From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 7:24 PM
To: HUTTON, JAMES R
Subject: RE: Executive Order- Questions for Clarification

(b)(5)

(b)(6), (b)(7)(C)
(A)Director
Enforcement Programs
Customs and Border Protection
(C) (b)(6), (b)(7)(C)

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 6:21:43 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Executive Order- Questions for Clarification

(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: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 7:17 PM

To: HUTTON, JAMES R (b)(6), (b)(7)(C)
Subject: RE: Executive Order- Questions for Clarification

(b)(5)

(b)(6), (b)(7)(C)
(A)Director
Enforcement Programs
Customs and Border Protection
(C) (b)(6), (b)(7)(C)

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 6:15:13 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Executive Order- Questions for Clarification

(b)(5)

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

☎:
🖷: 2
✉: (b)(6), (b)(7)(C)

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From: ENFORCEMENT PROGRAMS DIVISION
Sent: Saturday, January 28, 2017 6:58 PM
To: HUTTON, JAMES R (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) ENFORCEMENT PROGRAMS DIVISION
(b)(7)(E)
Subject: RE: Executive Order- Questions for Clarification

Copy.

(b)(5)

(b)(6), (b)(7)(C)
Admissibility and Passenger Programs
Office of Field Operations
(b)(6), (b)(7)(C) *mobile*

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 6:56 PM
To: (b)(6), (b)(7)(C); ENFORCEMENT PROGRAMS DIVISION (b)(7)(E)
Subject: RE: Executive Order- Questions for Clarification

We are reaching to FO to advise of revised guidance.

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

☎:
🖷: (b)(6), (b)(7)(C)
✉:

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From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 6:54 PM
To: ENFORCEMENT PROGRAMS DIVISION (b)(6), (b)(7)(C)
Cc: HUTTON, JAMES R < (b)(6), (b)(7)(C)
Subject: RE: Executive Order- Questions for Clarification

Not specifically addressed. I would go DOB until further notice.

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

Customs and Border Protection
(C) (b)(6), (b)(7)(C)

From: ENFORCEMENT PROGRAMS DIVISION
Sent: Saturday, January 28, 2017 5:47:14 PM
To: (b)(6), (b)(7)(C) ENFORCEMENT PROGRAMS DIVISION
Cc: HUTTON, JAMES R
Subject: RE: Executive Order- Questions for Clarification

Clarification –

(b)(5)

(b)(6), (b)(7)(C)
Admissibility and Passenger Programs
Office of Field Operations
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 6:46 PM
To: ENFORCEMENT PROGRAMS DIVISION (b)(6), (b)(7)(C)
Cc: HUTTON, JAMES R (b)(6), (b)(7)(C)
Subject: FW: Executive Order- Questions for Clarification

(b)(6), (b)(7)(C)
(A)Director
Enforcement Programs
Customs and Border Protection
(C) (b)(6), (b)(7)(C)

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 5:42:52 PM
To: (b)(6), (b)(7)(C)
Cc: JAMES, MICHELE; (b)(6), (b)(7)(C)
Subject: RE: Executive Order- Questions for Clarification

(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: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 6:04 PM
To: HUTTON, JAMES R (b)(6), (b)(7)(C)
Cc: JAMES, MICHELE (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: Executive Order- Questions for Clarification

Ryan-

(b)(5)

Thanks,

(b)(6), (b)(7)(C)
(b)(7)(E)
Office of Field Operations
U.S. Customs and Border Protection
Seattle, WA
Office (b)(6), (b)(7)(C)
Blackberry (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 2:21 PM
To: (b)(6)
Cc: (b)(6) HUTTON, JAMES R
Subject: FW: EO Refusal for 01/28/2017
Attachments: Copy of EO AIR REFUSALS 01282017_sw.xlsx

Expires: Monday, July 31, 2017 12:00 AM

All,

(b)(5)

(b)(6), (b)(7)(C)
(A)Director
Enforcement Programs
Washington, DC, 20229

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

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From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 12:56 PM
To: (b)(6), (b)(7)(C)
Subject: RE: EO Refusal for 01/28/2017

Ma'am,

Attached is spreadsheet. I performed a manual review (multiple systems) of each person to determine last action of CBP.

Of the 93 records of travelers encountered via Air POEs:
17 were granted an immigration benefit via C1 exception.
26 were encountered at Preclearance facilities abroad and were not physically present in the United States.
45 individuals returned outbound (all withdrawals) on Saturday, January 28 between 0945 and 2055.

5 individuals I am unable to verify at this time:
3 are the minor children of an individual granted a C1 exception.
2 have no exit or exception benefits found.

(b)(6), (b)(7)(C)
Admissibility and Passenger Programs
Office of Field Operations
(b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 6:54 AM
To: (b)(6), (b)(7)(C)
Subject: FW: EO Refusal for 01/28/2017
Importance: High

As discussed.

(b)(6), (b)(7)(C)
(A)Director
Enforcement Programs
Washington, DC, 20229
(b)(6), (b)(7)(C)

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with DHS policy relating to FOUO information, and is not to be released to the public or personnel who do not have a valid "need-to-know" without prior approval from CBPs Office of Field Operations.

From: (b)(6), (b)(7)(C)
Sent: Tuesday, January 31, 2017 9:58 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Cc: HUTTON, JAMES R < (b)(6), (b)(7)(C) HOFFMAN, TODD A (b)(6), (b)(7)(C)
Subject: EO Refusal for 01/28/2017
Importance: High

All,

See attached list of EO Refusals for 01/28/2017. Excluding land and sea the total universe of air and pre-clearance was **93**.

I added the address and phone numbers of all of the refusals. I also added the email addresses from most of the visa applications.

Please advise if anyone has any further requests/suggestions/comments.

(b)(6), (b)(7)(C)
Supervisory Program Manager
Admissibility and Passenger Programs
Office of Field Operations
U.S. Customs and Border Protection

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

(b)(7)(E)

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

*

*facebook

*

*derog

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

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

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 9:34 AM
To: HUTTON, JAMES R
Subject: FW: Significant Offload Potential Media/Political Interest - IAP AMS

Expires: Monday, July 31, 2017 12:00 AM

Come see me.

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

WARNING: This document is LAW ENFORCEMENT SENSITIVE and is designated for OFFICIAL USE ONLY.
It contains information that may be exempt from public release under the Freedom of Information Act (5USC552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information, and is not to be released to the public or personnel who do not have a valid "need-to-know" without prior approval from CBPs Office of Field Operations.

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 9:00 AM
To: ENFORCEMENT PROGRAMS DIVISION (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: Significant Offload Potential Media/Political Interest - IAP AMS

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

Please see below information provided to IAP AMS concerning an offload which occurred on Saturday, January 28, 2017. This offload has sparked media and legal interest in the Netherlands.

Significant Media/Legal Interest IAP AMS

- On January 27, 2017, at approximately 2330 EST, IAP-AMS received an offload request (b)(7)(E) for two Iranian nations subject to 212 (f) proclamation under the Executive Order.

- Subjects were in possession of first time entry IR5 Immigrant Visas (b)(6), (b)(7)(C)
- Subjects were scheduled to fly on board Royal Dutch Airlines (KLM) Flight #651 on January 28, 2017 at 0700 EST.
- An offload recommendation was provided to the airline to which they concurred.
- On January 30, 2017, a letter was submitted on behalf of the subjects by Akin Gump, Strauss Hauer & FELD LLP to Royal Dutch Airlines requesting the subjects be authorized to board for successful admission to the US, as properly documented Legal Permanent Residents.
- Currently, KLM has refused rebooking of the couple to the US. KLM has assisted in rebooking the couple to Iran.

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

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

Additional Documents provided by KLM:

(1) Body of Email from Akin Gump, Strauss Hauer & FELD LLP to KLM

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

(b)(6), (b)(7)(C) People who travel on immigrant visas and are admitted into the U.S. are considered admitted as Lawful Permanent Residents (LPRs) and usually receive their physical green card a month later.

This couple was scheduled to board a flight from Amsterdam on Saturday 28, 2017 at 1 PM (Amsterdam time) but we're barred from boarding on the premise that they would not be allowed to enter and pursuant to the president's Executive Order banning nationals from certain counties including Iran.

This happened before the Eastern District Court of New York issued a temporary order on 01/28/2017 at around 9 PM EST (3 AM in Amsterdam on 01/29/2017) staying the removal nationwide of anyone arriving at a port of entry and holding a valid immigrant and non-immigrant visa.

Additionally since then the Massachusetts District Court has ordered that Customs Border Patrol shall not detain and remove anyone with a valid Immigrant visa (which they have), the Virginia Eastern District Court has issued an order prohibiting the removal of all lawful permanent residents arriving at Dulles Airport, and the DHS Secretary Kelly has issued a statement explaining that absent any significant derogatory information that shows the person is an immediate threat, customs should allow entry of LPRs in the national interest. Mr. and Mrs (b)(6), (b)(7)(C) clearly fit into this group of people that the orders are protecting from being removed and which DHS has said will be allowed to enter.

Despite providing these orders and notices to KLM personnel, and even a legal statement from Akin Gump and CAIR Coalition, the couple has been refused rebooking and boarding to any flights to Boston, NY, or Dulles, VA. Instead, it is our understanding KLM has rebooked them on a flight departing tomorrow at approximately 5 PM (Amsterdam time) to Iran.

We are asking that this couple be allowed to board because not only do the court orders show that they will not be removed but also because DHS has issued a statement providing guidance that LPRs should generally be admitted.

(2) Letter

Akin Gump
STRAUSS HAUER & FELD LLP

MEMORANDUM

January 30, 2017

Re: (b)(6), (b)(7)(C) *United States Immigration Status*

On behalf of (b)(6), (b)(7)(C) we submit this statement in conjunction with (b)(6), (b)(7)(C) an immigration specialist with the Capital Area Immigrants' Rights (CAIR) Coalition, regarding the immigration status of (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) should be allowed to board a KLM flight from Amsterdam to Washington, DC, USA due to their immigrant visas issued by the United States Department of State. This immigrant visa is the functional equivalent of being a lawful permanent resident of the United States. Once (b)(6), (b)(7)(C) arrive in the United States, their visas will be processed and they will be granted legal permanent residence status. Secretary John Kelly, the Secretary of the United States Department of Homeland Security, stated in a press release on January 29, 2017, that "I hereby deem the entry of lawful permanent residents to be in the national interest. Accordingly, absent the receipt of significant derogatory information indicating a serious threat to public safety and welfare, lawful permanent resident status will be a dispositive factor in our case-by-case determinations." *See* Press Release, Secretary John Kelly Department of Homeland Security, Statement by Secretary John Kelly on the Entry of Lawful Permanent Residents Into the United States (Jan. 29, 2017) (attached).

The United States Code defines "lawfully admitted for permanent residence" as "the status of having been lawfully *accorded* the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed." 8 U.S.C. § 1101(a)(20) (2012) (emphasis added). The use of the term "accorded" under the definition does not mean the individual must already be in the United States, but rather encompasses those that have been accorded the privilege, whether in the United States or abroad. United States Legislators, when drafting section 1101(a)(2), specifically used the term "accorded" when referring to lawful permanent residents, as opposed to "admitted", as used elsewhere in the act. This alone is instructive, for "[w]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion." *INS v. Cardoza–Fonseca*, 480 U.S. 421, 432, 107 S.Ct. 1207 (1987) (quotation and alteration omitted); *see also Barnhart v. Sigmon Coal Co.*, 534 U.S. 438, 452, 122 S.Ct. 941, 151 L.Ed.2d 908 (2002). (b)(6), (b)(7)(C) have been accorded this privilege after undergoing the lengthy United States Department of State visa application process.

Because (b)(6), (b)(7)(C) have an immigrant visa and have the status as the functional equivalent of a lawful permanent resident, Secretary Kelly's statement makes it clear that there is no risk, barring significant derogatory information indicating a serious threat to public safety and welfare, to their successful admission into the United States.

(b)(6), (b)(7)(C)
Branch Chief
U.S. Customs and Border Protection
Office of Field Operations
Immigration Advisory Program/Joint Security Program
(b)(6), (b)(7)(C) Office
Mobile

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

From: (b)(6)
Sent:
To:
Cc: HUTTON, JAMES R
Attachments: JSF EO AIR REFUSALS 01282017_sw (002).xlsx

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

From: (b)(6)
Sent:
To:
Cc: HUTTON, JAMES R
Attachments: JSF 23 AIR REFUSALS Returned 01282017_sw.xlsx

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

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 10:17 PM
To: HUTTON, JAMES R
Subject: RE: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States

Thanks…

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 7:14 PM
To: (b)(6), (b)(7)(C)
Subject: RE: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States

The bullets should be part of the preceding paragraph for purposes of the waiver. If you see the attached samples, you will get a sense of the format.

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

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

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From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 10:12 PM
To: HUTTON, JAMES R <(b)(6), (b)(7)(C)
Subject: RE: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States

Yes the specific bullets that you cited in your guidance below.

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 7:11 PM
To: (b)(6), (b)(7)(C)
Subject: RE: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States

Bullets??

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

☎: (b)(6), (b)(7)(C)
🖷:
✉:

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From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 9:49 PM
To: HUTTON, JAMES R (b)(6), (b)(7)(C)
Subject: RE: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States

Mr. Hutton,

Question – Do you want the bullets sent to the same distribution as the waiver requests?

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

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 6:34 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) (b)(6), (b)(7)(C)

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

Subject: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States
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 1st time refugees encountered);
- Returning Asylees;
- Individuals in possession of a valid I-512 issued by CIS;
- UAC

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

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

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

Sample

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

Waiver Narrative

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

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

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

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

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

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From: HOFFMAN, TODD A
Sent: Saturday, January 28, 2017 1:07 AM
To: DIRECTORS FIELD OPS < (b)(7)(E) EXECUTIVE DIRECTORS HQ < (b)(7)(E) ; BORDER SECURITY ASST DIRECTORS (b)(7)(E)
Cc: Owen, Todd C (AC OFO) (b)(6), (b)(7)(C) ; WAGNER, JOHN P < (b)(6), (b)(7)(C) HUTTON, JAMES R < (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)
Subject: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States
Importance: High

Directors,

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

Memorandum For: Directors, Field Operations

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

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

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

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

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

Returning Residents,

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

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

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

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

Returning aliens ineligible who withdraw their application for admission:

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

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

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

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 4:05 PM
To: HUTTON, JAMES R
Subject: RE: TTRT/CTR 1st time Immigrant-married to USC- (b)(6), (b)(7)(C) on EK 201.

Ok – We will send you this one in a bit.

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

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 4:04 PM
To: (b)(6), (b)(7)(C)
Subject: RE: (b)(7)(E) 1st time Immigrant-married to USC- (b)(6), (b)(7)(C) on EK 201.

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

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

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From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 4:02 PM

To: HUTTON, JAMES R (b)(6), (b)(7)(C)
Subject: RE: (b)(5), (b)(7)(E) 1st time Immigrant-married to USC- (b)(6), (b)(7)(C) on EK 201.

Ryan – (b)(5), (b)(7)(E)

Thanks,

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

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

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 3:49 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: (b)(7)(E) 1st time Immigrant-married to USC- (b)(6), (b)(7)(C) on EK 201.
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)

Please see below waiver request.

From: (b)(6), (b)(7)(C)
Sent: Saturday, January 28, 2017 3:37 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: (b)(7)(E) 1st time Immigrant-married to USC- (b)(6), (b)(7)(C) on EK 201.

Chief,

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

(b)(6), (b)(7)(C)
Supervisory Officer- (b)(7)(E)
U.S. Customs & Border Protection

JFK International Airport

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

From: PERRY, CHRISTOPHER M
Sent: Wednesday, February 01, 2017 4:05 PM
To: HUTTON, JAMES R
Subject: FW: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"
Attachments: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States; Canadian Landed Immigrants and E.O.PDF

Importance: High

Ryan,

For your visibility. Just want to make sure we are consistent in language and interpretation. Visa in red below is both IV and NIV. That would be consistent with the DoS material and FAQs. Any sense of when this could be delegated to DFOs?

Chris

Christopher Perry
Director, Field Operations
Detroit Field Office
U.S. Customs and Border Protection
211 West Fort Street, Suite 1200
Detroit, Michigan 48226
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 3:58 PM
To: ENFORCEMENT PROGRAMS DIVISION (b)(7)(E)
Cc: PERRY, CHRISTOPHER M < (b)(6), (b)(7)(C)
Subject: FW: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"
Importance: High

(b)(5)

(b)(6), (b)(7)(C)
Supervisory Program Manager
Detroit Field Office
(b)(6), (b)(7)(C)

From: HUTTON, JAMES R
Sent: Wednesday, February 01, 2017 3:46 PM
To: DIRECTORS FIELD OPS (b)(7)(E); BORDER SECURITY ASST DIRECTORS (b)(7)(E) EXECUTIVE DIRECTORS HQ

(b)(7)(E)
Cc: ENFORCEMENT PROGRAMS DIVISION < (b)(7)(E) > (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)
Subject: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"
Importance: High

MEMORANDUM FOR: Directors, Field Operations
Director, Field Operations Academy

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

SUBJECT: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Effective immediately, Canadian Landed Immigrants that are citizens of Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen with a valid U.S. Visa may be considered for an exemption of the 212(f) bar under Section 3(g) of the President's Executive Order if and only if the person satisfies the following conditions:

1. Proof to the satisfaction of the inspection Officer of person's Landed Immigrant Status in Canada;
2. Possession of a valid U.S. visa;
3. Travel that originates in Canada;
4. From only a pre-clearance airport; or
5. Applying for admission at a land border port of entry;
6. And the applicant is otherwise admissible.

The admission of such individuals must be in the national interest of the United States. Prior to any such admission, each individual must be subjected to a thorough examination by an immigration officer, to include CBP conduct of:

(b)(7)(E) (b)(7)(E)

Please ensure that this memorandum is 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) Director, Enforcement Programs Division at (b)(6), (b)(7)(C) or send inquiries to
(b)(7)(E)

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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

☎: (b)(6), (b)(7)(C)
🖷:
✉:

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From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 9:34 PM
To: HOFFMAN, TODD A; DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States
Attachments: RE: EO 212(f) Exemption Request for (b)(6), (b)(7)(C) RE: Waiver Request for 212(1) in re (b)(6), (b)(7)(C) EO 212(f) Waiver for (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
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 1st time refugees encountered);
- Returning Asylees;
- Individuals in possession of a valid I-512 issued by CIS;
- UAC

<u>The request for said waiver will need to follow the below format sent initially to the below distro</u>

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

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

Sample

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

Waiver Narrative

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

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

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

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

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

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

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

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From: HOFFMAN, TODD A
Sent: Saturday, January 28, 2017 1:07 AM
To: DIRECTORS FIELD OPS (b)(7)(E); EXECUTIVE DIRECTORS HQ (b)(7)(E) BORDER SECURITY ASST DIRECTORS (b)(7)(E)
Cc: Owen, Todd C (AC OFO) (b)(6), (b)(7)(C); WAGNER, JOHN P < (b)(6), (b)(7)(C) HUTTON, JAMES R (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)
Subject: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States
Importance: High

Directors,

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

Memorandum For: Directors, Field Operations

From: Todd A. Hoffman
Executive Director

Admissibility and Passenger Programs
Office of Field Operations

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

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

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

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

Returning Residents,

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

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

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

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

Returning aliens ineligible who withdraw their application for admission:

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

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

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

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

Approved per C1, 1722 hours.

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

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

Exemption to Executive Order Request

January 28, 2017

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

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

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

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

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

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

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

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

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

Waiver granted by C1, 1312 hours.

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

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

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

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

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

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

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

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

[cid:image001.png@01D00E30.B35BEEB0]

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

Importance: High

OCC

Please see below a waiver request involving a (b)(6), (b)(7)(C) who is travelling with his LPR parents. **JFK PD has already approved a waiver for his LPR parents.**

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

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

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

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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

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

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1300 Pennsylvania Avenue NW
Washington, DC 20229

U.S. Customs and Border Protection

FEB 0 1 2017

MEMORANDUM FOR: Directors, Field Operations
Director, Field Operations Academy

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

SUBJECT: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Effective immediately, Canadian Landed Immigrants that are citizens of Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen with a valid U.S. Visa may be considered for an exemption of the 212(f) bar under Section 3(g) of the President's Executive Order if and only if the person satisfies the following conditions:

1. Proof to the satisfaction of the inspection Officer of person's Landed Immigrant Status in Canada;
2. Possession of a valid U.S. visa;
3. Travel that originates in Canada;
4. From only a pre-clearance airport; or
5. Applying for admission at a land border port of entry;
6. And the applicant is otherwise admissible.

The admission of such individuals must be in the national interest of the United States. Prior to any such admission, each individual must be subjected to a thorough examination by an immigration officer, (b)(7)(E) (b)(7)(E)

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

Law Enforcement Sensitive
For Official Use Only

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 3:01 PM
To: HUTTON, JAMES R; (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: FW: OIG Investigation re: EO (Team Meeting)
Attachments: OIG Request Letter to CBP 2-1-17.pdf

(b)(5)

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

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 2:55 PM
To: FLANAGAN, PATRICK S <(b)(6), (b)(7)(C)>
Cc: (b)(6), (b)(7)(C)
Subject: OIG Investigation re: EO (Team Meeting)

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

(b)(5)

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

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From: Owen, Todd C (AC OFO)
Sent: Saturday, January 28, 2017 11:48 AM
To: HUTTON, JAMES R
Subject: RE: Consideration of Waiver of 212(f) - Iraqi SIVs

Ryan, need a clean cut and past message ofbthw waiver narative to send to c1 per his request.

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

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 4:30:23 PM
To: (b)(6), (b)(7)(C) Owen, Todd C (AC OFO)
Cc: HOFFMAN, TODD A; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: Consideration of Waiver of 212(f) - Iraqi SIVs

EAC

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

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

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

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

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

Respectfully,

(b)(6), (b)(7)(C)
Border Security Coordinator
U.S. Customs & Border Protection
Office of Field Operations, New York

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

"A man can be destroyed but not defeated."

Ernest Hemingway

From: (b)(6), (b)(7)(C)
Sent: Saturday, February 04, 2017 5:24 PM
To: HUTTON, JAMES R
Subject: FW: Mohammed CDCA
Attachments: CDCA TRO 1-31-17.pdf

Ryan, did this get to port? (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Saturday, February 04, 2017 4:53:53 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: RE: Mohammed CDCA

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

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

* * * * *

(b)(5)

(b)(5)

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

(b)(6), (b)(7)(C)
Attorney, Enforcement and Operations
Office of Chief Counsel
U.S. Customs and Border Protection
Tel: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 6:42 PM
To: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: Mohammed CDCA

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

Actually if you can send it to (b)(6), (b)(7)(C) that is probably easier.

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

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 6:35:14 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Mohammed CDCA

I think once you see the email from (b)(6), (b)(7)(C) it will take you 15 minutes to do this. And if you get it done tonight, perhaps send to the CAT for official OFO clearance? Thanks again.

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

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 6:31:09 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Mohammed CDCA

Ok I'll shoot to put something together tonight after the kids go down. If you could send what you got, that would be great -- I think all I have is the email from the DFO to carriers.

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 6:22:06 PM
To: (b)(6), (b)(7)(C)
Subject: RE: Mohammed CDCA

(b)(6), (b)(7)(C) I'll forward you what I have from (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 6:19:15 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
Subject: Mohammed CDCA

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

And if this email doesn't make complete sense just give me a call. Short and sweet. Thanks as always.

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

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

BADR DHAIFALLAH AHMED MOHAMMED;
YOUSEF BADR DHAIFALLAH AHMED MOHAMED;
MAHA ABDULHAMEED MOHAMMED ALMAWRI;
MURAD KHALED ALI;
WALEED MUSAED QASEM MOHAMMED;
MAGED WALEED MUSAED QASEM;
ANWAR SALEH NAGI;
RIFAQ ANWAR SALEH NAGI ALEAZZALI;
KHALED ANWAR NAGI ALEAZZALI;
ASHAWQ MOHAMMED AYEDH AHMED;
SABA ALI ALI SAAED;
YOUSEF AHMED MOHAMED SAAD;
NAWAR AHMED MOHAMED SAAD;
IBRAHIM AHMED MOHAMED SAAD;
MOHAMED AHMED MOHAMED SAAD;
ABDULATEF ABDO MUTHANNA HAILAN;
DIYAZAN ALI SAEED;
SAHAR SALEM AHMED;
NASLAH H A SAEED;
ALI MOHSEN SAEED;
SAIF DIYAZAN ALI MOHSEN;
SARAH FADEL MUTHANA SAIF;

Case No. CV 17-00786 AB (PLAx)

ORDER GRANTING EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION

OMAR ALI MOHSEN MURSHED;
BASSAM ALI MOHSEN MURSHED;
NADHRA SALEH ALZEER;
MUHRAH MOHSEN SALEH
MOQBEL SALEH;
QASEM ABDULRAHMAN SALEM
AL-HASANI;
MUNA O AL SAKKAF,

Plaintiffs,

v.

UNITED STATES OF AMERICA;
UNITED STATES DEPARTMENT
OF HOMELAND SECURITY;
UNITED STATES CITIZENSHIP
AND IMMIGRATION SERVICES;
UNITED STATES DEPARTMENT
OF STATE;
UNITED STATES CUSTOMS AND
BORDER PATROL;
DONALD J. TRUMP, in his official
capacity as President of the United
States of America;
DANA J. BOENTE, in his official
capacity as the Acting Attorney
General of the United States;
JOHN KELLY, Secretary of the
Department of Homeland Security;
LORI SCIALABBA, Acting Director
of U.S. Citizenship and Immigration
Services; KEVIN K. McALEENAN, in
his official capacity as Acting
Commissioner of U.S. Customs and
Border Patrol,

Defendants.

Before the Court is Plaintiffs' Motion for Temporary Restraining Order And/Or Preliminary Injunctive Relief. (Dkt. No. 3.) Upon consideration of the Complaint (Dkt. No. 1), the Motion, and the supporting declarations (Dkt. Nos. 4, 5), for Good Cause Shown, the Court hereby **GRANTS** the Motion.

DISCUSSION

A temporary restraining order ("TRO") is "an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 22 (2008). The purpose of a TRO is to preserve the status quo before a preliminary injunction hearing may be held. *Granny Goose Foods, Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda City.*, 415 U.S. 423, 439 (1974). Federal Rule of Civil Procedure 65 governs the issuance of TROs and preliminary injunctions, and courts apply the same standard to both. *Frontline Med. Assocs., Inc. v. Coventry Healthcare Workers Comp., Inc.*, 620 F. Supp. 2d 1109, 1110 (C.D. Cal. 2009).

A party seeking preliminary injunctive relief must satisfy one of two tests. Under one test, the party must establish that he is (1) likely to succeed on the merits of his claims, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public interest. *Am. Trucking Ass'n, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir. 2009).

Under the alternative test, a party must show "'serious questions going to the merits' [,] a balance of hardships that tips sharply toward the plaintiff," a likelihood of irreparable harm, and that the injunction is in the public interest. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1132 (9th Cir. 2011). A "serious question" is one on which the movant "has a fair chance of success on the merits." *Sierra On-Line, Inc. v. Phoenix Software, Inc.*, 739 F.2d 1415, 1421 (9th Cir. 1984).

The Court finds that Plaintiffs have satisfied these standards and that a TRO should issue. Plaintiffs have satisfied the first test because they have shown that they are likely to succeed on the merits of claims that would entitle them to relief; Plaintiffs are likely to suffer irreparable harm in the absence of preliminary relief; the balance of equities favors Plaintiffs; and an injunction is in the public interest. Plaintiffs have also satisfied the "alternative" test: they have established at least a serious question going to

the merits of their claims; that the balance of hardships tips decisively in their favor; and, as noted as to the first test, a likelihood of irreparable harm and that an injunction is in the public interest.

IT IS HEREBY ORDERED THAT:

1. Defendants and their officers, agents, employees, attorneys, and all persons acting in concert or participating with them, are **ENJOINED AND RESTRAINED** from enforcing Defendant President Donald J. Trump's January 27, 2017 Executive Order by removing, detaining, or blocking the entry of Plaintiffs, or any other person from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen with a valid immigrant visa;
2. Defendants, and Defendant United States Department of State in particular, are hereby **ENJOINED AND RESTRAINED** from cancelling validly obtained and issued immigrant visas of Plaintiffs;
3. Defendants, and Defendant United States Department of State in particular, are hereby **ORDERED** to return to Plaintiffs their passports containing validly issued immigrant visas so that Plaintiffs may travel to the United States on said visas; and
4. Defendants are hereby **ORDERED** to **IMMEDIATELY** inform all relevant airport, airline, and other authorities at Los Angeles International Airport and International Airport in Djibouti that Plaintiffs are permitted to travel to the United States on their valid immigrant visas.

Unless otherwise agreed upon by the parties:

- Plaintiffs shall file any **supplemental brief** in support of their motion for preliminary injunction **by February 2, 2017**.
- Defendants shall file their **opposition by February 5, 2017**.
- Plaintiffs shall file their **reply by February 8, 2017**.
- Defendants shall appear on **February 10, 2017 at 10:00 a.m.** to show cause why

the preliminary injunctive relief sought in the Ex Parte Application for Temporary Restraining Order And/Or Preliminary Injunction should not be granted.

IT IS SO ORDERED.

Dated: January 31, 2017

HONORABLE ANDRÉ BIROTTE JR.
UNITED STATES DISTRICT COURT JUDGE

From: (b)(6), (b)(7)(C)
Sent: Saturday, February 04, 2017 8:51 PM
To: HUTTON, JAMES R
Subject: FW: Draft - Guidance to the Field - (b)(5)
Attachments: Draft - (b)(5) DFO guidance memo.docx (b)(5) (b)(5) docx

We sent it to (b)(6), (b)(7)(C) for review….see attached.

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

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

From: (b)(6), (b)(7)(C)
Sent: Saturday, February 04, 2017 8:49 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: Draft - Guidance to the Field (b)(5)

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

Attached for review, comments, consideration.

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

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

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

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

DRAFT

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

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

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

DRAFT

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 8:48 PM
To: HUTTON, JAMES R
Cc: (b)(6), (b)(7)(C)
Subject: RE: (b)(6), (b)(7)(C)

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

(b)(6), (b)(7)(C)
Attorney, Enforcement and Operations
Office of Chief Counsel
U.S. Customs and Border Protection
Tel: (b)(6), (b)(7)(C) Fax: (b)(6), (b)(7)(C)

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From: HUTTON, JAMES R
Sent: Friday, February 03, 2017 7:38 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: (b)(6), (b)(7)(C)

Yes

From: (b)(6), (b)(7)(C)
Sent: Friday, February 03, 2017 4:15:09 PM
To: HUTTON, JAMES R
Cc: (b)(6), (b)(7)(C)
Subject: FW: (b)(6), (b)(7)(C)

Ryan,

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

Thanks,

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

(b)(6), (b)(7)(C)
Attorney, Enforcement and Operations
Office of Chief Counsel
U.S. Customs and Border Protection
Tel: (b)(6), (b)(7)(C) Fax (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C) **On Behalf Of** ENFORCEMENT PROGRAMS DIVISION
Sent: Thursday, February 02, 2017 6:13 PM
To: (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C) ENFORCEMENT PROGRAMS DIVISION
(b)(7)(E)
Subject: RE: (b)(6), (b)(7)(C)

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

Visa classifications below:

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

(b)(6), (b)(7)(C)
Supervisory Program Manager
EO CAT
Office of Field Operations
Mobile: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 4:29 PM
To: ENFORCEMENT PROGRAMS DIVISION (b)(7)(E)
Cc: (b)(6), (b)(7)(C)
Subject: (b)(6), (b)(7)(C)

CAT:

(b)(5)

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

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

(b)(5) Thanks,

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

(b)(6), (b)(7)(C)
Attorney, Enforcement and Operations
Office of Chief Counsel
U.S. Customs and Border Protection
Tel: (b)(6), (b)(7)(C) Fax: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 1:13 PM
To: (b)(6), (b)(7)(C)
Cc: HUTTON, JAMES R; (b)(6), (b)(7)(C)
Subject: Scanned Copy of the Executive Order Binder-As Requested
Attachments: Scanned Copy of the Executive Order Binder January 2017.pdf

Importance: High

Good afternoon (b)(6), (b)(7)(C)

As requested, see the attached scanned copy of the Executive Order Binder.

Have a great day.

Thank you!

(b)(6), (b)(7)(C)
Customs and Border Protection, OFO
Admissibility and Passenger Programs- (b)(6), (b)(7)(C)
Management & Program Analyst (Program Advisor)
Washington, DC 20029
Desk: (b)(6), (b)(7)(C) New S5: (b)(6), (b)(7)(C)
Email: (b)(6), (b)(7)(C)

OFO timeline of events as of signing of Executive Order *"Protecting the Nation from Foreign Terrorist Entry into the United States"*:

01/27/2017

1700 hours:	APP received draft of proposed Executive Order from DHS.
1730 hours:	EPD began to draft guidance to field offices.
2030 hours:	President Trump signed Executive Order.
2100 hours:	XD conference call with DFOs to explain operational impact

01/28/2017

0130 hours:	Guidance – Memo/Muster released to the field to address operational impact
1200 hours:	Executive Order Crisis Team established to monitor the agency's, support Congressional/Media inquiries, and to serve as a conduit to the Department on the agency's implementation efforts.
1700 hours:	24/7 coverage established at EO CAT
Evening	**New York** court ordered stay of removal for USCIS approved refugees, IV/NIV visa holders and other individuals from 7 countries.
Evening	**Virginia** court granted permitting lawyer access to all legal permanent residents being detained at Dulles International Airport – also, granted stay of removal for lawful permanent residents being held at Dulles international Airport.
Evening	**California** court moves for an immediate injunction of enforcement of President's Executive Order until its validity and constitutionality is adjudicated.
Evening	**Seattle** granted stay of removal to John Doe I and John Doe II.

01/29/2017

0720 hours	**Texas** court ordered stay of removal due to submission of Emergency Motion for a Temporary Restraining Order and Preliminary Injunction.

Massachusetts court ordered stay of removal to USCIS approved refugees, IV/NIV visa holders and other individuals from 7 countries due to filing of Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief.

01/30/2017

01/31/2017

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.

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

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 12:58 AM
To: HOFFMAN, TODD A
Cc: (b)(6), (b)(7)(C)
Subject: Signed memo
Attachments: Executive Order - Protecting the Nation from Foreign Terrorist Entry into the United States.pdf

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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1300 Pennsylvania Avenue NW
Washington, DC 20229

U.S. Customs and Border Protection

JAN 28 2017

Memorandum For: Directors, Field Operations

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

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

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

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

Wherever possible, (b)(7)(E) will coordinate the denial of boarding through (b)(7)(E) (b)(7)(E) locations, and (b)(7)(E) (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 in (b)(7)(E) (b)(7)(E) system, according to current policy/procedure.
(2) Subjects will be allowed to withdraw their application for admission on Form I-275, ***without a sworn statement***. All other procedures pertaining to the processing of Form I-275 withdrawal cases apply.
(3) Should the alien decline to withdraw their application for admission, the alien will be placed in Expedited Removal in accordance with standard operating procedures.
(4) Aliens claiming fear of return will be referred to an asylum officer, and processed for Expedited Removal/Credible Fear (ERF). Aliens processed under ERF procedures will

be referred to ERO for detention. Field Offices should clearly indicate to both CIS and ERO that aliens are subject to Executive Order during the referral process.

Returning Residents,

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

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

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

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

Returning aliens ineligible who withdraw their application for admission:

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

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

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

---------- X

HAMEED KHALID DARWEESH and HAIDER SAMEER ABDULKHALEQ ALSHAWI, ***on behalf of themselves and others similarly situated,***

Petitioners,

- against -

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*****; JAMES T. MADDEN,** ***New York Field Director, CBP,,***

Respondents.

---------- X

DECISION AND ORDER

17 Civ. 480 (AMD)

ANN DONNELLY, District Judge.

On January 28, 2017, the petitioners filed an Emergency Motion for Stay of Removal on behalf of themselves and others similarly situated.

IT APPEARING to the Court from the Emergency Motion for Stay of Removal, the other submissions, the arguments of counsel, and the hearing held on the 28th of January, 2017,

1. The petitioners have a strong likelihood of success in establishing that the removal of the petitioner and others similarly situated violates their rights to Due Process and Equal Protection guaranteed by the United States Constitution;

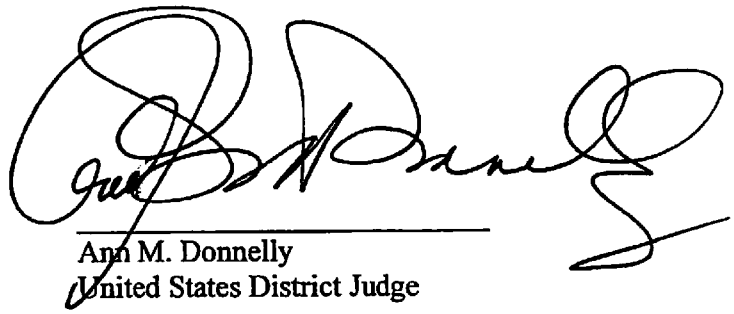
2. There is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to refugees, visa-holders, and other individuals from nations subject to the January 27, 2017 Executive Order;
3. The issuance of the stay of removal will not injure the other parties interested in the proceeding;
4. It is appropriate and just that, pending completion of a hearing before the Court on the merits of the Petition, that the Respondents be enjoined and restrained from the commission of further acts and misconduct in violation of the Constitution as described in the Emergency Motion for Stay of Removal.

WHEREFORE, IT IS HEREBY ORDERED that the respondents, their officers, agents, servants, employees, attorneys, and all members and persons acting in concert or participation with them, from the date of this Order, are

ENJOINED AND RESTRAINED from, in any manner or by any means, removing individuals with refugee applications approved by U.S. Citizenship and Immigration Services as part of the U.S. Refugee Admissions Program, holders of valid immigrant and non-immigrant visas, and other individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen legally authorized to enter the United States.

IT IS FURTHER ORDERED that to assure compliance with the Court's order, the Court directs service of this Order upon the United States Marshal for the Eastern District of New York, and further directs the United States Marshals Service to take those actions deemed necessary to enforce the provisions and prohibitions set forth in this Order.

SO ORDERED.



Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
January 28, 2017

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

/s/
Leonie M. Brinkema
United States District Judge

East Bay Law
Andrew W. Shalaby sbn 206841
1417 Solano Avenue
Albany, CA 94706
Tel. 510-551-8500
Fax: 510-725-4950
email: andrew@eastbaylaw.com

Attorneys for Plaintiffs
The People of the State of California, and
The People of the United States of America

IN THE UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO

People of the United States of America and the State of California, Plaintiffs, vs. Donald Trump; United States of America, Defendants.	Case Number: 3:17-cv-451 (Fee Exempt: 28 U.S.C. § 1914(b), by Judicial Conference effective 12/2016) COMPLAINT FOR INJUNCTION AND REPEAL OF PRESIDENTIAL EXECUTIVE ORDER DATED JANUARY 27, 2017 SUSPENDING VISAS AND IMMIGRATION BENEFITS WITHOUT CONGRESSIONAL APPROVAL U.S. Const. art. I, § 1; U.S. Const. art. II, § 1, cl. 1

I. FEE EXEMPTION

This action is brought on behalf of the People of the State of California and United States, and exempted from filing fees under 28 U.S.C. § 1914(b):

Effective on: December 1, 2016

The United States should not be charged fees under this schedule, with the exception of those specifically prescribed in Items 2, 4 and 5, when the information requested is available through remote electronic access.

Reference:

http://www.uscourts.gov/services-forms/fees/district-court-miscellaneous-fee-schedule

I. JURISDICTION

This action arises under the Constitution, laws, or treaties of the United States, conferring Federal Question jurisdiction under 28 U.S.C. § 1331.

VENUE

Defendant is the United States. Venue is proper in any judicial district pursuant to 28 U.S.C. § 1391(e).

PARTIES

1. Plaintiffs are the People of the United States of America and the State of California, by way of the Private Attorney General statutes of the State of California and United States, for this civil action. The action is for the protection of all persons in the United States in their civil rights and for their vindication pursuant to brought pursuant to 42 U.S.C. § 1988.

2. Defendant, Donald Trump, aka Donald John Trump ("Mr. Trump"), is the forty fifth president of the united states, inaugurated eight days ago, on January 20, 2017. He is named as an indispensable party with regard to this action to enjoin enforcement of his executive order issued one day before the filing of this action, on January 27, 2017, purporting to suspend visas and immigration benefits of a seemingly undefined class of persons, apparently based on ethnicity and/or religious beliefs.

3. Defendant, the United States of America, is the United States

Government, generally, and is named as a defendant for the purpose of enjoining enforcement of the Executive Order of Mr. Trump.

FIRST CAUSE OF ACTION FOR INUNCTION OF EXECUTIVE ORDER DATED JANUARY 27, 2017

4. On January 27, 2017, one day before the filing of this Complaint, Mr. Trump signed an executive order purporting to suspend visas and immigration benefits of a seemingly undefined class of persons, apparently based on ethnicity and/or religious beliefs. The order is captioned:

"EXECUTIVE ORDER PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES"

A copy of the Executive Order is attached as Exhibit A hereto.

5. The Executive Order purports to suspend the issuance of visas and benefits, with it's stated goal being the prevention of entry of citizens and/or residents of largely unspecified countries, and appears to erroneously reference a statute which does not appear to exist: "section 217(a)(12) of the INA." While there is a "section 217," there does not appear to be a section "217(a)(12)" identifying the countries from which "immigrant and nonimmigrant" persons are to be denied entry to the United States:

> 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.Ss.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..."

The People are not able to readily identify which countries the President intended because there does not appear to be a "section 217(a)(12)," and therefore does not appear to be any publication defining the "countries referred" in "section 217(a)(12).

6. The Executive Order violates the separation of powers doctrine without statutory exception, because U.S. Const. art. I, § 1 vests Congress with all legislative powers:

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U.S. Const. art. I, § 1

> All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

The President is vested with the executive power pursuant to U.S. Const. art. II, § 1, cl. 1:

> Section 1. The executive Power shall be vested in a President of the United States of America.

The Judiciary, this Court, is vested with the judicial powers to interpret the laws pursuant to is vested with U.S. Const. art. III, § 1:

> Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

No Statutory Exception Exists

There has been no change of any kind so as to warrant departure from the Separation of Powers doctrine and permit Mr. Trump to legislate the Executive Order at issue. There has been on increase of threat of terrorist attacks at all since the event referenced in the second paragraph of Mr. Trump's Executive Order, the "terrorist attacks of September 11, 2001." To the contrary, the threat of terrorist attacks has declined steadily since September 2001, therefore Congress and the previous two presidential administrations never considered enacting such a prohibition of entry of persons to the United States based on their countries of origin and/or religious beliefs. There is no exigent circumstance exception to warrant an executive order, while the legislature and previous two presidents served through the several years following September 11, 2001 and had years to enact legislation barring entry into the United States by the classes of persons identified on Mr. Trump's Executive Order, but clearly determined such legislation would be detrimental to the interests of the People of the United States of America.

CBPBATES00101013

THE EXECUTIVE ORDER WOULD DAMAGE U.S. REPUTATION

Mr. Trump's intent is commendable and appreciated insofar as he identifies persons who inflict "gender-based violence against women, including honor killings," as well as persons "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." However, Mr. Trump's Executive Order is overly broad and misses it's mark. If not stricken, the Executive Order would facially damage the reputation of the United States worldwide, because it discriminates against a very large class of persons based on either their foreign citizenship or residency, or religious beliefs, based on an erroneous beliefs of one individual (Mr. Trump). While the several countries Mr. Trump attempted to identify on his Executive Order are not actually specified, and apparently cannot even be ascertained from the document or it's references, nevertheless a ban on entry to the United States based solely on foreign citizenship or residency, or religion, facially evidences inhumane discrimination.

CONGRESS MAY ENACT THE LEGISLATION IF NECESSARY

The Legislative branch is charged with enactment of the laws. Mr. Trump can therefore tender his Executive Order as a bill to Congress, so that the legislature can decide whether such a law should be enacted for the benefit of the People of the United States of America. However, no statute or authority exists to support the issuance of this particular Executive Order.

SECOND CAUSE OF ACTION TO STRIKE EXECUTIVE ORDER AS UNCONSTITUTIONAL INFRINGEMENT ON ESTABLISHMENT CLAUSE

7. The First Amendment to the United States Constitution is the cornerstone

of democracy. The first sentence of the First Amendment provides:

"Congress shall make no law respecting an establishment of religion..."

Mr. Trump's Executive Order presents a proposed "law" facially prohibiting entry of persons to the United States based on their adherence to religious beliefs shared in certain countries. The Executive Order therefore is facially unconstitutional and must be stricken as an infringement on the Establishment Clause of the First Amendment.

INJUNCTIVE RELIEF PENDING ADJUDICATION

Plaintiffs respectfully move for an immediate injunction of enforcement of Mr. Trump's Executive Order until it's validity and constitutionality is adjudicated.

Dated: January 28, 2017

s/Andrew W. Shalaby
Andrew W. Shalaby, Attorney for Plaintiffs

EOFOIA00109556-00024

PROOF OF SERVICE

I, Andrew W. Shalaby, declare as follows:

I am a citizen of the United States, over the age of eighteen years and not a party to the within entitled action. I am employed at 7525 Leviston Ave, El Cerrito, CA. On January 28, 2017 I served the attached:

COMPLAINT FOR INJUNCTION AND REPEAL OF PRESIDENTIAL EXECUTIVE ORDER DATED JANUARY 27, 2017 SUSPENDING VISAS AND IMMIGRATION BENEFITS WITHOUT CONGRESSIONAL APPROVAL

on the interested parties in said action, by placing a true copy thereof in sealed envelope(s) addressed as follows:

Office of the Attorney General
455 Golden Gate, Suite 11000
San Francisco, CA 94102-7004

and served the named document in the manner indicated below:

BY MAIL: I am familiar with the practices of the U.S. Postal Service, and I caused true and correct copies of the above documents, by following ordinary business practices, to be placed and sealed in envelopes(s) addressed to the addressees, at an office of the U.S. Postal Service in El Cerrito, California, for collection and mailing by first class mail with the United States Postal Service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed January 28, 2017, at El Cerrito, California.

s/Andrew W. Shalaby

Andrew W. Shalaby

CBPBATES00101016

Matt Adams
Glenda Aldana Madrid
NORTHWEST IMMIGRANT RIGHTS PROJECT
615 Second Ave., Ste. 400
Seattle, WA 98104
(206) 957-8611

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

John DOE 1, John DOE 2 Petitioners, v. Donald TRUMP; President of the United States of America; John F. Kelly, Secretary of the Department of Homeland Security; DEPARTMENT OF HOMELAND SECURITY; KEVIN K. MCALEENAN, Acting Commissioner of Customs and Border Protection; CUSTOMS AND BORDER PROTECTION; and the UNITED STATES OF AMERICA, Respondents.	Case No.: C17-126 Agency No. A **ORDER GRANTING EMERGENCY MOTION FOR STAY OF REMOVAL**

Northwest Immigrant Rights Project
615 Second Ave., Ste. 400
Seattle, WA 98104
Tel: 206 957-8611

THIS MATTER HAVING COME TO THE COURT UPON PETITIONERS' EMERGENCY ORDER FOR STAY OF REMOVAL, AND THE COURT HAVING CONSIDERED THE EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS, DOCKET NO. 1, AND THE MOTION FOR EMERGENCY STAY, DOCKET NO. 2, HEREBY GRANTS THE FOLLOWING ORDER:

1. THE COURTS GRANTS A STAY OF REMOVAL.

2. DEFENDANTS ARE ENJOINED FROM REMOVING JOHN DOE I AND JOHN DOE II FROM THE UNITED STATES PENDING FURTHER ORDER OF THE COURT.

3. The Court SETS a hearing for 10:00 a.m. on Friday, February 3, 2017, to determine whether to lift the stay.

DATED this 28th day of January, 2017.

Thomas S. Zilly
United States District Judge

Northwest Immigrant Rights Project
615 Second Ave., Ste. 400
Seattle, WA 98104
Tel: 206 957-8611

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHAHIN HASSANPOUR,	§	
	§	
Petitioner,	§	
	§	
v.	§	**No. 3:17-cv-270**
	§	
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 CLEATUS P. HUNT, JR., Dallas/Ft. Worth International Airport Port Director, CBP,	§	
	§	
Respondents.	§	

ORDER

Pending before the Court is Petitioner's Motion for Temporary Restraining Order and Preliminary Injunction to stay the removal of Petitioner and persons similarly situated who are detained at DFW International Airport pursuant to the President's January 27, 2017.

On January 28, 2017, the United States District Court for the Eastern District of New York issued a nationwide stay in *Hameed Khalid Darweesh and Haider Sameer Abdulkhaleq Alshawi v. Donald Trump, et. al.*, Case No. 17 Civ. 480, that appears to apply to Petitioner and class members detained in the DFW Airport. That Court has determined that Petitioner and class members have a strong likelihood of success in the litigation, that there is imminent danger that, absent a stay of removal, there will be substantial and irreparable injury to Petitioner and class members subject to the January 27, 2017, and that issuance of the stay will not injure the parties.

Out of an abundance of caution, the Court will stay Petitioner's and class members'

removal in this case pending completion of the proceedings in the Eastern District of New York.

WHEREFORE, IT IS HEREBY ORDERED that the Respondents, their officers, agents, servants, employees, attorneys and all persons acting in concert or participation with them will comply with the nationwide stay issued in *Hameed Khalid Darweesh and Haider Sameer Abdulkhaleq Alshawi v. Donald Trump, et. al.*, Case No. 17 Civ. 480.

IT IS FURTHER ORDERED that to assure compliance with the Court's order, the Court directs service of this Order upon the United States Marshal for the Northern District of Texas, and further directs the United States Marshals Services to take those actions deemed necessary to enforce the provisions and prohibitions set forth in this Order.

So ordered this ___ day of January, 2017.

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHAHIN HASSANPOUR,	§	
	§	
Petitioner,	§	
	§	
v.	§	**No. 3:17-cv-270**
	§	
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 CLEATUS P. HUNT, JR., Dallas/Ft. Worth International Airport Port Director, CBP,	§	
	§	
Respondents.	§	

PETITIONER'S EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION;
DEPORTATION FLIGHT SCHEDULED FOR 11:00AM TODAY

Petitioner, by and through counsel, submits this **Emergency Motion for a Temporary Restraining Order and Preliminary Injunction**, pursuant to Federal Rule of Civil Procedure 65(a) and (b). Petitioner tried to file a habeas petition last night, but the ECF site was down. She was able to file a habeas petition at 7:20 this morning. She and others similarly situated immigrant and nonimmigrant visa holders who are detained by Respondents at the Dallas/Ft. Worth International Airport ("DFW") pursuant to the President's January 27, 2017 executive order were coerced into withdrawing their applications for admissions. Although a federal court has enjoined Respondents from removing Petitioner and class members, Petitioner is concerned that Respondents will disregard the nationwide stay on the ground that Petitioner and class

members involuntarily withdrew their applications for admission and waived their statutory and constitutional rights. Upon information and belief, Petitioner is scheduled to be deported on a flight at 11AM this morning. **She seeks an emergency stay of removal.**

In support of their motion, Petitioner and others similarly situated would show the following:

1. Petitioner Shahin Hassanpour is a 70 year-old Iranian national who landed in the Dallas/Ft. Worth International Airport ("DFW") on or about January 28, 2017. In September 2016, the United States Department of State (DOS) approved Ms. Hassanpour's application for an immigrant visa to come and live in the United States with her United States citizen son, who petitioned for her visa. Prior to the issuance of her visa, the DOS reviewed Ms. Hassanpour's criminal and immigration background and found her eligible for an immigrant visa.

2. On or about January 27, 2017, Ms. Hassanpour departed from Esfahan on Emirates Airlines.

3. On or about January 28, 2017, Ms. Hassanpour landed at DFW Airport.

4. Pursuant to the January 27, 2017 executive order, Respondents are not allowing Ms. Hassanpour to exit DFW Airport.

5. Respondents are not permitting Ms. Hassanpour to meet with her attorneys who are in Dallas or her United States citizen son was at the DFW Airport.

6. Ms. Hassanpour is an elderly woman who must take cancer and heart medication on a regular basis. The long flight, the stress of detention, and the lack of her medication present unnecessary health risks to Ms. Hassanpour.

7. Upon information and belief, Respondents coerced Ms. Hassanpour to withdraw her application for admission. Respondents told Ms. Hassanpour that she would be permanently

banned from the United States and sent to jail if she did not sign the form withdrawing her admission. Respondents did not translate or interpret the waiver form. Ms. Hassanpour, however, does not speak English, has no knowledge of United States laws, and was denied the opportunity to communicate with her attorneys.

8. Ms. Hassanpour has valid documents to enter the United States. She was previously interviewed and investigated by the State Department. The State Department and the U.S. Citizenship and Immigration Services previously determined that Ms. Hassanpour was not a national security risk. Respondents are detaining Ms. Hassanpour solely because of her national origin and her religion as required by the January 27, 2017 executive order.

9. Upon information and belief, Respondents intend to remove her and others and other similarly situated immigrant and nonimmigrant visa holders from Iran, Iraq, Syria, Yemen, Somalia, Sudan or Libya landed in the United States at the DFW Airport and presented themselves for inspection and admission, notwithstanding the nationwide stay issued in *Darweesh and Alshawi v. Trump et. al.*, Cause No. 17 Civ. 480 (AMD) in the U.S. District Court for the Eastern District of New York on January 28, 2017, relying upon the illegal waivers obtained from class members.

10. Because the executive order is unlawful as applied to Ms. Hassanpour and class members, their continued detention and the denial of admission based solely on the executive order violates their Fifth Amendment procedural and substantive due process, violates the First Amendment Establishment Clause, is ultra vires under the immigration statutes, and violates the Administrative Procedure Act and Religious Freedom Restoration Act. *See* Petitioner's Habeas Petition, ¶¶ 40 – 57. Further, Ms. Hassanpour's and class members continued unlawful detention is part of a widespread policy, pattern and practice applied to many refugees and arriving

noncitizens detained after the issuance of the January 27, 2017 executive order. Therefore, on behalf of herself and a class of similarly situated immigrant and nonimmigrant holders, Ms. Hassanpour respectfully applies to this Court for a stay of removal.

11. As indicated by the nationwide stay issued in *Darweesh and Alshawi v. Trump et. al.*, Cause No. 17 Civ. 480 (AMD) in the U.S. District Court for the Eastern District of New York on January 28, 2017, Petitioner has a strong likelihood of success in establishing that the removal of Petitioner and others similarly situated violates their rights to Due Process and Equal Protection guaranteed by the U.S. Constitution.

12. As indicated by the nationwide stay, there is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to Petitioner and others similarly situated.

13. As indicated by the nationwide stay, the issuance of the stay of removal will not injure the other parties interested in the proceeding.

14. A preliminary injunction is appropriate if the potential harm to the plaintiff outweighs the cost of the injunction, and the injunction "does not disserve the public interest." *Jackson Women's Health Org. Ctr.*, 760 F.3d 448, 452 (5th Cir. 2014). In this case, the potential harm to the Petitioner is clearly outweighed by any harm to the defendants.

Conclusion

15. Petitioner and others similarly situated face imminent removal in a few hours. The United States District Court in *Hameed Khalid Darweesh and Haider Sameer Abdulkhaleq Alshawi v. Donald Trump, et. al.*, Case No. 17 Civ. 480, has determined that Petitioner and class members have a strong likelihood of success in the litigation, that there is imminent danger that, absent a stay of removal, there will be substantial and irreparable injury to Petitioner and class members

Therefore, , the Court should grant her Motion for a Temporary Preliminary Injunction.

Emergency Hearing

16. Petitioner considers that the facts and law in this matter permit resolution of the Petition without an evidentiary hearing. In the alternative, Petitioner asks for an emergency hearing this morning to have her arguments heard.

Prayer

WHEREFORE, premises considered, Petitioner respectfully ask this court to GRANT her **Motion for a Temporary Preliminary Injunction** and to issue a preliminary injunction ordering Defendants to:

1. Stay her removal which would be contrary to law;
2. Grant any other and further relief that this Court may deem fit and proper.

Petitioner further requests that they be awarded reasonable attorney's fees and costs associated with the litigation of this motion.

Respectfully submitted,

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHAHIN HASSANPOUR,	§	
	§	
Petitioner,	§	
	§	
v.	§	**No. 3:17-cv-270**
	§	
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 CLEATUS P. HUNT, JR., Dallas/Ft. Worth International Airport Port Director, CBP,	§	
	§	
Respondents.	§	

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DEPORTATION FLIGHT SCHEDULED FOR 11:00AM TODAY

Petitioner, by and through counsel, submits this **Emergency Motion for a Temporary Restraining Order and Preliminary Injunction**, pursuant to Federal Rule of Civil Procedure 65(a) and (b). Petitioner tried to file a habeas petition last night, but the ECF site was down. She was able to file a habeas petition at 7:20 this morning. She and others similarly situated immigrant and nonimmigrant visa holders who are detained by Respondents at the Dallas/Ft. Worth International Airport ("DFW") pursuant to the President's January 27, 2017 executive order were coerced into withdrawing their applications for admissions. Although a federal court has enjoined Respondents from removing Petitioner and class members, Petitioner is concerned that Respondents will disregard the nationwide stay on the ground that Petitioner and class

members involuntarily withdrew their applications for admission and waived their statutory and constitutional rights. Upon information and belief, Petitioner is scheduled to be deported on a flight at 11AM this morning. **She seeks an emergency stay of removal.**

In support of their motion, Petitioner and others similarly situated would show the following:

1. Petitioner Shahin Hassanpour is a 70 year-old Iranian national who landed in the Dallas/Ft. Worth International Airport ("DFW") on or about January 28, 2017. In September 2016, the United States Department of State (DOS) approved Ms. Hassanpour's application for an immigrant visa to come and live in the United States with her United States citizen son, who petitioned for her visa. Prior to the issuance of her visa, the DOS reviewed Ms. Hassanpour's criminal and immigration background and found her eligible for an immigrant visa.

2. On or about January 27, 2017, Ms. Hassanpour departed from Esfahan on Emirates Airlines.

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4. Pursuant to the January 27, 2017 executive order, Respondents are not allowing Ms. Hassanpour to exit DFW Airport.

5. Respondents are not permitting Ms. Hassanpour to meet with her attorneys who are in Dallas or her United States citizen son was at the DFW Airport.

6. Ms. Hassanpour is an elderly woman who must take cancer and heart medication on a regular basis. The long flight, the stress of detention, and the lack of her medication present unnecessary health risks to Ms. Hassanpour.

7. Upon information and belief, Respondents coerced Ms. Hassanpour to withdraw her application for admission. Respondents told Ms. Hassanpour that she would be permanently

banned from the United States and sent to jail if she did not sign the form withdrawing her admission. Respondents did not translate or interpret the waiver form. Ms. Hassanpour, however, does not speak English, has no knowledge of United States laws, and was denied the opportunity to communicate with her attorneys.

8. Ms. Hassanpour has valid documents to enter the United States. She was previously interviewed and investigated by the State Department. The State Department and the U.S. Citizenship and Immigration Services previously determined that Ms. Hassanpour was not a national security risk. Respondents are detaining Ms. Hassanpour solely because of her national origin and her religion as required by the January 27, 2017 executive order.

9. Upon information and belief, Respondents intend to remove her and others and other similarly situated immigrant and nonimmigrant visa holders from Iran, Iraq, Syria, Yemen, Somalia, Sudan or Libya landed in the United States at the DFW Airport and presented themselves for inspection and admission, notwithstanding the nationwide stay issued in *Darweesh and Alshawi v. Trump et. al.*, Cause No. 17 Civ. 480 (AMD) in the U.S. District Court for the Eastern District of New York on January 28, 2017, relying upon the illegal waivers obtained from class members.

10. Because the executive order is unlawful as applied to Ms. Hassanpour and class members, their continued detention and the denial of admission based solely on the executive order violates their Fifth Amendment procedural and substantive due process, violates the First Amendment Establishment Clause, is ultra vires under the immigration statutes, and violates the Administrative Procedure Act and Religious Freedom Restoration Act. *See* Petitioner's Habeas Petition, ¶¶ 40 – 57. Further, Ms. Hassanpour's and class members continued unlawful detention is part of a widespread policy, pattern and practice applied to many refugees and arriving

noncitizens detained after the issuance of the January 27, 2017 executive order. Therefore, on behalf of herself and a class of similarly situated immigrant and nonimmigrant holders, Ms. Hassanpour respectfully applies to this Court for a stay of removal.

11. As indicated by the nationwide stay issued in *Darweesh and Alshawi v. Trump et. al.*, Cause No. 17 Civ. 480 (AMD) in the U.S. District Court for the Eastern District of New York on January 28, 2017, Petitioner has a strong likelihood of success in establishing that the removal of Petitioner and others similarly situated violates their rights to Due Process and Equal Protection guaranteed by the U.S. Constitution.

12. As indicated by the nationwide stay, there is imminent danger that, absent the stay of removal, there will be substantial and irreparable injury to Petitioner and others similarly situated.

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Conclusion

15. Petitioner and others similarly situated face imminent removal in a few hours. The United States District Court in *Hameed Khalid Darweesh and Haider Sameer Abdulkhaleq Alshawi v. Donald Trump, et. al.*, Case No. 17 Civ. 480, has determined that Petitioner and class members have a strong likelihood of success in the litigation, that there is imminent danger that, absent a stay of removal, there will be substantial and irreparable injury to Petitioner and class members

Therefore, , the Court should grant her Motion for a Temporary Preliminary Injunction.

Emergency Hearing

16. Petitioner considers that the facts and law in this matter permit resolution of the Petition without an evidentiary hearing. In the alternative, Petitioner asks for an emergency hearing this morning to have her arguments heard.

Prayer

WHEREFORE, premises considered, Petitioner respectfully ask this court to GRANT her **Motion for a Temporary Preliminary Injunction** and to issue a preliminary injunction ordering Defendants to:

1. Stay her removal which would be contrary to law;
2. Grant any other and further relief that this Court may deem fit and proper.

Petitioner further requests that they be awarded reasonable attorney's fees and costs associated with the litigation of this motion.

Respectfully submitted,

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHAHIN HASSANPOUR,	§	
	§	
Petitioner,	§	
	§	
v.	§	**No. 3:17-cv-270**
	§	
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 CLEATUS P. HUNT, JR., Dallas/Ft. Worth International Airport Port Director, CBP,	§	
	§	
Respondents.	§	

ORDER

Pending before the Court is Petitioner's Motion for Temporary Restraining Order and Preliminary Injunction to stay the removal of Petitioner and persons similarly situated who are detained at DFW International Airport pursuant to the President's January 27, 2017.

On January 28, 2017, the United States District Court for the Eastern District of New York issued a nationwide stay in *Hameed Khalid Darweesh and Haider Sameer Abdulkhaleq Alshawi v. Donald Trump, et. al.*, Case No. 17 Civ. 480, that appears to apply to Petitioner and class members detained in the DFW Airport. That Court has determined that Petitioner and class members have a strong likelihood of success in the litigation, that there is imminent danger that, absent a stay of removal, there will be substantial and irreparable injury to Petitioner and class members subject to the January 27, 2017, and that issuance of the stay will not injure the parties.

Out of an abundance of caution, the Court will stay Petitioner's and class members'

removal in this case pending completion of the proceedings in the Eastern District of New York.

WHEREFORE, IT IS HEREBY ORDERED that the Respondents, their officers, agents, servants, employees, attorneys and all persons acting in concert or participation with them will comply with the nationwide stay issued in *Hameed Khalid Darweesh and Haider Sameer Abdulkhaleq Alshawi v. Donald Trump, et. al.*, Case No. 17 Civ. 480.

IT IS FURTHER ORDERED that to assure compliance with the Court's order, the Court directs service of this Order upon the United States Marshal for the Northern District of Texas, and further directs the United States Marshals Services to take those actions deemed necessary to enforce the provisions and prohibitions set forth in this Order.

So ordered this ___ day of January, 2017.

_____

UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHAHIN HASSANPOUR and A Class of Similarly Situated Persons,	§	
	§	
Petitioners,	§	
	§	
v.	§	**No. 3:17-cv-270**
	§	
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 CLEATUS P. HUNT, JR., Dallas/Ft. Worth International Airport Port Director, CBP,	§	
	§	
Respondents.	§	

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

This class habeas petition is filed by Petitioner Shahin Hassanpour and others similarly situated immigrant and nonimmigrant visa holders who are detained by Respondents at the Dallas/Ft. Worth International Airport ("DFW") pursuant to the President's January 27, 2017 executive order and who were coerced into withdrawing their applications for admissions. Although a federal court has enjoined Respondents from removing Petitioner and class members, Petitioner is concerned that Respondents will disregard the nationwide stay on the ground that Petitioner and class members involuntarily withdrew their applications for admission and waived their statutory and constitutional rights. This class petition is filed to safeguard Petitioner's and class members' constitutional and statutory rights.

EOFOIA00109556-00044

Petitioner Shahin Hassanpour is a 70 year-old Iranian national who landed in the Dallas/Ft. Worth International Airport ("DFW") on or about January 28, 2017. In September 2016, the United States Department of State (DOS) approved Ms. Hassanpour's application for an immigrant visa to come and live in the United States. Her United States citizen son had petitioned for her to immigrate to the United States as a permanent resident. Prior to the issuance of her visa, the DOS reviewed Ms. Hassanpour's criminal and immigration background and found her eligible for an immigrant visa.

On or about January 28, 2017, Ms. Hassanpour and other similarly situated immigrant and nonimmigrant visa holders landed in the United States at the DFW Airport and presented themselves for inspection and admission. U.S. Customs and Border Protection (CBP) blocked Ms. Hassanpour and class members from exiting DFW Airport even though they presented valid entry documents. CBP continues to detain Ms. Hassanpour and class members and deny them admission. CBP is holding Ms. Hassanpour and class members at DFW Airport solely pursuant to an executive order issued by President Donald Trump on January 27, 2017.

Because the executive order is unlawful as applied to Ms. Hassanpour and class members, their continued detention and the denial of admission based solely on the executive order violates their Fifth Amendment procedural and substantive due process, violates the First Amendment Establishment Clause, is ultra vires under the immigration statutes, and violates the Administrative Procedure Act and Religious Freedom Restoration Act. Further, Ms. Hassanpour's and class members continued unlawful detention is part of a widespread policy, pattern and practice applied to many refugees and arriving noncitizens detained after the issuance of the January 27, 2017 executive order. Therefore, on behalf of herself and a class of similarly situated immigrant and nonimmigrant holders, Ms. Hassanpour respectfully applies to this Court

CBPBATES00101036

for a writ of habeas corpus to remedy their unlawful detention, and for declaratory and injunctive relief to prevent such harms from recurring.

CUSTODY

1. Ms. Hassanpour is in the physical custody of Respondent Cleatus P. Hunt, Jr., DFW International Airport Port Director, U.S. Customs and Border Protection, the Department of Homeland Security (DHS). At the time of the filing of this petition, Petitioner is detained at the DFW Airport. Ms. Hassanpour is under the direct control of Respondents and their agents.

2. Class members are immigrant and nonimmigrant holders who are from Iran, Iraq, Syria, Yemen, Somalia, Sudan or Libya, who are detained at DFW Airport pursuant to the January 27, 2017 executive order, and who were coerced into withdrawing their applications for admission.

JURISDICTION

3. This Court has subject matter jurisdiction over this action under 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.*

VENUE

4. Venue lies in the United States District Court for the Northern District of Texas, the judicial district in which Respondent Cleatus P. Hunt, Jr. resides and where Petitioner is detained. 28 U.S.C. § 1391(e).

5. No petition for habeas corpus has previously been filed in any court to review Petitioner's case.

PARTIES

6. Petitioner Shahin Hassanpour is a national and citizen of Iran who was granted an immigrant visa so that she can come to the United States as a lawful permanent resident. She is

detained by Respondents pursuant to President Trump's January 27, 2017 executive order.

7. Class members are immigrant and nonimmigrant holders who are from Iran, Iraq, Syria, Yemen, Somalia, Sudan or Libya and who are detained at DFW Airport pursuant to the January 27, 2017 executive order and who were coerced into withdrawing their applications for admission.

8. Donald Trump is the President of the United States and is charged with enforcing the immigration laws. He is sued in his official capacity.

9. 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.

10. 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.

11. Respondent John Kelly is the Secretary of DHS. Secretary Kelly has immediate custody of Petitioner. He is sued in his official capacity.

12. Respondent Kevin K. McAleenan is the Acting Commissioner of CBP. Acting Commissioner McAleenan has immediate custody of Petitioner. He is sued in his official capacity.

13. Respondent Cleatus P. Hunt, Jr. is the Port Director of the Dallas/Ft. Worth International Airport. He has immediate custody of Ms. Hassanpour. He is sued in his official capacity.

STATEMENT OF FACTS

President Trump's January 27, 2017 Executive Order

14. On January 20, 2017, Donald Trump was inaugurated as the forty-fifth President of the United States. During his campaign, he stated that he would ban Muslims from entering the United States.

15. On January 27, one week after his inauguration, 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."

16. In statements to the press in connection with his issuance of the EO, President Trump stated that his order would help Christian refugees to enter the United States.

17. Citing the threat of terrorism committed by foreign nationals, the EO directs a variety of changes to the manner and extent to which noncitizens may seek and obtain entry to the United States. Among other things, the EO imposes a 120-day moratorium on the refugee resettlement program as a whole; proclaims that "that the entry of nationals of Syria as refugees is detrimental to the interests of the United States"; and therefore singles out Syrian refugees for an indefinite "suspension" on their admission to the country.

18. 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.

19. 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 noncitizens from those countries is "suspended" from 90 days from the date of the EO.

Petitioner Hassanpour

20. Petitioner Shahin Hassanpour is a 70 year-old Iranian national who is Muslim.

21. Ms. Hassanpour has a United States citizen son who petitioned for Ms. Hassanpour to immigrate to the United States as a lawful permanent resident.

22. In September 2016, the State Department interviewed Ms. Hassanpour in connection with her application for an immigrant visa. After reviewing her application and investigating her criminal background, the State Department determined that Ms. Hassanpour qualified for an immigrant visa. In issuing Ms. Hassanpour an immigrant visa, the State Department determined that Ms. Hassanpour was not a threat to this country's national security but rather that she was worthy of residing here permanently.

23. On or about January 27, 2017, Ms. Hassanpour departed from Esfahan on Emirates Airlines.

24. On or about January 28, 2017, Ms. Hassanpour landed at DFW Airport.

25. Pursuant to the January 27, 2017 executive order, Respondents are not allowing Ms. Hassanpour to exit DFW Airport.

26. Respondents are not permitting Ms. Hassanpour to meet with her attorneys who are in Dallas. Her United States citizen son was at the DFW Airport ready to meet her.

27. Ms. Hassanpour is an elderly woman who must take cancer and heart medication on a regular basis. The long flight, the stress of detention, and the lack of her medication present unnecessary health risks to Ms. Hassanpour.

28. Upon information and belief, Respondents coerced Ms. Hassanpour to withdraw her application for admission. Respondents told Ms. Hassanpour that she would be permanently banned from the United States if she did not sign the form withdrawing her admission. Respondents did not translate or interpret the waiver form. Ms. Hassanpour, however, does not speak English, has no knowledge of United States laws, and was denied the opportunity to communicate with her attorneys.

29. Ms. Hassanpour has valid documents to enter the United States. She was previously interviewed and investigated by the State Department. The State Department and the U.S. Citizenship and Immigration Services previously determined that Ms. Hassanpour was not a national security risk. Respondents are detaining Ms. Hassanpour solely because of her national origin and her religion as required by the January 27, 2017 executive order.

30. Upon information and belief, Respondents intend to remove class members notwithstanding the nationwide stay issued in *Darweesh and Alshawi v. Trump et. al.*, Cause No. 17 Civ. 480 (AMD) in the U.S. District Court for the Eastern District of New York on January 28, 2017, relying upon the illegal waivers obtained from class members.

31. Respondents' decisions to detain Ms. Hassanpour are not unlawfuland are capricious and arbitrary. There is no better time for the Court to consider the merits of Ms. Hassanpour's request for release.

Class

32. Class members are immigrant and nonimmigrant visa holders currently detained by Respondents at the DFW Airport.

33. Class members are in the possession of entry documents that were lawfully issued by the State Department and/or the Department of Homeland Security.

34. Prior to issuing entry documents to class members, the State Department and/or the Department of Homeland Security interviewed and investigated class members. The State Department and/or the Department of Homeland Security determined that class members were admissible and were not a threat to the national security.

35. Upon landing at DFW Airport, Respondents detained class members pursuant to the President's January 27, 2017 executive order. Upon information and belief, Respondents denied class members an opportunity to speak with their lawyers.

36. Upon information and belief, Respondents then proceeded to coerce class members to withdraw their applications for admission.

37. Class members do not speak English fluently, are not lawyers, and are not familiar with United States laws.

38. Upon information and belief, Respondents intend to remove class members notwithstanding the nationwide stay issued in *Darweesh and Alshawi v. Trump et. al.*, Cause No. 17 Civ. 480 (AMD) in the U.S. District Court for the Eastern District of New York on January 28, 2017, relying upon the illegal waivers obtained from class members.

39. Respondents' decisions to detain class members are not legally justifiable and are capricious and arbitrary. There is no better time for the Court to consider the merits of the class members' request for release.

CLAIMS FOR RELIEF

COUNT ONE
CONSTITUTIONAL CLAIM--DUE PROCESS

40. Petitioner alleges and incorporates by reference paragraphs 1 through 39 above.

41. Petitioner's and the class members' detention violates her right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

COUNT TWO
FIRST AMENDMENT--ESTABLISHMENT CLAUSE

42. Petitioner alleges and incorporates by reference paragraphs 1 through 39 above.

43. 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 THREE
FIFTH AMENDMENT--EQUAL PROTECTION

44. Petitioner alleges and incorporates by reference paragraphs 1 through 39 above.

45. The EO discriminates against Petitioner and the class on the basis of their country of origin and religion, without sufficient justification, and therefore violates the equal protection component of the Due Process Clause of the Fifth Amendment.

46. 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.

47. Respondents have demonstrated an intent to discriminate against Petitioner and the class members 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).

48. Applying a general law in a fashion that discriminates on the basis of religion in this way violates Petitioner's and class members' right to equal protection under the Fifth Amendment Due Process Clause. Petitioner and the class satisfy the Supreme Court's test to determine whether a facially neutral law – in the case, the EO and federal immigration law – has been applied in a discriminatory fashion. *Vill. of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 266-7 (1977).

49. 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.*, 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 Petitioner. *See supra.*

50. Thus, Respondents have applied the EO with forbidden animus and discriminatory intent in violation of the equal protection of the Fifth Amendment and violated Petitioner's and the class members' equal protection rights.

COUNT FOUR
ADMINISTRATIVE PROCEDURE ACT

51. Petitioner alleges and incorporates by reference paragraphs 1 through 27 above.

52. Respondents detained and mistreated Petitioner and class members solely pursuant to an executive order issued on January 27, 2017, which expressly discriminates against Petitioner and

the class on the basis of her country of origin and was substantially motivated by animus toward Muslims.

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

54. 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).

55. Respondents' actions in detaining and mistreating Petitioner and class members 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 FIVE
RELIGIOUS FREEDOM RESTORATION ACT

56. Petitioner alleges and incorporates by reference paragraphs 1 through 27 above.

57. 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 Petitioner's and class members' exercise of religion in a way that is not the least restrictive means of furthering a compelling governmental interest.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be

granted;

3. Issue an order certifying a class of immigrant and nonimmigrant visa holders detained at DFW Airport pursuant to the President's January 27, 2017 executive order and who were coerced into withdrawing their applications for admission and other rights;
4. Issue an injunction ordering Respondents not to detain Petitioner on the basis of the EO;
5. Issue a writ of habeas corpus ordering Respondents to release Ms. Hassanpour;
6. Award Petitioner reasonable costs and attorney's fees; and,
7. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

JAVIER N. MALDONADO
LAW OFFICE OF JAVIER N. MALDONADO, PC
8918 Tesoro Dr., Ste. 575
San Antonio, Texas 78217
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NATIONAL LAWYERS GUILD
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Fax: (866) 462-6179
Email: don.uloth@uloth.pro

ATTORNEYS FOR PETITIONERS

By: /s/ Javier N. Maldonado
Javier N. Maldonado
Texas State Bar No. 00794216

By: /s/ Seja R. Zota
Sejal R. Zota
North Carolina State Bar No. 36535

By: /s/ Donald E. Uloth
Donald E. Uloth
Texas State Bar No. 20374200

JS 44 (Rev. 08/16)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS
SHAHIN HASSANPOUR AND OTHER SIMILARLY SITUATED

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*
Donald E. Uloth, 18208 Preston Rd. Suite D-9 # 261, Dallas, TX 75252, (214) 725-0260; Javier N. Maldonado, 8918 Tesoro Dr., Ste. 575, San Antonio, TX 78217, (210) 277-1603

DEFENDANTS
President Donald Trump, et. al.

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☒ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant) (For Diversity Cases Only)*

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)* Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☒ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 840 Trademark

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
28 U.S.C. Sec. 1331, 1361, 2241, and 2243.
Brief description of cause:
Visa holders detained at DFW are detained pursuant to Jan. 27, 2017 executive order.

VII. REQUESTED IN COMPLAINT:
☒ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.
DEMAND $
CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY *(See instructions)*:
JUDGE _____ DOCKET NUMBER _____

DATE
1/29/2017

SIGNATURE OF ATTORNEY OF RECORD
/s/ Javier N. Maldonado

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SHAHIN HASSANPOUR and A Class of Similarly Situated Persons,	§	
	§	
Petitioners,	§	
	§	
v.	§	**No. 3:17-cv-270**
	§	
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 CLEATUS P. HUNT, JR., Dallas/Ft. Worth Port Director, CBP,	§	
	§	
Respondents.	§	

PETITIONER'S CERTIFICATE OF INTERESTED PERSONS

Pursuant to Fed. R. Civ. P. 7.1 and LR 3.1(c), LR 3.2(e), LR 7.4, LR 81.1(a)(4)(D), and LR 81.2, Petitioner Shahin Hassanpour provides the following information:

Petitioner is a natural person.

There are no nongovernmental corporate parties in this case.

The persons, associations of persons, firms, partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities that are financially interested in the outcome of the case are:

1. Shahin Hassanpour, Petitioner

2. Class members are immigrant and nonimmigrant holders who are from Iran, Iraq, Syria, Yemen, Somalia, Sudan or Libya and who are detained at DFW Airport

pursuant to the January 27, 2017 and who were coerced into withdrawing their applications for admission.

3. Donald J. Trump, President of the United States.

4. The U.S. Department of Homeland Security.

5. U.S. Customs and Border Protection.

6. John Kelly, the Secretary of the he U.S. Department of Homeland Security.

7. Kevin K. McAleenan, the Acting Commissioner of U.S. Customs and Border Protection.

8. Cleatus P. Hunt, Jr., the Port Director of the Dallas/Ft. Worth International Airport.

Date: January 29, 2016

Respectfully submitted,

/s/ Javier N. Maldonado

Javier N. Maldonado
State Bar No. 00794216
Law Office of Javier N. Maldonado, PC
8918 Tesoro Dr., Ste. 575
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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MAZDAK POURABDOLLAH
TOOTKABONI and
ARGHAVAN LOUHGHALAM,

Petitioners,

v.

DONALD TRUMP, President of
The United States, et al.,

Respondents

CIVIL ACTION NO. 17-cv-10154

TEMPORARY RESTRAINING ORDER
January 29, 2017

BURROUGHS, U.S.D.J.

On January 28, 2017 the Petitioners filed a Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief.

After consideration of the written submissions, arguments of counsel, and the hearing held on January 28-29, 2017, the Court hereby finds as follows:

1. The petitioners have met their burden of establishing a strong likelihood of success in establishing that the detention and/or removal of the petitioners and others similarly situated would violate their rights to Due Process and Equal Protection as guaranteed by the United States Constitution;

2. Absent a stay of removal, petitioners and others similarly situated, including lawful permanent residents, citizens, visa-holders, approved refugees, and other individuals from nations who are subject to the January 27, 2017 Executive Order, are likely to suffer irreparable harm.

3. The balance of harms favors the issuance of this temporary restraining order and its issuance is in the public interest.

NOW, THEREFORE, IT IS HEREBY ORDERED

I. that respondents, their officers, agents, servants, employees, attorneys, and all members and persons acting in concert or participation with them:

a) shall limit secondary screening to comply with the regulations and statutes in effect prior to the Executive Order, including 8 U.S.C. § 1101(a)(13)(C);

b) shall not, by any manner or means, detain or remove individuals with refugee applications approved by U.S. Citizenship and Immigration Services as part of the U.S. Refugee Admissions Program, holders of valid immigrant and non-immigrant visas, lawful permanent residents, and other individuals from Iraq, Syria, Iran, Sudan, Libya, Somalia and Yemen who, absent the Executive Order, would be legally authorized to enter the United States;

c) to assure compliance with this Order, the United States Marshal for the District of Massachusetts shall be served with this Order and is further directed to take those actions deemed necessary to enforce this Order; and

d) Customs and Border Protection shall notify airlines that have flights arriving at Logan Airport of this Order and the fact that individuals on these flights will not be detained or returned based solely on the basis of the Executive Order.

II. This Order shall remain in effect for a period of seven (7) days from the date of this Order. The Court shall schedule a hearing prior to the expiration of this Order.

III. Petitioners shall file an Amended Complaint by January 30, 2017.

Allison D. Burroughs
United States District Judge

Judith Gail Dein
United States Magistrate Judge

January 29, 2017

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

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 9:34 PM
To: HOFFMAN, TODD A; DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C); (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)
Subject: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States
Attachments: RE: EO 212(f) Exemption Request for (b)(6), (b)(7)(C) RE: Waiver Request for 212(1) in re (b)(6), (b)(7)(C); EO 212(f) Waiver for (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)
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 1st time refugees encountered);
- Returning Asylees;
- Individuals in possession of a valid I-512 issued by CIS;
- UAC

<u>The request for said waiver will need to follow the below format sent initially to the below distro</u>

- (b)(6), (b)(7)(C)
- EAC Owen
- DEAC Wagner
- XD Murdock
- 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

Waiver Narrative

(b)(5)

(b)(5)

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 F (b)(6), (b)(7)(C) HUTTON, JAMES R (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) MCFARQUHAR, KEITH E (b)(6), (b)(7)(C)
Subject: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States
Importance: High

Directors,

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

Memorandum For: Directors, Field Operations

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

Office of Field Operations

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

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

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

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

Returning Residents,

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

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

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

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

Returning aliens ineligible who withdraw their application for admission:

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

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

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

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

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

Approved per C1, 1722 hours.

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

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

Exemption to Executive Order Request

January 28, 2017

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

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

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

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

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

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

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

Importance: High

OCC

Please see below a waiver request involving a (b)(6), (b)(7)(C), who is travelling with his LPR parents. **JFK PD has already approved a waiver for his LPR parents.**

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

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

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

Washington, DC

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

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

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

Waiver granted by C1, 1312 hours.

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

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

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

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

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

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

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

[cid:image001.png@01D00E30.B35BEEB0]

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

From: HUTTON, JAMES R
Sent: Sunday, January 29, 2017 11:49 AM
To: HOFFMAN, TODD A; DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS; ENFORCEMENT PROGRAMS DIVISION
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) MCFARQUHAR, KEITH E; (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)
Subject: RE: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States

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

(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) SECURITY ASST DIRECTORS (b)(6), (b)(7)(C)
Cc: Owen, Todd C (AC OFO) (b)(6), (b)(7)(C); WAGNER, JOHN P (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) MCFARQUHAR, KEITH E (b)(6), (b)(7)(C)

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

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

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

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

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

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

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

Sample

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

Waiver Narrative

(b)(5)

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) MCFARQUHAR, KEITH E (b)(6), (b)(7)(C)
Subject: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States
Importance: High

Directors,

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

Memorandum For: Directors, Field Operations

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

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

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

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

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

Returning Residents,

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

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

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

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

Returning aliens ineligible who withdraw their application for admission:

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

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

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

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

m: HUTTON, JAMES R
Sent: Monday, January 30, 2017 9:05 AM
To: SABATINO, DIANE J; (b)(6), (b)(7)(C); SHOBERG, ERIK; (b)(6), (b)(7)(C) MARTEL, CARLOS C; MURDOCK, JUDSON W; (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C) HOFFMAN, TODD A
Subject: Arrival of Central American Minors (CAM) Parolees - Jan 31st
Attachments: PAROLEE 30JAN-2FEB EL SALVADOR_HONDURAS.XLS; Form I-512L CAM Parole Authorization Letter.pdf

Importance: High

Follow Up Flag: Follow Up
Flag Status: Flagged

DFO/PDs
Starting on January 31st, 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.

ase 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)

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ARRIVAL 30 JANUARY												
PF #	DOA PoE	Arr Time	Carrier	Case	Family Name	First Name	Middle Name	Birthdate	Relation	Nationality	Size	Po E
SVH3012	30-Jan-2017	17:45	AA	(b)(6), (b)(7)(c)								
												MIA
												MIA
												MIA
												MIA
												MIA
												MIA
												MIA
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												MIA
												MIA
												MIA
												MIA
												MIA
TOTAL												18

ARRIVAL 31 JANUARY

PF #	DOA PoE	Arr Time	Carrier	Case	Family Name	First Name	Middle Name	Birthdate	Relation	Nationality	Size	Po E
SVH3013	31-Jan-2017	17:45	AA									
												MIA
												MIA
												MIA

ARRIVAL 1 FEBRUARY												
PF #	DOA PoE	Arr Time	Carrier	Case	Family Name	First Name	Middle Name	Birthdate	Relation	Nationalit	Size	Po E
SVH3014	1-Feb-2017	17:45	AA	(b)(6), (b)(7)(C)								
												MIA
												MIA
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												MIA

ARRIVAL 2 FEBRUARY												
PF #	DOA PoE	Arr Time	Carrier	Case	Family Name	First Name	Middle Name	Birthdate	Relation	Nationalit	Size	Po E
SVH3015	2-Feb-2017	17:45	AA	(b)(6), (b)(7)(C)								
												MIA
												MIA
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Department of Homeland Security
U.S. Citizenship and Immigration Services

I-512L, Authorization for Parole of an Alien Into the United States

AUTHORIZATION TO TRANSPORT FOR PAROLE OF AN ALIEN INTO THE UNITED STATES

SAMPLE

Date Issued:	Aug 7, 2015
This Document Valid Until:	Sep 7, 2015
Name of Bearer:	**John SMITH**
Date/Place of Birth:	Jan 1, 2000 San Salvador, El Salvador
Bearer's A-Number:	A088888888
Gender:	Male
Passport Number:	AA 88888888

TO: TRANSPORTATION COMPANY

TO: U.S. CUSTOMS AND BORDER PROTECTION (CBP) OFFICER AT PORT-OF-ENTRY

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS), has **AUTHORIZED PAROLE FOR TWO (2) YEARS** into the United States for the above named bearer under Section 205(d)(A) of the Immigration and Nationality Act. USCIS has waived all ineligibilities for parole purposes only.

Presentation of the original of this document will authorize a transportation line to accept the named bearer, whose photograph is embedded below, on board for travel to the United States on or before Sep 7, 2015 without liability under Section 273(b) of the Immigration and Nationality Act for transporting an alien without a visa to the United States.

Presentation of the original of this document will inform the Customs and Border Protection officer at a port of entry that USCIS has authorized the above named bearer to enter the United States on or before Sep 7, 2015 as an alien paroled pursuant to Section 212(d)(5) of the Immigration and Nationality Act for a period of two (2) years commencing with the alien's arrival in the United States.

Issued by: (b)(6), (b)(7)(C)
Field Office Director
San Salvador, El Salvador
Telephone: (b)(6), (b)(7)(C)

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

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

From: HUTTON, JAMES R
Sent: Monday, January 30, 2017 4:03 PM
To: DIRECTORS FIELD OPS; BORDER SECURITY ASST DIRECTORS; EXECUTIVE DIRECTORS HQ
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: Re-Delegation of EO Section 5 Refugee Waiver Authority
Attachments: S Signed Action Memo Refugees.pdf; Copy of 30Jan-2 Feb Booking Spreadsheet Details (2).xlsx; 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx

Importance: High

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 30th – February 2nd . 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:

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

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

☎:
🖷: (b)(6), (b)(7)(C)
✉:

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From: MCALEENAN, KEVIN K
Sent: Monday, January 30, 2017 3:06 PM
To: ALLES, RANDOLPH D (b)(6), (b)(7)(C) Owen, Todd C (AC OFO) (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C) FLANAGAN, PATRICK S (b)(6), (b)(7)(C)
Subject: Redelegation of Refugee Waiver Authority

Acting Deputy Commissioner/EAC,

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

United States Department of State

Washington, D.C. 20520

January 28, 2017

UNCLASSIFIED

ACTION MEMO FOR ACTING SECRETARY SHANNON

FROM: PRM - (b)(6), Acting

SUBJECT: (SBU) Determination to exempt certain refugees from the President's Executive Order so they may enter the United States

Recommendation

(SBU) That you determine to admit the 872 refugees listed in Tab 1 scheduled to enter the United States through February 2 because their admission is in the national interest and would not pose a risk to the security or welfare of the United States.

Approve (b)(6) Disapprove _____

Background

(SBU) The Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States" (EO) suspends certain aspects of the US Refugee Admissions Program for 120 days, including the entry of refugees. Section 5(e) of the EO provides that "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 refugees is in the national interest – including … 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."

(SBU) PRM is seeking for you and DHS to determine jointly to admit 872 refugees who are already in transit through February 2. This group does not include nationals from the specific countries restricted in the Executive Order (Iran, Iraq, Libya, Somalia, Sudan, Syria, and Yemen). A list of these individuals is attached at Tab 1. Many of these individuals have already been moved from camps or other remote locations to U.S.-run refugee processing hubs in preparation for departure. Most have sold or relinquished their accommodations, household effects and other belongings; given up employment; and or discontinued schooling

for their children. Many have had their residency permits rescinded by their countries of asylum once granted exit permits to imminently depart to the United States and others have been preparing for life in the United States to join U.S. family members who are already here. These individuals are mostly families with children and immediate cancellation of their travel would impose extreme hardship on people who have fled persecution and conflict in order to be resettled in the U.S. Without this humanitarian measure, some refugees could be stuck in limbo or even risk being returned to a country where they would face persecution. As such, each individual in this group is in transit and denying them admission would cause undue hardship.

(SBU) You must also determine jointly with the Secretary of Homeland Security that the admission of each of these individuals would not pose a risk to the security or welfare of the United States. Refugees under this exemption request have cleared security vetting. All of the information (including biographic and biometric) collected on applicants has been screened against a multitude of USG databases and watch lists, with an emphasis on counterterrorism, but including concerns pertaining to criminality, trafficking of arms, narcotics, and trafficking in persons. Where appropriate, certain aspects of screening were automated, but human intelligence analysts were engaged throughout.

(b)(7)(E)

(SBU) This exemption must be jointly determined by the Secretaries of State and Homeland Security. We have coordinated with the Department of Homeland Security and understand that its Secretary is prepared to make this determination for these individuals jointly with you. Because of the nature of travel bookings, this waiver must be issued today or tomorrow to allow such travel.

Attachment:
Tab 1: List of individuals
Tab 2: Executive Order

Approved: A/S (b)(6) Acting (ok)

Drafted: PRM/A – (b)(6), and cell: (b)(6)

Cleared: L – (b)(6) (ok)
C – (b)(6) (ok)

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.

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

(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

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.

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

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.

DONALD J. TRUMP

THE WHITE HOUSE,
January 27, 2017.

# # #

SUMMARY OF NATIONALITY CODES

AF	Afghanistan
BI	Burundi
BT	Bhutan
CD	Democratic Republic of Congo
CF	Central African Republic
CI	Cote d'Ivoire
CM	Cameroon
CO	Colombia
ER	Eritrea
ET	Ethiopia
GN	Guinea
HN	Honduras
ID	India
JO	Jordan
LK	Sri Lanka
MM	Burma
NP	Nepal
PK	Pakistan
PS	Palestine
RW	Rwanda
SL	Sierra Leone
SS	South Sudan
SV	El Salvador
UA	Ukraine
UG	Uganda

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

m: HUTTON, JAMES R
nt: Monday, January 30, 2017 9:17 PM
To: DIRECTORS FIELD OPS; BORDER SECURITY ASST DIRECTORS; EXECUTIVE DIRECTORS HQ
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C) (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), (b)(7)(E)

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

☎:
🖷: (b)(6), (b)(7)(C)
✉:

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From: (b)(6), (b)(7)(C)
nt: Monday, January 30, 2017 7:17 PM
: Owen, Todd C (AC OFO) (b)(6), (b)(7)(C); WAGNER, JOHN P < (b)(6), (b)(7)(C)
Cc: HOFFMAN, TODD A (b)(6), (b)(7)(C); HUTTON, JAMES R (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)

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

Subject: Guidance on Withdrawal

(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)
(cell)

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

From: HUTTON, JAMES R
Sent: Monday, January 30, 2017 9:57 AM
To: (b)(6), (b)(7)(C)
Cc:
Subject: Refugee Arrivals
Attachments: Results of 30Jan-2 Feb Booking Spreadsheet Details_Master-2.xlsx

This is what I have.

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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ARRIVALS - 30 JANUARY 2017

PF #	DOA PoE	Arr Time	Carrier	Case	Individual Name	Birthdate	Relation	Nationality	Size	Po E	FBI Response
EGH0034	01/30/17	13:10	LH	(b)(6), (b)(7)(C)							(b)(7)(E)
										ORD	
										ORD	
GHH0012	01/30/17	16:34	DL								
										JFK	
IDH0014	01/30/17	19:25	CI								
										LAX	
IDH0023	01/30/17	20:25	CI								
										LAX	
KEH7067	01/30/17	13:30	UA								
										ORD	
										ORD	
										ORD	
										ORD	
										ORD	
										ORD	
										ORD	

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				ORD	
				ORD	
KEH7328	01/30/17	12:45	EK		
				LAX	
LBH0006	01/30/17	12:55	LH		
				LAX	
				LAX	
LBH0030	01/30/17	14:05	LH		
				IAH	(b)(7)(E)
NPH5016	01/30/17	06:40	CX		
				LAX	
				LAX	
				LAX	
				LAX	
				LAX	

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										LAX	
										LAX	
										LAX	
										LAX	
NPH5017	01/30/17	15:45	QR								
										IAH	
										IAH	
										IAH	(b)(7)(E)
										IAH	
										IAH	
										IAH	
										IAH	
										IAH	
										IAH	
NPH5032	01/30/17	12:10	CX								

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

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				JFK	
				JFK	
				JFK	
				JFK	
				JFK	
RWH0038	01/30/17	13:30	UA		
				ORD	(b)(7)(E)
RWH0039	01/30/17	13:30	UA		
				ORD	
SVH0012	01/30/17	11:50	AV		
				MIA	
				MIA	
				MIA	
				MIA	
SVH0014	01/30/17	17:45	AA		
				MIA	
				MIA	
				MIA	

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

97 pax

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PF #	DOA PoE	Arr Time	Carrier	Flt	Total Pax	Case	Individual Name	Birthdate	Relation	Nationality	Size	Po E	FBI Res
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												EWR	
												EWR	
												EWR	
												EWR	
					SubTota								
ETH0074	01/31/17	13:25	QR	725	3								
												ORD	
					SubTota								
ETH0075	01/31/17	19:15	ET	508	6								
												EWR	
													(b)(7)(E)
					SubTota								
GHH0002	01/31/17	15:05	UA	951	19								
												IAD	
												IAD	
												IAD	
												IAD	
												IAD	
												IAD	
												IAD	
												IAD	

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						IAD
						IAD
						IAD
					SubTota	
HNH0002	01/31/17	18:24	AA	1531	9	
						MIA
						MIA
						MIA
						MIA
						MIA
						MIA
						MIA
					SubTota	
IDH0010	01/31/17	14:50	QR	707	6	
						IAD
					SubTota	

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(b)(7)(E)

ARRIVALS - 31 JANUARY 2017

IDH0017	01/31/17	14:15	QR	701	1	
						JFK
					SubTota	
IDH0019	01/31/17	14:15	QR	701	3	
						JFK
					SubTota	
JOH5105	01/31/17	18:10	AF	010	1	
						JFK
					SubTota	
KEH7013	01/31/17	16:00	LX	008	20	
						ORD
					SubTota	
KEH7330	01/31/17	11:50	AA	087	1	
						ORD
					SubTota	
MYH0014	01/31/17	13:15	QR	739	11	
						LAX
						LAX
NPH4011	01/31/17	08:10	EK	231	4	
						IAD
					SubTota	

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

ARRIVALS - 31 JANUARY 2017

NPH4015	01/31/17	07:55	QR	703	5								
												JFK	
												JFK	
					SubTota								
NPH4026	01/31/17	13:35	QR	725	2								
												ORD	
					SubTota								
NPH5014	01/31/17	13:35	QR	725	3								
												ORD	No C
												ORD	No C
												ORD	No C
					SubTota								
NPH5018	01/31/17	16:35	QR	777	27								
												MIA	No C
													No C
												MIA	
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												MIA	

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ARRIVALS - 31 JANUARY 2017

						MIA
						MIA
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					SubTota	
NPH5019	01/31/17	14:55	EK	235	24	ORD
						ORD
						ORD
						ORD

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

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						ORD
						ORD
						ORD
						ORD
					SubTota	
RUH0051	01/31/17	13:29	DL	049	1	
						JFK
					SubTota	
RWH0037	01/31/17	13:35	QR	725	2	
						ORD
						ORD
					SubTota	
SVH0016	01/31/17	11:50	AV	310	3	
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						MIA
						MIA
					SubTota	
SVH0017	01/31/17	11:25	AV	368	5	
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						IAH
						IAH
						IAH
						IAH
					SubTota	

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ARRIVALS - 31 JANUARY 2017

SVH0021	01/31/17	11:07	AV	522	1							
												LAX
					SubTota							
UAH0010	01/31/17	13:45	PS	231	34							
												JFK
												JFK
												JFK
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												JFK
												JFK
												JFK
												JFK
												JFK

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ARRIVALS - 31 JANUARY 2017

						JFK
						JFK
						JFK
					SubTota	
UGH5004	01/31/17	13:24	DL	049	23	
						JFK
						JFK
						JFK

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

ARRIVALS - 31 JANUARY 2017

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UGH5045	01/31/17	13:35	QR	725	4	
						ORD
						ORD
					SubTota	
UGH5047	01/31/17	13:35	QR	725	1	
						ORD
					SubTota	
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						IAD
						IAD
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(b)(6), (b)(7)(C)

ARRIVALS - 31 JANUARY 2017

						IAD
					SubTota	
ZAH3024	01/31/17	06:40	SA	203	6	
						JFK
						JFK
						JFK
					SubTota	
ZMH0004	01/31/17	14:55	EK	235	30	
						ORD
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ARRIVALS - 31 JANUARY 2017

						ORD
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						ORD
					SubTota	
ZMH0006	01/31/17	06:40	SA	203	35	
						JFK
						JFK
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ARRIVALS - 31 JANUARY 2017

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							JFK
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288 pax

ARRIVALS - 31 JANUARY 2017

PF #	DOA PoE	Arr Time	Carrier	Flt	Total Pax	Case	Individual Name	Birthdate	Relation	Nationality	Size	Po E	FBI Res
ATH0545	01/31/17	16:50	UA	085	5								
												EWR	No C
												EWR	Obj
												EWR	No C
												EWR	No C
												EWR	No C
					SubTota								
ETH0074	01/31/17	13:25	QR	725	3								
												ORD	
					SubTota								
ETH0075	01/31/17	19:15	ET	508	6								
												EWR	
					SubTota								
GHH0002	01/31/17	15:05	UA	951	19								
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ARRIVALS - 31 JANUARY 2017

								No C
							IAD	No C
								No C
							IAD	No C
							IAD	No C
								No C
								No C
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					SubTota			
HNH0002	01/31/17	18:24	AA	1531	9			
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								Obj
								Obj
							MIA	No C
							MIA	No C
							MIA	No C
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					SubTota			
IDH0010	01/31/17	14:50	QR	707	6			
							IAD	No C
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ARRIVALS - 31 JANUARY 2017

IDH0017	01/31/17	14:15	QR	701	1							
												JFK
					SubTota							
IDH0019	01/31/17	14:15	QR	701	3							
												JFK
					SubTota							
JOH5105	01/31/17	18:10	AF	010	1							
												JFK
					SubTota							
KEH7013	01/31/17	16:00	LX	008	20							
												ORD
					SubTota							
KEH7330	01/31/17	11:50	AA	087	1							
												ORD
					SubTota							
MYH0014	01/31/17	13:15	QR	739	11							
												LAX
												LAX
NPH4011	01/31/17	08:10	EK	231	4							
												IAD
					SubTota							

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

ARRIVALS - 31 JANUARY 2017

NPH4015	01/31/17	07:55	QR	703	5							
											JFK	
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					SubTota							
NPH4026	01/31/17	13:35	QR	725	2							
											ORD	
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NPH5014	01/31/17	13:35	QR	725	3							
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					SubTota							
NPH5018	01/31/17	16:35	QR	777	27							
											MIA	No O
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ARRIVALS - 31 JANUARY 2017

						MIA
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NPH5019	01/31/17	14:55	EK	235	24	ORD
						ORD
						ORD
						ORD

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

ARRIVALS - 31 JANUARY 2017

						ORD
						ORD
						ORD
						ORD
					SubTota	
RUH0051	01/31/17	13:29	DL	049	1	
						JFK
					SubTota	
RWH0037	01/31/17	13:35	QR	725	2	
						ORD
						ORD
					SubTota	
SVH0016	01/31/17	11:50	AV	310	3	
						MIA
						MIA
						MIA
					SubTota	
SVH0017	01/31/17	11:25	AV	368	5	
						IAH
						IAH
						IAH
						IAH
						IAH
					SubTota	

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

ARRIVALS - 31 JANUARY 2017

SVH0021	01/31/17	11:07	AV	522	1							
												LAX
					SubTota							
UAH0010	01/31/17	13:45	PS	231	34							
												JFK
												JFK
												JFK
												JFK
												JFK
												JFK
												JFK
												JFK
												JFK

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

ARRIVALS - 31 JANUARY 2017

						JFK
						JFK
						JFK
					SubTota	
UGH5004	01/31/17	13:24	DL	049	23	
						JFK
						JFK
						JFK

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

ARRIVALS - 31 JANUARY 2017

					SubTota	
UGH5045	01/31/17	13:35	QR	725	4	
						ORD
						ORD
					SubTota	
UGH5047	01/31/17	13:35	QR	725	1	
						ORD
					SubTota	
ZAH3014	01/31/17	06:15	SA	209	22	
						IAD
						IAD
						IAD
						IAD
						IAD
						IAD
						IAD
						IAD
						IAD
						IAD

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

ARRIVALS - 31 JANUARY 2017

					SubTota
ZAH3024	01/31/17	06:40	SA	203	6
					SubTota
ZMH0004	01/31/17	14:55	EK	235	30

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

ARRIVALS - 31 JANUARY 2017

						ORD
						ORD
						ORD
					SubTota	
ZMH0006	01/31/17	06:40	SA	203	35	
						JFK
						JFK
						JFK
						JFK
						JFK
						JFK
						JFK

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

ARRIVALS - 31 JANUARY 2017

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

288 pax

ARRIVALS - 1 FEBRUARY 2017

PF #	DOA PoE	Arr Time	Carrier	Flt	Total Pax	Case	Individual Name	Birthdate	Relation	Nationality	Size	Po E	FBI Res
EGH0039	02/01/17	13:10	LH	430	33								
												ORD	
												ORD	
												ORD	
EGH4022	02/01/17	13:10	LH	430	2								
												ORD	
					SubTota								
ETH0009	02/01/17	09:00	ET	504	26								
												LAX	
												LAX	
												LAX	
												LAX	
												LAX	
												LAX	
												LAX	
					SubTota								

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

ARRIVALS - 1 FEBRUARY 2017

GHH0013	02/01/17	16:34	DL	220	10							
												JFK
												JFK
												JFK
												JFK
												JFK
					SubTota							
GHH0020	02/01/17	18:50	TK	005	7							
												ORD
												ORD
					SubTota							
JOH5033	02/01/17	16:15	RJ	263	40							
												ORD
					SubTota							
NPH5020	02/01/17	12:25	CX	806	25							
												ORD

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

ARRIVALS - 1 FEBRUARY 2017

						ORD
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD
					SubTota	
PKH1515	02/01/17	18:50	TK	005	8	
						ORD

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

ARRIVALS - 1 FEBRUARY 2017

						ORD
					SubTota	
SVH0018	02/01/17	17:45	AA	1520	11	
						MIA
						MIA
						MIA
						MIA
						MIA
					SubTota	
TRH0019	02/01/17	11:50	TK	003	38	
						JFK
TZH0393	02/01/17	07:55	QR	703	34	
						JFK
						JFK

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

ARRIVALS - 1 FEBRUARY 2017

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

ARRIVALS - 1 FEBRUARY 2017

					SubTota							
UAH0032	02/01/17	14:45	PS	231	17							
												JFK
												JFK
												JFK
												JFK
												JFK
												JFK
												JFK
					SubTota							
UAH0036	02/01/17	12:55	LH	456	6							
												LAX
					SubTota							
UGH5026	02/01/17	19:05	TK	007	21							
												IAD

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

ARRIVALS - 1 FEBRUARY 2017

						IAD
						IAD
						IAD
						IAD
						IAD
					SubTota	
UGH5048	02/01/17	12:45	EK	215	4	
						LAX
					SubTota	

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

178 pax

2-Feb-17

PF #	DOA PoE	Arr Time	Carrier	Flt	Total Pax	Case	Individual Name	Birthdate	Relation	Nationality	Size	Po E	FBI Res
ECH0004	02/02/17	12:11	AA	932	9								
												MIA	
												MIA	
												MIA	
												MIA	
												MIA	
					SubTota								
ETH0010	02/02/17	16:20	LH	402	40								
												EWR	
												EWR	
												EWR	
												EWR	
												EWR	
												EWR	
												EWR	
												EWR	
												EWR	
												EWR	
												EWR	

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

2-Feb-17

						EWR
						EWR
						EWR
						EWR
						EWR
						EWR
					SubTota	
ETH0011	02/02/17	14:00	QR	725	30	
						ORD
						ORD
						ORD
						ORD
					SubTota	
ETH0012	02/02/17	15:45	QR	713	26	
						IAH
						IAH
						IAH

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

2-Feb-17

						IAH
						IAH
						IAH
						IAH
					SubTota	
JOH5112	02/02/17	16:30	RJ	261	1	
						JFK
					SubTota	
KEH7014	02/02/17	12:16	DL	0047	31	
						JFK
						JFK
						JFK
						JFK
						JFK
						JFK
						JFK
						JFK
					SubTota	
MYH0004	02/02/17	14:15	QR	701	3	
						JFK

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

2-Feb-17

					SubTota	
NPH5021	02/02/17	12:25	CX	806	27	
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD

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

2-Feb-17

					SubTota	
PKH1513	02/02/17	16:35	QR	777	5	
						MIA
					SubTota	
PKH1514	02/02/17	18:25	TK	001	16	
						JFK
						JFK
						JFK
					SubTota	
PKH1516	02/02/17	13:15	QR	739	14	
						LAX

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

2-Feb-17

						LAX
						LAX
						LAX
						LAX
						LAX
					SubTota	
PKH1517	02/02/17	15:45	QR	713	8	IAH
						IAH
					SubTota	
SVH0020	02/02/17	17:45	AA	1520	13	MIA
						MIA
						MIA
						MIA

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

2-Feb-17

						MIA
						MIA
						MIA
						MIA
						MIA
						MIA
					SubTota	
THH0012	02/02/17	21:00	CX	890	20	
						EWR
						EWR
						EWR
						EWR
						EWR
						EWR
						EWR
						EWR
						EWR
					SubTota	

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

2-Feb-17

THH0017	02/02/17	12:40	CI	006	7							
												LAX
					SubTota							
THH0129	02/02/17	12:40	CI	006	4							
												LAX
					SubTota							
THH0170	02/02/17	08:30	KE	037	1							
												ORD
					SubTota							
TRH0151	02/02/17	12:55	LH	456	5							
												LAX
												LAX
												LAX
					SubTota							
UAH0011	02/02/17	13:45	PS	231	40							
												JFK
												JFK
												JFK

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

2-Feb-17

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

2-Feb-17

						JFK
					SubTota	
UGH5035	02/02/17	14:00	QR	725	35	
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD
						ORD

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

2-Feb-17

						ORD
						ORD
						ORD
						ORD
						ORD
					SubTota	
UGH5039	02/02/17	11:45	KL	601	10	LAX
						LAX
						LAX
					SubTota	
UGH5043	02/02/17	08:15	EK	203	22	JFK

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

2-Feb-17

						(b)(6), (b)(7)(C)							
													JFK
													JFK
													JFK
													JFK
													JFK
					SubTota								

309 pax

Executive Order Tracking - Cumulative Totals

Field Office: ALL Date: 1/27/2017 -1/31/2017 Report Time: 5:00 AM

Cumulative										
Country	Number of Non-Immigrant Visa Encounters	Number of Immigrant Visa Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Widthdrawls 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 Immigra not gran waivers
Iran	69	10	688	1	54	0	(b)(6), (b)(7)(C)	3	19	0
Iraq	65	9	353	0	64	0		0	3	0
Libya	1	3	7	0	0	0		0	1	0
Somalia	0	5	24	0	2	0		0	0	0
Sudan	14	8	69	0	18	0		0	4	0
Syria	32	16	100	0	35	0		0	4	1
Yemen	12	15	33	0	13	0		0	8	0
Total	193	66	1274	1	186	0		3	39	1

Executive Order Tracking - Reporting Period Totals

2100-0500 January 31, 2017										
Country	Number of Non-Immigrant Encounters	Number of Immigrant Encounters	Number of LPR Encounters	Number of Refugees Encounters	Number of Widthdrawls 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 Immigra not gran waivers
Iran	6	0	30	0	4	0	0	0	2	0
Iraq	0	0	42	0	0	0	0	0	0	0
Libya	0	0	1	0	0	0	0	0	0	0
Somalia	0	0	2	0	0	0	0	0	0	0
Sudan	0	0	5	0	0	0	0	0	0	0
Syria	2	1	7	0	2	0	0	0	0	0
Yemen	0	0	1	0	0	0	0	0	0	0
Total	8	1	88	0	6	0	0	0	2	0

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 12:00 PM
To: (b)(6), (b)(7)(C)
Cc: HUTTON, JAMES R; (b)(6), (b)(7)(C)
Subject: RE: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"
Attachments: Scanned Emails For EO Binder as of 2-2-17 1158am.pdf

Importance: High

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

Attached are the scanned emails of today, 2/2/17 11:58am.

Thank you!

(b)(6), (b)(7)(C)
Customs and Border Protection, OFO
Admissibility and Passenger Programs-2.5B-62
Management & Program Analyst (Program Advisor)
Washington, DC 20029
Desk: (b)(6), (b)(7)(C) New S5 (b)(6), (b)(7)(C)
Email: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 11:44 AM
To: (b)(6), (b)(7)(C)
Cc: HUTTON, JAMES R (b)(6), (b)(7)(C)
Subject: RE: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

(b)(5)

(b)(6), (b)(7)(C)
Deputy Associate Chief Counsel (Enforcement and Operations)
Office of Chief Counsel
U.S. Customs and Border Protection
Desk: (b)(6), (b)(7)(C)
Mobile: (b)(6), (b)(7)(C)
Unclassified Email: (b)(6), (b)(7)(C)
JWICS: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 11:44 AM
To: (b)(6), (b)(7)(C)
Cc: HUTTON, JAMES R (b)(6), (b)(7)(C)
Subject: RE: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

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

(b)(5)

Thank you!

(b)(6), (b)(7)(C)
Customs and Border Protection, OFO
Admissibility and Passenger Programs (b)(6), (b)(7)(C)
Management & Program Analyst (Program Advisor)
Washington, DC 20029
Desk: (b)(6), (b)(7)(C) New S5 (b)(6), (b)(7)(C)
Email (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 11:41 AM
To: (b)(6), (b)(7)(C)
Cc: HUTTON, JAMES R < (b)(6), (b)(7)(C)
Subject: RE: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

(b)(5)

(b)(6), (b)(7)(C)
Deputy Associate Chief Counsel (Enforcement and Operations)
Office of Chief Counsel
U.S. Customs and Border Protection
Desk (b)(6), (b)(7)(C)
Mobile: (b)(6), (b)(7)(C)
Unclassified Email (b)(6), (b)(7)(C)
JWICS: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 11:32 AM
To: (b)(6), (b)(7)(C)
Subject: RE: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"
Importance: High

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

As requested.

Let me know if I can assist with anything further.

Have a great day.

Thank you!

(b)(6), (b)(7)(C)
Customs and Border Protection, OFO
Admissibility and Passenger Programs- (b)(6), (b)(7)(C)
Management & Program Analyst (Program Advisor)
Washington, DC 20029
Desk: (b)(6), (b)(7)(C), New S5 (b)(6), (b)(7)(C)
Email (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 11:28 AM
To: (b)(6), (b)(7)(C)
Subject: RE: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Thanks!!

(b)(6), (b)(7)(C)
Deputy Associate Chief Counsel (Enforcement and Operations)
Office of Chief Counsel
U.S. Customs and Border Protection
Desk: (b)(6), (b)(7)(C)
Mobile: (b)(6), (b)(7)(C)
Unclassified Email (b)(6), (b)(7)(C)
JWICS: (b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 11:27 AM
To: (b)(6), (b)(7)(C)
Subject: RE: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

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

I'm doing it now…sorry I missed your call.

Thank you!

(b)(6), (b)(7)(C)
Customs and Border Protection, OFO
Admissibility and Passenger Programs (b)(6), (b)(7)(C)
Management & Program Analyst (Program Advisor)
Washington, DC 20029
Desk: (b)(6), (b)(7)(C), New S5 (b)(6), (b)(7)(C)
Email: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 11:16 AM
To: (b)(6), (b)(7)(C)
Subject: RE: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

(b)(5)

(b)(6), (b)(7)(C)
Deputy Associate Chief Counsel (Enforcement and Operations)
Office of Chief Counsel
U.S. Customs and Border Protection
Desk: (b)(6), (b)(7)(C)
Mobile: (b)(6), (b)(7)(C)
Unclassified Email: (b)(6), (b)(7)(C)
JWICS: (b)(6), (b)(7)(C)

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anyone other than the intended recipient. Please consult with the CBP Office of Chief Counsel before disclosing any information contained in this message or any attachment(s).

From: (b)(6), (b)(7)(C)
Sent: Thursday, February 02, 2017 10:35 AM
To: (b)(6), (b)(7)(C)
Subject: RE: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

From: HUTTON, JAMES R
Sent: Wednesday, February 01, 2017 3:47 PM
To:
Cc: (b)(6), (b)(7)(C)
Subject: FW: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"
Importance: High

(b)(6), (b)(7)(C)
For your OIG files.

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: HUTTON, JAMES R
Sent: Wednesday, February 01, 2017 3:46 PM
To: DIRECTORS FIELD OPS (b)(7)(E) BORDER SECURITY ASST DIRECTORS (b)(7)(E) EXECUTIVE DIRECTORS HQ
Cc: ENFORCEMENT PROGRAMS DIVISION (b)(7)(E) (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)

Subject: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"
Importance: High

MEMORANDUM FOR: Directors, Field Operations
Director, Field Operations Academy

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

SUBJECT: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Effective immediately, Canadian Landed Immigrants that are citizens of Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen with a valid U.S. Visa may be considered for an exemption of the 212(f) bar under Section 3(g) of the President's Executive Order if and only if the person satisfies the following conditions:

1. Proof to the satisfaction of the inspection Officer of person's Landed Immigrant Status in Canada;
2. Possession of a valid U.S. visa;
3. Travel that originates in Canada;
4. From only a pre-clearance airport; or
5. Applying for admission at a land border port of entry;
6. And the applicant is otherwise admissible.

The admission of such individuals must be in the national interest of the United States. Prior to any such admission, each individual must be subjected to a thorough examination by an immigration officer, to include

(b)(7)(E) (b)(7)(E)

(b)(7)(E) Each exemption must be considered on a case by case basis with waiver submitted to Commissioner of CBP as previously outlined in the attached email.

Please ensure that this memorandum is 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) Director, Enforcement Programs Division at (b)(6), (b)(7)(C) or send inquiries to (b)(7)(E)

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

☎: (b)(6), (b)(7)(C)
🖷:
✉:

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