
Total	22	30	180	1	13	0	0	0	0	0	0	0	196

Executive Order Tracking - Cumulative Totals

Field Office: Atlanta

Date: 1/29/2017

Report Time:

500

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	11	0	0	0	0	0	0	0	0	0	11
Iraq	0	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	0
Somalia	0	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	0
Syria	0	0	1	0	0	0	0	0	0	0	0	0	1
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	2	0	0	0	0	0	0	0	0	0	3
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: Baltimore

Date: 1/30/2017

Report Time:

1500

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	2	0	55	0	1	0	0	0	1	0	0	0	55
Iraq	0	7	23	0	0	0	0	0	0	0	7	0	23
Libya	0	3	1	0	0	0	0	0	0	0	3	0	1
Somalia	0	4	2	0	0	0	0	0	0	0	4	0	2
Sudan	1	0	26	0	1	0	0	0	0	0	0	0	26
Syria	6	9	3	0	11	0	0	0	0	1	3	0	3
Yemen	0	15	1	0	9	0	0	0	0	0	6	0	1

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	14	0	0	0	0	0	0	0	0	0	14
Iraq	0	0	6	0	0	0	0	0	0	0	0	0	6
Libya	0	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	0
Sudan	0	0	4	0	0	0	0	0	0	0	0	0	4
Syria	0	0	3	0	0	0	0	0	0	0	0	0	3
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Cumulative Totals

Field Office: Boston

Date: 1/29/2017

Report Time:

500

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	3	0	8	0	0	0	0	0	0	0	0	0	8
Iraq	0	0	3	0	0	0	0	0	0	0	0	0	3
Libya	0	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	0
Sudan	0	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	0
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	5	0	0	0	0	0	0	0	0	0	5
Iraq	0	0	1	0	0	0	0	0	0	0	0	0	1
Libya	0	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	0
Sudan	0	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	0
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Cumulative Totals

Field Office: BUFFALO, NY

Date: 1/27/2017 -1/29/2017

Report Time: 0500

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	2	1	10	0	3	0	0	0	0	0	0	1	9
Iraq	0	0	6	0	0	0	0	0	0	0	0	0	6
Libya	0	0	1	0	0	0	0	0	0	0	0	0	1
Somalia	0	0	2	0	0	0	0	0	0	0	0	0	2
Sudan	0	0	1	0	0	0	0	0	0	0	0	0	1
Syria	1	0	0	0	1	0	0	0	0	0	0	0	0
Yemen	0	0	1	0	0	0	0	0	0	0	0	0	1

Executive Order Tracking - Reporting Period Totals

2100-0300

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number of Immigrants not granted waivers	Number of Immigrants granted waivers	Number of LPRs not granted waivers	Number of LPR Waivers Granted by DFO
Iran	1	0	2	0	1	0	0	0	0	0	0	0	2
Iraq	0	0	0	0	0	0	0	0	0	0	0	0	0
Libya	0	0	1	0	0	0	0	0	0	0	0	0	1
Somalia	0	0	1	0	0	0	0	0	0	0	0	0	1
Sudan	0	0	1	0	0	0	0	0	0	0	0	0	1
Syria	0	0	0	0	0	0	0	0	0	0	0	0	0
Yemen	0	0	1	0	0	0	0	0	0	0	0	0	1

Executive Order Tracking - Cumulative Totals

Field Office: Chicago Date: 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	0	0	0	0	0	0	4
Iraq	0	1	0	0	0	0	0	0	0	0	0	0	1
Libya	0	0	0	0	0	0	0	0	0	0	0	0	0
Somalia	0	2	0	0	0	0	0	0	0	0	0	0	2
Sudan	0	1	0	0	0	0	0	0	0	0	0	0	1
Syria	1	4	0	0	1	0	0	0	0	0	0	0	4
Yemen	0	1	0	0	0	0	0	0	0	0	0	0	1

Executive Order Tracking Reporting 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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: Detroit

Date: 1/29/2017

Report Time: 0500 hours

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	10	0	0	0	0	0	0	0	0	0	10
Iraq	36	0	51	0	36	0	0	0	0	0	0	0	51
Libya	0	0	1	0	0	0	0	0	0	0	0	0	1
Somalia	0	0	0	0	0	0	0	0	0	0	0	0	0
Sudan	0	0	1	0	0	0	0	0	0	0	0	0	1
Syria	2	0	1	0	3	0	0	0	0	0	0	0	0
Yemen	2	0	4	0	2	0	0	0	0	0	0	0	4

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number of Immigrants not granted waivers	Number of Immigrants granted waivers	Number of LPRs not granted waivers	Number of LPR Waivers Granted by DFO
Iran	1	0	1	0	1	0	0	0	0	0	0	0	1
Iraq	5	0	48	0	5	0	0	0	0	0	0	0	48
Libya	0	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	0
Sudan	0	0	0	0	0	0	0	0	0	0	0	0	0
Syria	1	0	0	0	1	0	0	0	0	0	0	0	0
Yemen	0	0	2	0	0	0	0	0	0	0	0	0	2

Executive Order Tracking - Cumulative Totals

Field Office: El Paso Date: 1/29/2017

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	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	0
Libya	0	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	0
Sudan	0	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	0
Yemen	0	0	0	0	0	0		0	0	0	0	0	0	0

Executive Order Tracking Reporting Period Total

Field Office: El Paso Date: Reporting Period: 0300 hours (MST)

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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: Houston

Date: 1/29/2017

Report Time:

500

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	3	2	13	0	5	0	0	0	0	0	0	0	13
Iraq	1	0	4	0	1	0	0	0	0	0	0	0	4
Libya	0	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	0
Sudan	2	0	1	0	2	0	0	0	0	0	0	0	1
Syria	2	0	1	0	0	2	0	0	0	0	0	0	1
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number of Immigrants not granted waivers	Number of Immigrants granted waivers	Number of LPRs not granted waivers	Number of LPR Waivers Granted by DFO
Iran	3	2	7	0	5	0	0	0	0	0	0	0	7
Iraq	0	0	1	0	0	0	0	0	0	0	0	0	1
Libya	0	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	0
Sudan	0	0	1	0	0	0	0	0	0	0	0	0	1
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: Laredo

Date: 1/29/2017

Report Time:

0500 hours (EST)

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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: LOS

Date: 1/28/2017

Report Time: 1800

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	6	2	71	1	2	0	0	0	0	0	0	0	71
Iraq	3	0	4	0	1	0	0	0	0	0	0	0	4
Libya	0	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	0
Sudan	1	0	2	0	0	0	0	0	0	0	0	0	2
Syria	2	1	6	0	0	0	0	0	0	0	0	0	6
Yemen	7	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number of Immigrants not granted waivers	Number of Immigrants granted waivers	Number of LPRs not granted waivers	Number of LPR Waivers Granted by DFO
Iran	4	0	22	1	0	0	0	0	0	0	0	0	22
Iraq	1	1	0	0	0	0	0	0	0	0	0	0	0
Libya	0	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	0
Sudan	1	0	0	0	0	0	0	0	0	0	0	0	0
Syria	2	1	1	0	0	0	0	0	0	0	0	0	1
Yemen	3	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Cumulative Totals

Field Office: Miami/Tampa

Date:

1/29/2017

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	1	3	0	1	0	0	0	0	0	0	0	3
Iraq	0	0	1	0	0	0	0	0	0	0	0	0	1
Libya	0	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	0
Sudan	5	0	1	0	5	0	0	0	0	0	0	0	1
Syria	4	0	0	0	4	0	0	0	0	0	0	0	0
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking Reporting Period Total

Field Office: Miami/Tampa

Date:

1/29/2017

Reporting Period:

5:00

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	1	0	0	0	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: New Orleans

Date: 12/29/2017

Report Time: 0500 EST

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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: NYFO

Date: 1/29/2017

Report Time: 0500 hours

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	12	0	14	0	1	0	0	0	0	0	0	0	14
Iraq	3	1	16	0	6	0	0	0	0	0	0	0	16
Libya	0	0	1	0	0	0	0	0	0	0	0	0	1
Somalia	0	0	0	0	0	0	0	0	0	0	0	0	0
Sudan	1	0	5	0	0	0	0	0	0	0	0	0	5
Syria	2	2	14	0	0	0	0	0	0	0	0	0	14
Yemen	2	2	2	0	1	0	0	0	0	0	0	0	2

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	4	0	0	0	0	0	0	0	0	0	4
Iraq	0	0	13	0	0	0	0	0	0	0	0	0	13
Libya	0	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	0
Sudan	0	0	1	0	0	0	0	0	0	0	0	0	1
Syria	0	0	6	0	0	0	0	0	0	0	0	0	6
Yemen	0	1	1	0	0	0	0	0	0	0	0	0	1

Executive Order Tracking - Cumulative Total

Field Office: PR

Date: 1/29/2017

Report Time: 0500 hours

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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Reporting Period Total

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: San Diego FO

Date:

1/28/2017

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	11	0	0	0	0	0	0	0	0	0	0	9
Iraq	0	53	0	0	0	0	0	0	0	0	0	0	46
Libya	0	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	0
Sudan	0	0	0	0	0	0	0	0	0	0	0	0	0
Syria	0	2	0	0	0	0	0	0	0	0	0	0	1
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking Reporting Period Total

Field Office: San Diego FO

Date:

1/28/2017

Reporting Period: 1600-2400

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	0	0	0	0	0	0	2
Iraq	0	20	0	0	0	0	0	0	0	0	0	0	14
Libya	0	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	0
Sudan	0	0	0	0	0	0	0	0	0	0	0	0	0
Syria	0	1	0	0	0	0	0	0	0	0	0	0	0
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Cumulative Totals

San Francisco Field Office

Date: 1/29/2017

Report Time: 5:00 AM

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	5	0	34	0	4	0	(b)(6), (b)(7)(C)	0	0	0	0	0	34	
Iraq	0	0	3	0	0	0		0	0	0	0	0	0	3
Libya	0	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	0
Sudan	0	0	0	0	0	0		0	0	0	0	0	0	0
Syria	1	0	7	0	1	0		0	0	0	0	0	0	7
Yemen	0	0	0	0	0	0		0	0	0	0	0	0	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	22	0	0	0	0	0	0	0	0	0	22
Iraq	0	0	3	0	0	0	0	0	0	0	0	0	3
Libya	0	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	0
Sudan	0	0	0	0	0	0	0	0	0	0	0	0	0
Syria	0	0	5	0	0	0	0	0	0	0	0	0	5
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Cumulative Totals

Field Office: Blaine AOR Date: 1/28/2017

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	8	0	18	0	8	0	0	0	0	0	0	0	18
Iraq	10	0	1	0	10	0	0	0	0	0	0	0	1
Libya	0	0	0	0	0	0	0	0	0	0	0	0	0
Somalia	0	1	0	0	1	0	0	0	0	0	0	0	0
Sudan	1	0	1	0	1	0	0	0	0	0	0	0	1
Syria	0	0	0	0	0	0	0	0	0	0	0	0	0
Yemen	1	0	0	0	1	0	0	0	0	0	0	0	0

Executive Order Track Reporting Period Total

Field Office: Seattle Field Office Date: 1/28/2017 Reporting Period: 1600-2400

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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: TUCSON Date: 1/29/2017 Report Time: 500

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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: PreClearance

Date: 1/29/2017

Report Time:

500

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	20	9	38	0	29	0	0	0	0	0	0	0	38
Iraq	2	0	6	0	2	0	0	0	0	0	0	0	6
Libya	0	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	0
Sudan	4	14	0	0	16	0	0	0	0	0	0	0	0
Syria	7	3	4	0	10	0	0	0	0	0	0	0	4
Yemen	0	0	0	0	0	0	0	0	0	0	0	0	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Cumulative Totals

Field Office: Preclearance--Shannon, Ireland

Date: 1/29/2017

Report Time: 500

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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0

Executive Order Tracking - Reporting Period Totals

Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Withdrawals Granted	Number of Expedited Removals	Number of Expedited Removals with Fear Claim	Number of Non-Immigrants not granted waivers	Number of Non-Immigrants granted waivers	Number 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	0	0	0	0	0	0	0
Iraq	0	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	0
Somalia	0	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	0
Syria	0	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	0