

**From:** HOFFMAN, TODD A  
**Sent:** Tuesday, January 31, 2017 7:23 PM  
**To:** DIRECTORS FIELD OPS (b) (7)(E); EXECUTIVE DIRECTORS HQ  
(b) (7)(E)  
**Subject:** FW: FAQs

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

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

**From:** (b) (6), (b) (7)(C)  
**Sent:** Tuesday, January 31, 2017 7:12 PM  
**To:** (b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) HUTTON, JAMES R  
(b) (6), (b) (7)(C) HOFFMAN, TODD A (b) (6), (b) (7)(C) FRIEL,  
MICHAEL J (b) (6), (b) (7)(C)  
**Cc:** (b) (6), (b) (7)(C)  
**Subject:** RE: FAQs

All,

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

Best,

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

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

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

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

Sent: Tuesday, January 31, 2017 2:29 PM

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

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

Cc: HOFFMAN, TODD A (b) (6), (b) (7)(C)

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

Subject: RE: FAQs (Updated)

Will do, I'm reviewing and cleaning up the FAQ and will get it out to OCC before final OC clearance.

Best,

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

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

From: HUTTON, JAMES R

Sent: Tuesday, January 31, 2017 2:28 PM

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

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

Cc: HOFFMAN, TODD A (b) (6), (b) (7)(C)

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

Subject: RE: FAQs (Updated)

Please run any added questions to OCC

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

Sent: Tuesday, January 31, 2017 2:26:29 PM

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

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

Subject: RE: FAQs (Updated)

I added two questions to the bottom. Would like to be able to release those if possible.

Thanks!

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

Office of Public Affairs

U.S. Customs and Border Protection

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

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

Sent: Tuesday, January 31, 2017 2:08 PM

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

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

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

Subject: RE: FAQs (Updated)

+ OPA

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

let me know if you have anything to add

Thank you,

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

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

Sent: Tuesday, January 31, 2017 2:06 PM

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

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

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

Subject: RE: FAQs (Updated)

Updated version attached (b) (5)

(b) (5)

Thank you,

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

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

Sent: Tuesday, January 31, 2017 1:33 PM

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

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

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

Subject: FAQs (Updated)

Please find the updated FAQs attached (b) (6), (b) (7)(C) will add in the materials (b) (5) and re-distribute so we can get final CBP clearance.

Best,

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

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

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From: HOFFMAN, TODD A

Sent: Tuesday, January 31, 2017 7:17 AM

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

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

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

Todd C (AC OFEO) (b) (6), (b) (7)(C); WAGNER, JOHN P

(b) (6), (b) (7)(C) EXECUTIVE DIRECTORS HQ

(b) (7)(E)

Subject: FW: Executive Order Update on Seaport Operations and Consolidated Guidance

Directors,

Here is a quick summary regarding the Executive Order:

- You have waiver authority for:
  - LPRs- still require an individualized waiver for each entry.
  - First time refugees.
  - Remaining in-scope categories – C1 approval required. Delegation request to DFOs is currently with the S1. We hope to have today.
- (b) (7)(E) are doing a great job to identify in-scope travelers and deny boarding. (b) (5). We continue to push at all levels.
- Issued WD guidance based on court order.
- Crewman that are now lacking a valid visa and are determined to pose no additional concerns to the security of the United States may be detained on board the vessel, with an approved security plan, for the duration of the vessel's U.S. voyage. Crewman that pose a concern to the security of the United States should be ordered removed under safeguard pursuant to standard operating procedures. Removal requires OCC review and concurrence to ensure Court order compliance.
- C1, C2, EAC Owen, etc., continue to work through a prioritized list of Congressional calls.
- We're working with Department of State to align our EO policies and protocols with additional changes expected soon.
- We'll have FAQs posted via CBP website and a public inquiry call center established later today.

For convenience, I have also attached the previously issued guidance to Field Offices since the Executive Order:

1/30 email: court compliance on WD

1/30 email: Delegation of Authority Documentation for 842 Refugee Arrivals

1/30 email: Arrival of Central American Minors (CAM) Parolees – Jan 31 arrival

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EO FOIA CBP 000000633

1/28 email: Waiver Routing

(b) (7)(E)

added to routing on 1/29.

1/28: Executive Order Guidance to the Field – Signed Memo

I appreciate your efforts during this implementation. Please let me know if you have any questions. Also, the Crisis Action Team is staffed 24/7 and can be reached at

(b) (7)(E)

or

(b) (7)(E)

Also, please let me know if you have any reportable issues for the 0900 senior leadership meeting.

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

## ATTCHMENTS to Hoffman Email from 1/31

From: HUTTON, JAMES R

Sent: Monday, January 30, 2017 9:17 PM

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

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

(b) (7)(E)

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

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

Subject: Guidance on Withdrawal - Court Compliance

DFO's

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

(b) (5)

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

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

Washington, DC



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



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DFOs

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

POEs:

JFK

Newark

Miami

Chicago

Dulles

LAX

Houston

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

*Prior to any such admission as a first-time refugee, each such individual must be subjected to a thorough examination by an immigration officer, to include CBP conduct of:* (b) (7)(E)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] *This authority may not be further delegated.*

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

Deputy Executive Director  
Admissibility and Passenger Programs

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

Washington, DC

☎: (b) (6), (b) (7)(C)

📧:  
✉:



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**From:** MCALEENAN, KEVIN K

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

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

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

**Cc:** FALK, SCOTT K (OCC)

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

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

**Subject:** Redlegation of Refugee Waiver Authority

Acting Deputy Commissioner/EAC,

Subject to my oversight, direction and guidance, I hereby delegate to the Deputy Commissioner, Executive Assistant Commissioner, Deputy Executive Assistant Commissioner, Executive Director Admissibility and Passenger Programs, Executive Director Operations, Executive Director National Targeting Center, Executive Director, National Targeting Center-Passenger, Directors, Field Operations, Port Director, John F. Kennedy Airport, and Port Director, Los Angeles International Airport, Office of Field Operations, U.S. Customs and Border Protection, the authority under § 5(e) of the Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry Into the United States," (January 27, 2017), to admit individuals to the United States as first-time refugees on a case-by-case basis, but only if the Commissioner and the Secretary of State, or his designee, jointly determine that the admission of such individuals as refugees is in the national interest and would not pose a risk to the security or welfare of the United States. Prior to any such admission as a first-time refugee, each such individual must be subjected to a thorough examination by an immigration officer, to include CBP conduct

of: (b) (7)(E) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

This authority may not be further delegated.



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DFO/PDs

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

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

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

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

Washington, DC

☎: (b) (6), (b) (7)(C)  
✉: [REDACTED]  
✉: [REDACTED]



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DFO's

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

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

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

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

Washington, DC

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



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**From:** HUTTON, JAMES R

**Sent:** Saturday, January 28, 2017 9:34 PM

**To:** HOFFMAN, TODD A (b) (6), (b) (7)(C) DIRECTORS FIELD OPS

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

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

(b) (7)(E)

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

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

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

**Importance:** High

DFO's

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

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

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

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

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

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

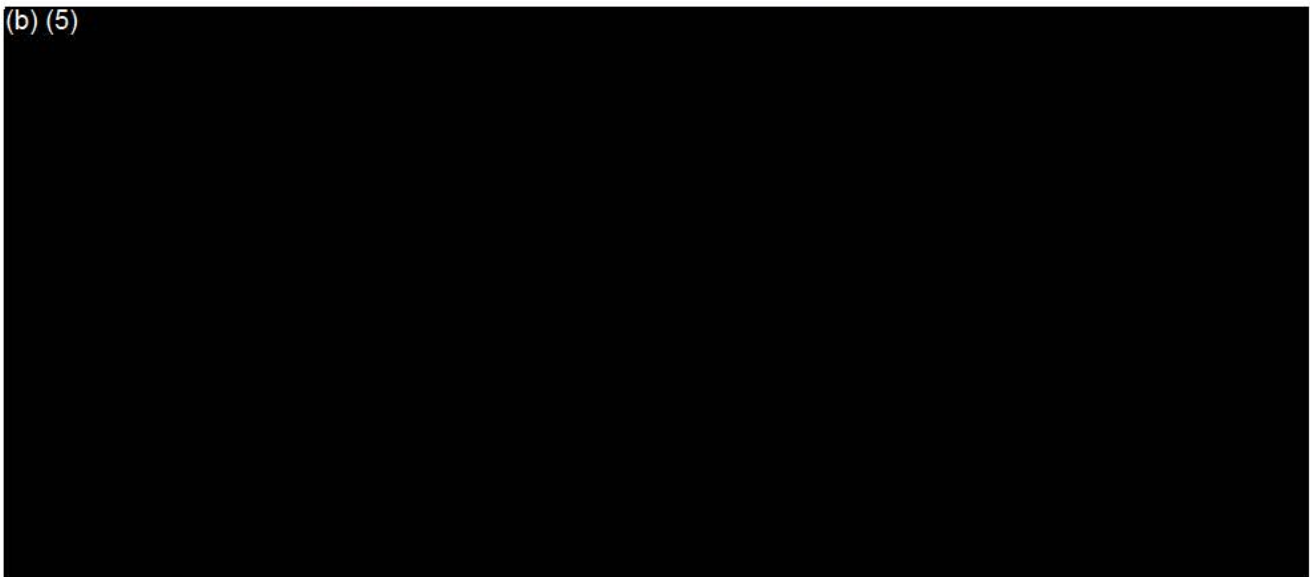
Sample

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



Specific bullets regarding the specific individual(s), for example:

(b) (5)



(b) (5)

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

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

Washington, DC

☎: (b) (6), (b) (7)(C)

☎:

☎:



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**From:** HOFFMAN, TODD A

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

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

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

(b) (7)(E)

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

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

HUTTON, JAMES R

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

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

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

**Importance:** High

Directors,

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

**Memorandum For:** Directors, Field Operations

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

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

Effective immediately, and pursuant to Executive Order entitled, "*Protecting the Nation from Foreign Terrorist Entry into the United States*" (January 27, 2017), all entry into the United States for aliens who are nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen is hereby suspended in accordance with Section 212(f) of the INA. This includes all non-

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

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

Wherever possible, (b) (7)(E) will coordinate the denial of boarding through (b) (7)(E) (b) (7)(E) locations, and (b) (7)(E)

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

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

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

*Returning Residents,*

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

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

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

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

*Returning aliens ineligible who withdraw their application for admission:*

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

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

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

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

**END ATTACHMENTS**