Worley, Jordan P

From: Guevara, Claudia X
Sent: Wednesday, January 25, 2017 3:56 PM
To: Lassen, Brett H; Fatica, Erin K
Subject: FW: circuit ride update

fyi

From: Shafi, Amina H
Sent: Wednesday, January 25, 2017 3:54 PM
To: Lombardo, Michele L; Sachdev, Nina K; Guevara, Claudia X; Gonzalez, Claudia X; Gonzalez, Martha
Subject: FW: circuit ride update

FYI... here we go ☹

From: Strack, Barbara L
Sent: Wednesday, January 25, 2017 3:37:28 PM
To: Strack, Barbara L
Subject: circuit ride update

Dear RAD staff – I know that many of you have seen draft copies of an Executive Order related to the USRAP that is expected to be finalized and signed tomorrow. In light of this anticipated announcement, we've determined that it would be prudent to suspend circuit rides that are scheduled to depart between now and February 15.

We are also suspending the remaining PDBs planned for this week.

For our TDYers who are here in DC, we will be sharing information as soon as possible about travel arrangements for returning to home offices.

I hope to share more information tomorrow.

Barbara

Worley, Jordan P

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 6:04 PM
To: RAIO - Oversea Managers
Cc: Ruppel, Joanna; Hadary, Jonah J; Kwan, Stephanie M; Kliska, Jennifer R
Subject: FW: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

Field managers,

I wanted to make you aware of the statement made by Secretary Kelly earlier today with respect to LPRs re-entering the United States. Consistent with S1's directive, all field offices should continue to process I-131A applications filed by LPRs overseas, regardless of the nationality of the applicant. To confirm, I-131As filed by LPRs who are nationals or dual nationals of the 7 countries outlined in the Executive Order signed on January 27 (Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen), should continue to be adjudicated and travel documents issued per existing guidance.

Additional guidance related to the issuance of that E.O. will be forthcoming. Thanks for your patience – I know you have a number of questions, and we will work as quickly as we can with others in USCIS and the Department to clarify them.

Thanks,

Maura

From: Renaud, Tracy L
Sent: Sunday, January 29, 2017 3:24:02 PM
To: Ruppel, Joanna; Renaud, Daniel M; Neufeld, Donald W
Subject: FW: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

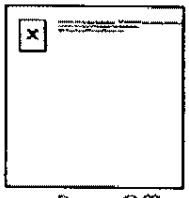
FYI

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]desk)
(b)(6)

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 6:19:32 PM
To: Scialabba, Lori L; Renaud, Tracy L; Atkinson, Ronald A; Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Groom, Molly M; Melero, Mariela
Subject: FW: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

From: DHS Press Office
Sent: Sunday, January 29, 2017 11:15:58 PM
To: Alfonso, Angelica M
Subject: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES



Press Office
U.S. Department of Homeland Security

Press Release

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

STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

WASHINGTON – In applying the provisions of the president's executive order, 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.

###

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bscribe

f Public Affairs · 202-282-8010 · mediainquiry@hq.dhs.gov

rtment of Homeland Security · Washington, DC 20016

Worley, Jordan P

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 6:58 PM
To: Monica, Donald J; Spalter, Brian M; Langlois, Joseph E; Johnson, Bobbie L; Fatica, Erin K; Lassen, Brett H
Cc: Ruppel, Joanna; Kliska, Jennifer R
Subject: Interim Guidance on Executive Order Signed January 27
Attachments: 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx; FW: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

Importance: High

DDs/DDDs,

I realize that you have many questions about the Executive Order and appreciate that you have been sending them forward. Please continue to do so. Unfortunately, things remain in flux and we do not have cleared guidance we can provide other than the following for the next few days or less (if we get additional guidance sooner):

- Do not issue any final approvals for any I-730 refugee following to join cases. Further guidance will be coming about how to update CAMINO, etc.
- Do not issue any final approvals for any other application, including I-730 asylee following to join adjudication and travel eligibility cases for nationals or dual nationals of the 7 countries referenced in the Executive Order (Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen), with the exception of I-131As (see attached email). You can approve I-131As for all applicants following existing guidance, which requires that you flag for HQ any with serious derogatory information for possible discretionary denials. Further guidance will be coming.
- If you have refugee cases scheduled for Monday or Tuesday of this week, please cancel them if there is sufficient time to do so. If there is not sufficient time to cancel, then please collect the applicant's biometrics, review his or her bio-data for accuracy and completeness, and inform the applicant that he/she will be notified when the case is able to proceed in the future.

Right now, we are staying the course on the refugee CR in Indonesia; the team on the ground can continue interviewing and processing the cases there until further notice.

The above guidance is only a stop-gap to assist in addressing the most urgent needs for the next couple of days when more detailed cleared guidance can be issued. Also, for awareness, OCOMM is working on talking points and FAQs related to the Executive Order, which should be issued via USCIS Broadcast soon.

I appreciate the difficulty of being on the front line and getting inquiries from the public and others for which we don't yet have complete answers. Many people throughout the Agency and Department are working hard to sort out the impact of the E.O. on the Agency, and I will continue to keep you posted.

Thank you for your continued patience as we navigate the current policy changes.

Maura

****

Maura J. Nicholson
Deputy Chief, International Operations Division

[redacted]

(b)(6)

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Additional guidance related to the issuance of that E.O. will be forthcoming. Thanks for your patience – I know you have a number of questions, and we will work as quickly as we can with others in USCIS and the Department to clarify them.

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Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
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Sent: Sunday, January 29, 2017 6:19:32 PM
To: Scialabba, Lori L; Renaud, Tracy L; Atkinson, Ronald A; Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Groom, Molly M; Melero, Mariela
Subject: FW: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

captured our immediate needs, understanding that we'll have fuller guidance once DHS implementing guidance is issued and USCIS is able to issue its own, as well. If you are able to provide a quick review and get me any comments or questions tomorrow, I'll incorporate your feedback into the 'final' interim guidance to the field tomorrow. Continue to send questions my way – they've been very helpful in flagging issues we need to address.

Still no decision on our 2 CRs. At this point, I don't expect I'll have a further update until after their processed ends on Monday, so the teams should plan to proceed business as usual. Hopefully with this knowledge they can fully enjoy their Sunday. I appreciate their patience very much; limbo is not a desirable place to be.

Thank you!

Maura

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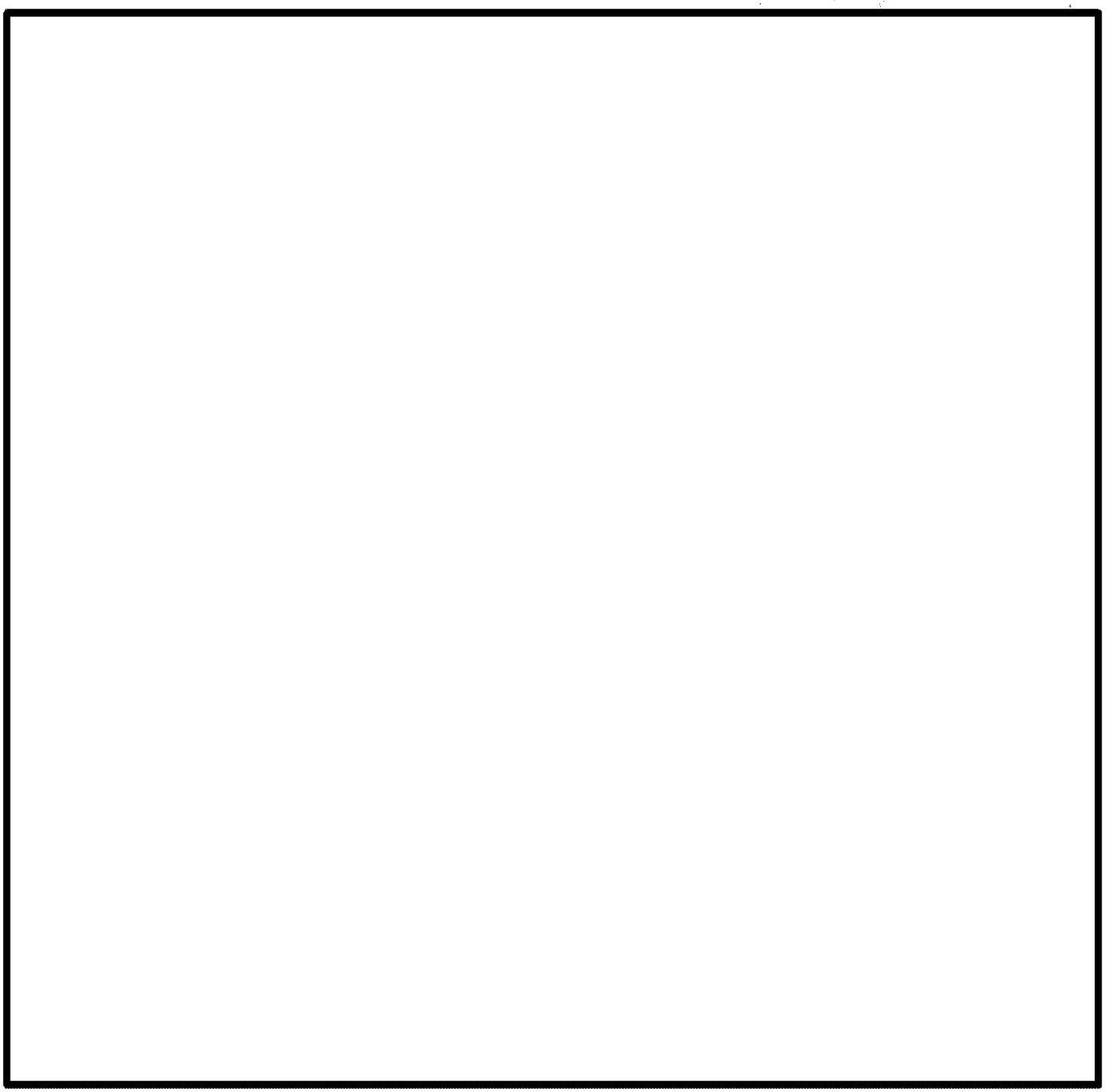
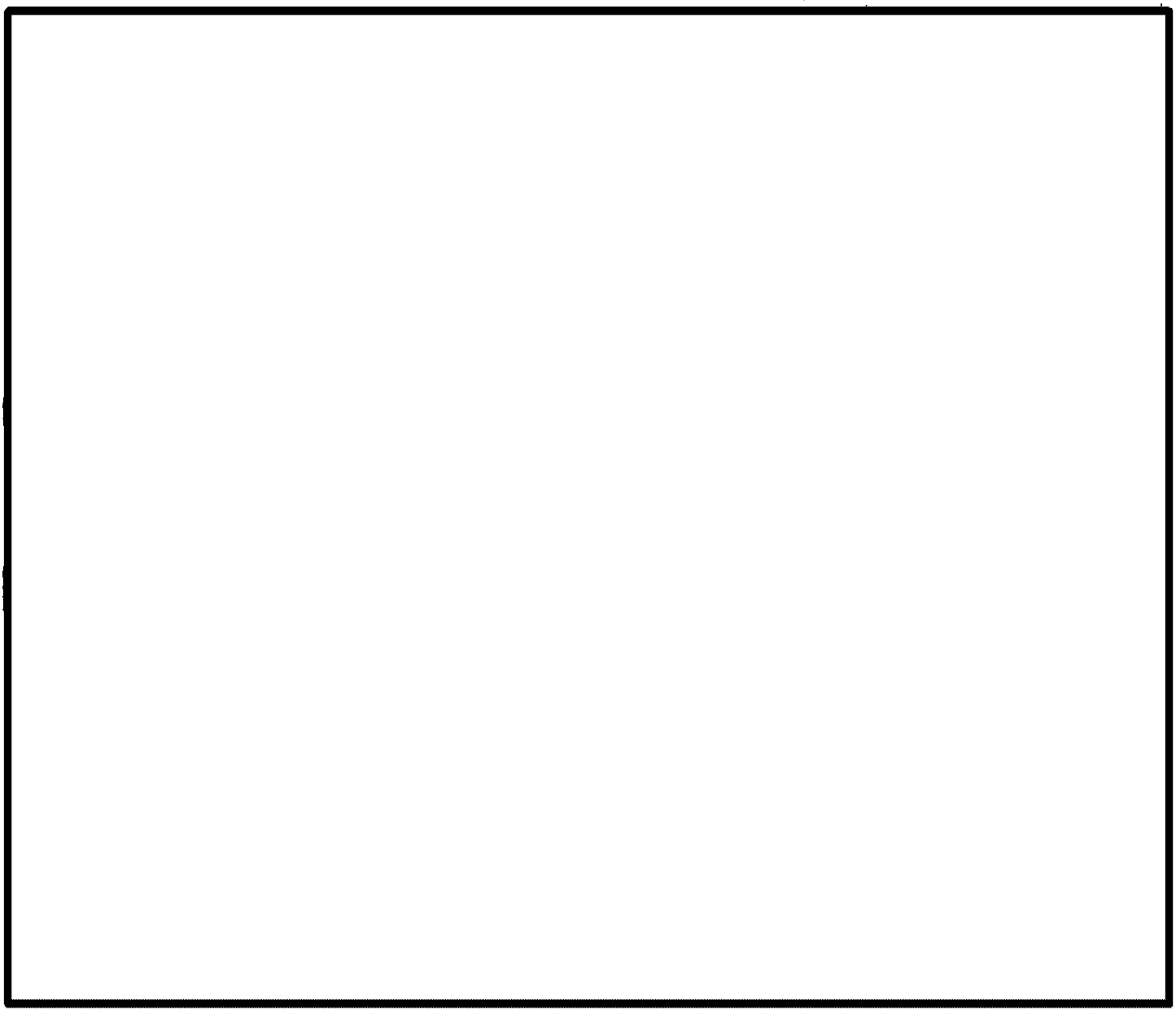
Maura J. Nicholson
Deputy Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations

[redacted]

(b)(6)

(b)(5)





U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

FEB 2 2017

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba
Acting Director

SUBJECT: Guidance Concerning Executive Order on Immigration

On January 27, President Trump signed an Executive Order entitled "Protecting The Nation From Foreign Terrorist Entry Into The United States." This memorandum provides guidance from the Department of Homeland Security (DHS) regarding the impact of this Executive Order on various immigration benefit requests.

All USCIS employees should be aware of current guidance from DHS, specifically:

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality. Section 3(c) also does not affect applications and petitions by lawful permanent residents outside the United States, or applications and petitions for individuals outside the United States whose approval does not directly confer travel authorization (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated in the Executive Order.

3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.

5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

QUESTION 1

How many refugees are travel ready and by that I mean we've completed everything and they could get on a plane. I want a breakdown by nationality.

RESPONSE: We have to request this information from PRM to extract from WRAPS. Additionally, RAD has been told to work with the RSCs to provide the most detailed information about cases as not everything is reflected in WRAPS.

QUESTION 2

I know you already did it but give me a list of where we are on circuit rides right now, how many officers, and what the populations look like.

South Africa - Sudanese/Somalis, team of 4

Malaysia (sp) - Rohinga team of 4?

Make corrections where I have things wrong

RESPONSE: Here is a table with all planned Q2 circuit rides and their current status. Please see attached for further information on nationalities.

Ongoing In-Office Processing			
Division	**Location**	**Dates**	
IO	Bangkok, Thailand (USCIS FIELD OFFICE)	Ongoing	
IO	Havana, Cuba (USCIS FIELD OFFICE)	Ongoing	
IO	Moscow, Russia (USCIS FIELD OFFICE)	Ongoing	
IO	New Delhi, India (USCIS FIELD OFFICE)	Ongoing	
Circuit Rides in Progress on 01/28/2017			
Division	**Location**	**End Date**	**Estimated # of Team Members**
IO	Cape Town, South Africa (Curtailed as of 01/30/2017)	01/30	4
IO	Indonesia (Continuing to process)	02/10	4
RAD	Vienna, Austria (at US Consulate but postponed for security reasons)	02/24	1
Upcoming Circuit Rides			
Division	**Location**	**Dates**	**Estimated # of Team Members**
IO	Rabat, Morocco (CANCELLED)	02/01 – 02/04	1
IO	Riyadh, Saudi Arabia (CANCELLED)	02/06 – 02/15	4
IO	Pretoria, South Africa (CANCELLED)	02/07 – 02/23	5
IO	Colombo, Sri Lanka (CANCELLED)	02/13 – 02/17	3
IO	Addis Ababa, Ethiopia (PENDING	02/22 – 02/22 (1	1

QUESTION 3

Scheduled circuit rides coming up with the same information.

RESPONSE: See above and attached.

QUESTION 4

Can we get an RSO assessment on places we would normally go that may be dangerous after this announcement. Baghdad, Turkey, Egypt, Jordan, etc. Get me a completely list of where you think that is necessary. I don't think we will be going anywhere but having the information will be helpful.

RESPONSE: Any location in the Middle East (Egypt, Iraq, Jordan, Turkey, Lebanon, Saudi Arabia, and UAE). We would want to closely monitor all locations as we were notified today about unrest in Vienna affecting processing.

QUESTION 5

IF we are only admitting 50,000 refugees do we need to do more circuit rides to reach that number. Keep in mind we may not be admitting anyone or very few people from the 7countries.

RESPONSE: USCIS will request this pipeline data extract from PRM. Without reviewing the data, our impression is that there would likely be enough refugees (excluding the 7 nationalities) to ensure 20K additional admissions. We understand that that RSC could pivot to other nationalities for pre-screening if necessary. We also may have to conduct re-interviews on any post-interview refugees that are in the pipeline in order to apply extreme vetting measures.

QUESTION 6

Please get me the number of I730s we have ready to interview or have interviewed that could travel. Break it down that way with nationalities. I also need it broken down by Asylum vs Refugee following to join.

RESPONSE: Only IO data is reported below which represents approximately 40-45% of total I-730 caseload worldwide. Please note DOS/Consular Affairs does roughly 50% of these interviews. USCIS will request statistics from State/PRM and State/Consular Affairs to try to obtain complete I-730 caseload data.

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IO	Rabat, Morocco (CANCELLED)	02/01 – 02/04	1
IO	Riyadh, Saudi Arabia (CANCELLED)	02/06 – 02/15	4
IO	Pretoria, South Africa (CANCELLED)	02/07 – 02/23	5
IO	Colombo, Sri Lanka (CANCELLED)	02/13 – 02/17	3
IO	Addis Ababa, Ethiopia (PENDING	02/22 – 02/22 (1	1

	DECISION)	day)	
IO	Ban Don Yang, Thailand (PENDING DECISION)	02/22 – 02/23	2
IO	Islamabad, Pakistan (PENDING DECISION)	02/22 – 03/03	3
IO	Malta (PENDING DECISION)	02/27 – 03/10	3
IO	Tham Hin, Thailand (PENDING DECISION)	02/28 – 03/02	2
IO	Malaysia (PENDING DECISION)	03/13 – 03/17	3
RAD	Burundi (CANCELLED)	1/27 – 2/26	5
RAD	Burundi (PENDING DECISION)	2/25/ - 3/25	5
RAD	Chad (CANCELLED)	2/3-3/17	5
RAD	Chad (CANCELLED)	2/10-3/22	6
RAD	Ethiopia (CANCELLED)	2/5-3/23	9
RAD	Kenya (CANCELLED)	1/30-3/17	13
RAD	Kenya/Ethiopia (PENDING DECISION)	2/27 – 4/14	11
RAD	Tanzania (CANCELLED)	2/12-3/21	12
RAD	Uganda (CANCELLED)	1/28-3/8	13
RAD	Malaysia/Nepal (CANCELLED)	2/10-3/8	13
RAD	Malaysia/Nepal (PENDING DECISION)	3/9 – 3/26	9
RAD	Nauru (CANCELLED)	1/29-2/25	5
RAD	Nauru (PENDING DECISION)	3/24-4-28	8
RAD	Thailand (CANCELLED)	1/27-3/11	4
RAD	El Salvador (CANCELLED)	2/1-3/17	15
RAD	El Salvador (PENDING DECISION)	3/20-5/5	16
RAD	Guatemala (PENDING DECISION)	2/25-3/4	4
RAD	Honduras (CANCELLED)	2/1-2/25	6
RAD	Vienna, Austria (ONGOING)	1/23-2/24	1
RAD	Vienna, Austria (ONGOING)	3/18-4/20	3
RAD	Trinidad (PENDING DECISION)	3/6-3/15	1
RAD	Ecuador (CANCELLED)	1/30-2/24	4
RAD	Cairo, Egypt (CANCELLED)	2/4-3/21	18
RAD	Baghdad, Iraq (CANCELLED)	2/4-3/23	14
RAD	Baghdad, Iraq (PENDING DECISION)	3/20-5/4	15
RAD	Erbil, Iraq (PENDING DECISION)	3/1-3/17	4
RAD	Tel Aviv, Israel (CANCELLED)	02/04 – 02/24	3
RAD	Amman, Jordan (CANCELLED)	1/29-3/15	26
RAD	Amman, Jordan (PENDING DECISION)	3/12-4/27	25
RAD	Lebanon (CANCELLED)	2/3-3/18	5
RAD	Istanbul, Turkey (CANCELLED)	2/6 – 3/22	28
RAD	Dubai, UAE (PENDING DECISION)	2/19-3/24	4

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RESPONSE: See above and attached.

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RESPONSE: Only IO data is reported below which represents approximately 40-45% of total I-730 caseload worldwide. Please note DOS/Consular Affairs does roughly 50% of these interviews. USCIS will request statistics from State/PRM and State/Consular Affairs to try to obtain complete I-730 caseload data.

USCIS Refugee Processing: Q2 Breakdown of Nationalities and Religions

Jordan Fy17 Q2						
RAD Circuit Ride 1 (January 29-March 15)/Team Size 26: CANCELLED **RAD Circuit Ride 2 (March 12-April 27)/Team Size 25: PENDING DECISION**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	200	23%		Christian	54	6%
Somalia	9	1%		Druze	1	0%
Sudan	25	3%		Muslim	792	93%
Syria	620	73%		Sabeans-Mandean	7	1%

Egypt FY17 Q2						
RAD Circuit Ride (February 4-March 21)/Team Size 18: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	54	9%		Christian	132	22%
Eritria	8	1%		Muslim	454	77%
Ethiopia	11	2%		Sabeans-Mandean	1	0%
Somalia	14	2%		Agnostic	1	0%
South Sudan	23	4%				
Sudan	173	29%				
Syria	305	52%				

Lebanon FY17 Q2						
RAD Circuit Ride 1 (February 3-March 18)/Team Size 5: CANCELLED **RAD Circuit Ride 2 (March 10-April 8)/Team Size 5: PENDING DECISION**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	8	5%		Christian	77	48%
South Sudan	1	1%		Druze	1	1%
Sudan	5	3%		Muslim	84	52%
Syria	148	91%				

IRAQ FY17 Q2						
RAD Circuit Ride 1 Baghdad (February 4-March 23)/Team Size 14: CANCELLED **RAD Circuit Ride 2 Erbil (March 1-March 17)/Team Size 4: PENDING DECISION** **RAD Circuit Ride 3 Baghdad (March 20-May 4)/Team Size 15: PENDING DECISION**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	334	96%		Muslim	293	84%
Palestinian	11	3%		Yazidi	42	12%
				Christian	10	2.8%

Austria FY17 Q2						
RAD Circuit Ride 1 (January 23-February 24)/Team Size 1: ONGOING (RAD could send a second team member next weekend –original team was supposed to be 2) **RAD Circuit Ride 2 (March 18-April 20)/Team Size 3: ONGOING (in light of this weekend's decisions)**						
Nationality	**# of Cases**	**Percentage**		**Religion**	**# of Cases**	**Percentage**
Iran	~350	100%		Christian	221	88.4%
				Jewish	4	1.6%
				Bahai	unknown	
				Zoroastrian	25	10%

Israel FY17 Q2						
RAD Circuit Ride (February 2-February 24)/Team Size 3: CANCELLED						
Nationality	**# of Cases**	**Percentage**		**Religion**	**# of Cases**	**Percentage**
Eritrea	76	76%		Christian	86	86%
Sudan	21	21%		Muslim	14	14%
Ethiopia	2	2%				
Iraq	1	1%				

Turkey Fy17 Q2						
RAD Circuit Ride 1 (February 6-March 22)/Team Size 28: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Afghanistan	36	3.8%		Christians	222	23.5%
Eritrea	1	0.1%		Muslims	592	62.8%
Iran	290	30.8%		No religion	77	8.2%
Iraq	500	53%		Atheist	6	0.63%
Palestine	1	0.1%		Bahai	35	3.7%
Somalia	6	0.63%		Jehovah Witness	1	0.1%
Sudan	1	0.1%		Kakai	4	0.4%
Syria	107	11.4%		Zoroastrians	1	0.1%
Total	942			Yazidi	1	0.1%
				Other	3	0.3%

Note: the last two weeks of the CR has not yet been scheduled. Historically, ICMC does not schedule the last two weeks until the middle of the CR, to allow for expedites, unexpected issues, etc.

Trinidad Fy17 Q2						
RAD Circuit Ride (March 6-March 15)/Team Size 1: PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Syria	5	45%		Christian	5	45%

Nauru Fy17 Q2						
RAD Circuit Ride (January 29-February 25)/Team Size 5: CURRENTLY CANCELLED BUT PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Afghan	17	11%		Muslim	93	63%
Bangladesh	3	2%		Muslim-Christian Converts (Iranians)	55	37%
Burma	21	14%				
Iran	55	37%				
Somali	18	12%				
Pakistani	6	4%				
Sri Lankan	14	9%				
Iraq	8	5%				
Lebanon	5	3%				
Palestine	1	1%				

Tanzania Fy17 Q2						
RAD Circuit Ride February 12-March 21/Team Size 12: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	584	~100%		Christian:	~175	~30%
				Catholic:	~128	~22%
				Methodist:	~105	~18%
				Other Christian denom:	~146	~25%
				Other		~< 5%

Country Malaysia Fy17 Q2						
RAD Circuit Ride (March 9-March 26)/Team Size 9: PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	12	35%		Muslim	33	**97%**
Somalia	3	1%				
Sudan	1	1%				
Iran	4	1%				
Syria	2	1%				

Burundi Fy17 Q2						
RAD Circuit Ride 1 (January 27-February 26)/Team Size 5: CANCELLED **RAD Circuit Ride 2 (February 25-March 25)/Team Size 5: PENDING DECISION**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	258	100%		Protestant	126	**49%**
				Pentecostal	44	**17%**
				Catholic	41	**16%**
				Muslim	24	**9%**
				Methodist	17	**7%**
				Jehovah's Witness	2	**< 1%**
				Christian	2	**< 1%**
				7th Day Adventist	1	**< 1%**
				Other	1	**< 1%**

Chad Fy17 Q2						
RAD Circuit Ride 1 (February 3-March 17)/Team Size 5: CANCELLED **RAD Circuit Ride 2 (February 10-March 22)/Team Size 6: CANCELLED**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Sudanese	419	67%		Muslim:	533	**85%**
CAR	204	33%		Catholic:	36	**6%**
Total	623			Protestant:	26	**4%**
				Baptist:	20	**3%**
				Christian:	10	**2%**
				Evangelical:	1	**<1%**
				Pentecostal:	1	**<1%**

Ethiopia Fy17 Q2						
RAD Circuit Ride (February 5-March 23)/Team Size 9: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Somali	752	99%		Muslim:	752	99%
South Sudanese	1	<1%		Christian	1	>1%
Total	753					

Kenya Fy17 Q2						
RAD Circuit Ride 1 (January 30-March 17)/Team Size 13: CANCELLED **RAD Circuit Ride 2 (February 27-April 14)/Team Size 11: PENDING DECISION**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Somali	626	76%		Muslim:	673	82%
Congolese	82	10%		Christian:	83	10%
Ethiopian	65	0.08		Protestant:	23	3%
Ugandan	20	0.02		Pentacostal:	14	2%
South Sudanese	15	0.02		Catholic:	12	1%
Eritrean	5	<1%		Orthodox:	10	0.01
Kenyan (V93)	4	<1%		Baptist:	2	<1%
Burundian	3	<1%		Methodist:	2	<1%
Rwandan	3	<1%		Lutheran:	1	<1%
Total	823			Evangelican:	1	<1%
				7th Day Adventist:	1	<1%

Uganda Fy17 Q2						
RAD Circuit Ride (January 28-March 8)/Team Size 13: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	577	86%		Protestant:	185	28%
Somali	79	12%		Catholic:	127	19%
South Sudanese	5	<1%		Muslim:	110	16%
Burundian	3	<1%		7th Day Adventist	90	13%
Ethiopian	2	<1%		Baptist	90	13%
Eritrean	2	<1%		Jehovah's Witness	34	0.05

Sudanese	1	<1%		Christian	25	0.04
Egyptian	1	<1%		Methodist:	3	<1%
Total	670			Orthodox:	2	<1%
				Coptic:	1	<1%

	DECISION)	day)	
IO	Ban Don Yang, Thailand (PENDING DECISION)	02/22 – 02/23	2
IO	Islamabad, Pakistan (PENDING DECISION)	02/22 – 03/03	3
IO	Malta (PENDING DECISION)	02/27 – 03/10	3
IO	Tham Hin, Thailand (PENDING DECISION)	02/28 – 03/02	2
IO	Malaysia (PENDING DECISION)	03/13 – 03/17	3
RAD	Burundi (CANCELLED)	1/27 – 2/26	5
RAD	Burundi (PENDING DECISION)	2/25/ - 3/25	5
RAD	Chad (CANCELLED)	2/3-3/17	5
RAD	Chad (CANCELLED)	2/10-3/22	6
RAD	Ethiopia (CANCELLED)	2/5-3/23	9
RAD	Kenya (CANCELLED)	1/30-3/17	13
RAD	Kenya/Ethiopia (PENDING DECISION)	2/27 – 4/14	11
RAD	Tanzania (CANCELLED)	2/12-3/21	12
RAD	Uganda (CANCELLED)	1/28-3/8	13
RAD	Malaysia/Nepal (CANCELLED)	2/10-3/8	13
RAD	Malaysia/Nepal (PENDING DECISION)	3/9 – 3/26	9
RAD	Nauru (CANCELLED)	1/29-2/25	5
RAD	Nauru (PENDING DECISION)	3/24-4-28	8
RAD	Thailand (CANCELLED)	1/27-3/11	4
RAD	El Salvador (CANCELLED)	2/1-3/17	15
RAD	El Salvador (PENDING DECISION)	3/20-5/5	16
RAD	Guatemala (PENDING DECISION)	2/25-3/4	4
RAD	Honduras (CANCELLED)	2/1-2/25	6
RAD	Vienna, Austria (ONGOING)	1/23-2/24	1
RAD	Vienna, Austria (ONGOING)	3/18-4/20	3
RAD	Trinidad (PENDING DECISION)	3/6-3/15	1
RAD	Ecuador (CANCELLED)	1/30-2/24	4
RAD	Cairo, Egypt (CANCELLED)	2/4-3/21	18
RAD	Baghdad, Iraq (CANCELLED)	2/4-3/23	14
RAD	Baghdad, Iraq (PENDING DECISION)	3/20-5/4	15
RAD	Erbil, Iraq (PENDING DECISION)	3/1-3/17	4
RAD	Tel Aviv, Israel (CANCELLED)	02/04 – 02/24	3
RAD	Amman, Jordan (CANCELLED)	1/29-3/15	26
RAD	Amman, Jordan (PENDING DECISION)	3/12-4/27	25
RAD	Lebanon (CANCELLED)	2/3-3/18	5
RAD	Istanbul, Turkey (CANCELLED)	2/6 – 3/22	28
RAD	Dubai, UAE (PENDING DECISION)	2/19-3/24	4

Worley, Jordan P

From: Kim, Ted H
Sent: Tuesday, January 31, 2017 12:26 PM
To: Ruppel, Joanna
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Yes, each asylum office has a public affairs contact at the local district and/or region. But I will forward this to Angie at OLA for now. Thanks, Ted

---

From: Ruppel, Joanna
Sent: Tuesday, January 31, 2017 12:24 PM
To: Kim, Ted H
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Yes. That is correct, for now. Does asylum have public affairs officers? I can't recall.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

From: Kim, Ted H
Sent: Tuesday, January 31, 2017 11:49 AM
To: Ruppel, Joanna
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Joanna: Like yesterday's inquiry from AILA, I assume we should be directing these inquiries to OLA? Thanks, Ted

---

From: Radel, David M
Sent: Tuesday, January 31, 2017 11:45 AM
To: Kim, Ted H
Cc: Hong, Marianne X
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Ted: We are starting to get a number of questions from our stakeholders about what we are going to do with cases from these 7 nationalities (I was just stopped in the hallway by our local AILA liaison and asked about this). Are there any talking points that we can use for communications with external stakeholders on this issue, or is there any part of the info below that we can share? I think that the word is getting out that it is not business as usual at our offices, and I think it would be good for all of us to be going out with the same message. Thanks, David

---

From: Lafferty, John L
Sent: Saturday, January 28, 2017 2:02 PM

To: RAIO - Asylum Field Office Managers
Cc: Kim, Ted H; Mura, Elizabeth E; Caudill-Mirillo, Ashley B; Kirkland, Brooke A; Roberts, Rhonda J; Pilotti, David A; Potts-Hansen, Stephanie N; Tanner, Rebecca S
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Field leadership,

Just wanted to give you a heads-up on instructions you may need to begin implementing on Monday. In light of the language in Friday's Executive Order, we may need to put a hold on decision-making for asylum cases from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. We may also be asked to postpone any scheduled interviews.

On Monday morning, you should plan on preventing any decision document from being issued in person or by mail to a national of any of the above countries unless or until you are instructed otherwise.

You should also review you list of upcoming interviews and be preparing to cancel any scheduled interviews for persons from one of the listed countries. DO NOT cancel any interviews, however, until you receive instructions from HQ on how to proceed. Hopefully, we will have more guidance on the interviews by Monday morning.

Please let Ted and I know if you have any questions.

Thanks!

John

From: Lafferty, John L
Sent: Saturday, January 28, 2017 1:06:38 PM
To: Ruppel, Joanna; Nicholson, Maura J; Strack, Barbara L; Kim, Ted H; Stone, Mary M
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

A literal reading of the EO and cited INA sections would not indicate that this processing suspension applies to the processing of asylum applications, but I understand why it might be wise to cancel interviews and place on hold cases from the relevant countries while we await additional guidance. Unless you want us to hold off, I will issue such guidance by e-mail today.

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 11:46:47 AM
To: Nicholson, Maura J; Strack, Barbara L; Lafferty, John L; Kim, Ted H; Stone, Mary M
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

FYI.

I think we also need guidance on how this applies to asylum. May want to cancel interviews and place in hold asylum applicants from these countries.

I am hoping we can work with the front office to get a memo to all USCIS staff to be issued Monday.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 8:37:07 AM
To: Scialabba, Lori L; Renaud, Tracy L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna
Cc: McCament, James W
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

I just sent this to the centers.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:35 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

From: Campagnolo, Donna P
To: Moran, Karla; Neufeld, Donald W; Cox, Sophia; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192
Date: Tuesday, February 07, 2017 11:01:20 AM
Attachments: 192 eo option.docx

All: Thanks so much for the great discussion this morning. Attached is the updated version.

Thanks again.

Donna Campagnolo
HQ Service Center Operations

From: Moran, Karla
Sent: Tuesday, February 07, 2017 10:52 AM
To: Neufeld, Donald W; Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

We (SCOPS) voted for the I-192. It's cleaner for us to implement and CBP will not have issues if they need to ER the person. The I-192 will provide them with an I-797 that is a Transportation Letter (draft language attached). They would need to provide a valid passport and visa to enter and be inspected. On the other hand, if we issue a parole – CBP is worried that if issues arise, they may try to say they have a parole.

Also, while e-verify isn't related to admission, we added it because the Fortune 500 companies are asking to vouch for their employees (e.g. Microsoft, Amazon, Google, etc.). This would ensure that we are only accepting letters from legitimate businesses that have been vetted. We thought it would be good to leave in but completely understand if it's taken out somewhere along the process, as many are reviewing.

From: Neufeld, Donald W
Sent: Tuesday, February 07, 2017 10:46 AM
To: Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Overall the paper looks very good. Thanks to everyone for pulling it together so quickly.

The everify requirement would purely be a policy call. I don't see the nexus between e-verify use and a national interest determination related to admission so I would advocate for removing it.

I agree that adding work to VSC is problematic so if we could do I-192s elsewhere that would be better. We also need to validate the 18000 volume estimate as I don't know who provided it or how it was calculated.

If we believe the I-131 is better we should explain why.

From: Cox, Sophia
Sent: Tuesday, February 07, 2017 9:30:03 AM
To: Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Cc: Neufeld, Donald W
Subject: RE: I-192

Adding Ron.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Cox, Sophia
Sent: Tuesday, February 07, 2017 8:39 AM
To: Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M
Cc: Neufeld, Donald W
Subject: RE: I-192
Importance: High

Hi. Here are my concerns in the attached. Look forward to discussing.

- Why are we requiring E-Verify? Are we being told it is a requirement from the FO/Dept. or are we imposing it on ourselves? [redacted] (b)(5)
- If the I-192 is denied, what would be the legal basis for the removal charge be?
- I know VSC already does the I-192s for the victims relate work, but this will coincide with cap where the contractors will already be knee deep in data entry. Recommend moving this elsewhere.

Sophia Cox
Senior Advisor, Policy

Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529

[redacted] (b)(6)

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 7:56 AM
To: Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Good morning Pam. Thanks so much for the feedback. It's for folks inside the US. We can certainly make that more clear.

Regarding the timeframe, as I understand it from Leslie, the major piece for start up is around the system updates. Leslie- please confirm. I don't know that those can be cut down.

All- If the system update timeframe ends up being too long, does the team have any ideas on what we can do without those in place for this? Also, if not 30 days for a processing time, what would you recommend?

Thanks again.
Donna

From: Hutchings, Pamela G
Sent: Tuesday, February 07, 2017 7:49:49 AM
To: Campagnolo, Donna P; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Good morning, All,

The opening paragraph seems to imply this form/process may be used for those visa holders currently "stuck" outside the U.S., is that correct? Otherwise the process proposed is manageable for USCIS to implement – in the long term. If this is simply a short term fix, required for a small number of affected individuals during this 80 day period, then a 45 day startup and 30 day processing time doesn't seem to meet their immediate needs.

Pam

From: Campagnolo, Donna P
Sent: Monday, February 06, 2017 9:13 PM
To: Moran, Karla; McCament, James W; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Hi all and thanks so much Karla. The I-192 version looks great.

I have been working on the 131 version, and because so much of that is similar to what we note about the I-192 processing, I decided to merge both options into one document and added some background to give some context. Take a look and let me know what you think about that approach.

Bottom line is it looks like we could implement either option in about 45 days as the system updates to notices and filing look minimal and simple web updates. Can you verify those timelines? Also, do we want to go as far as to make a recommendation on which we think is the right one to implement or simply present both?

Thanks again. Looking forward to your feedback. Have a good night and looking forward to meeting in the morning.

Donna Campagnolo
HQ Service Center Operations

From: Moran, Karla
Sent: Monday, February 06, 2017 5:44 PM
To: McCament, James W; Campagnolo, Donna P; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Subject: I-192

All,
This is the latest draft version, we've updated with "business" and "student" criteria. Please feel free to edit.
Donna is working on a separate draft for paroles. We will discuss in the morning as these are both due by noon tomorrow.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)

[redacted] (b)(6)

From: Campagnolo, Donna P
To: McCament, James W; Cox, Sophia; Hope, Leslie K; Hutchings, Pamela G; McConnell, James E; Moran, Karla; Sabga, George M
Cc: Arroyo, Susan K; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US
Date: Monday, February 06, 2017 1:26:34 PM

Thanks. Makes sense. We are all in the same boat – it's just determining where the agency want to pull the resources from and make the system modifications to do this if required.

Donna Campagnolo
HQ Service Center Operations

From: McCament, James W
Sent: Monday, February 06, 2017 1:44 PM
To: Campagnolo, Donna P; Cox, Sophia; Hope, Leslie K; Hutchings, Pamela G; McConnell, James E; Moran, Karla; Sabga, George M
Cc: Arroyo, Susan K; Neufeld, Donald W
Subject: FW: The 2 issues re individuals inside US

FYI FODs response.

James W. McCament
Deputy Associate Director,
Service Center Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security
Washington, DC 20529-2150

[redacted] (b)(6)

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From: Renaud, Daniel M
Sent: Monday, February 06, 2017 1:36:05 PM
To: Neufeld, Donald W; Groom, Molly M; Busch, Philip B; Scialabba, Lori L
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna; Cowan, Robert M; Robinson, Terri A; Hoefer, Michael D
Subject: RE: The 2 issues re individuals inside US

I know that FOD can put together a process either with or without interviews. Requiring interviews will be a challenge specifically with respect to technology. While we have C3 LAN at NBC and the field has access to the NBC LAN via ICMS, the I-192 is supported, I believe by C3, but is not currently supported by ICMS. So we can't update and I-192 in C3 from the field using ICMS. That would likely

need to change. We'd have to also see if NASS or the C3/C4 scheduler can accommodate I-192 scheduling or these would need to be scheduled manually.

There would be impact on the NBC and on I-485 and/or N-400 cycle times. Do we have an estimated volume of multiple-entry visa holders from these countries who are in the US?

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Neufeld, Donald W
Sent: Monday, February 06, 2017 12:49 PM
To: Groom, Molly M; Busch, Philip B; Scialabba, Lori L; Renaud, Daniel M
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna
Subject: RE: The 2 issues re individuals inside US

Our folks are now looking at the I-192 option, but if an interview is required that would seem to move this in FOD's direction. To be candid, we were beginning to think even the I-131 might go that way if these are truly urgent cases - consistent with how AP is handled now in urgent situations.

From: Groom, Molly M
Sent: Monday, February 06, 2017 12:41:19 PM
To: Busch, Philip B; Scialabba, Lori L; Neufeld, Donald W; Renaud, Daniel M
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna
Subject: RE: The 2 issues re individuals inside US

And we just heard from CBP that at the staff level they are recommending to leadership that adjudication of a waiver require an interview, so a form based process may not be sufficient, Just FYI as we contemplate how we may implement if necessary.

From: Busch, Philip B
Sent: Monday, February 06, 2017 12:30 PM
To: Groom, Molly M; Scialabba, Lori L; Neufeld, Donald W; Renaud, Daniel M
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna
Subject: RE: The 2 issues re individuals inside US

Thanks.Molly. One clarification, it is a USCIS form but the instructions say file it with CBP unless it's a T or U situation. But as you note CBP says they don't actually use it as broadly as the instructions suggest – the applicant is supposed to file it at a designated port, and the only ports CBP has designated for that are along the Northern Border.

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel

U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Groom, Molly M
Sent: Monday, February 06, 2017 12:26 PM
To: Scialabba, Lori L; Neufeld, Donald W; Renaud, Daniel M
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna; Busch, Philip B
Subject: RE: The 2 issues re individuals inside US

We've been discussing how a waiver process could work be established legally with OGC and CBP and I am copying what Phil sent to start the conversation. In sum, we suggest using the Form I-192, Application for Advance Permission to Enter as a Nonimmigrant. It does look to inadmissibility rather than entry but comes closer to the intended purpose than any of the forms we regularly adjudicate. It is a CBP form and they use it on the Northern border for Canadians. We are told DOS uses it. USCIS does use it for certain Ts and Us. CBP is naturally a bit resistant, but it seems to be a promising way forward in light of the legal analysis below from our SME's.

We've identified a very promising existing avenue to consider the waiver with respect to those with valid nonimmigrant visas in the United States – the Form I-192, which is even called, "Application for Advance Permission to Enter as a Nonimmigrant." While not exact, since it talks about INA inadmissibility, it is extremely close – in fact, at p. 5 of the instructions it asks those inadmissible on foreign policy or national security grounds to provide a written detailed statement under penalty of perjury about why they should be admitted, which seems like a good fit with asking for a justification for the national interest waiver. Except for those seeking T or U nonimmigrant status, who file I-192 with us, it is filed with CBP with a $585 fee.

Stepping back from that particular form and process, here are some more general comments from our SMEs about regulatory implementation issues regarding the contemplated waiver:

Executive Order 13769, section 3, paragraph (g), states, "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."

At this point, USCIS does not understand what information should be obtained, the level of review required or the process for determining when it is "in the national interest" to waive the

requirements of section 3 under this the provision.

If the established process requires the collection of information, asking questions, or filling out a form for more than 9 individuals then that collection would be subject to the requirements of the Paperwork Reduction Act (PRA). See 44 U.S.C. § 3502; 5 C.F.R. § 1320.3(c), which covers, "the obtaining, causing to be obtained, soliciting, or requiring the disclosure to an agency, third parties or the public of information by or for an agency by means of identical questions posed to, or identical reporting, recordkeeping, or disclosure requirements imposed on, ten or more persons, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit."

Any new questionnaire or form, even if completed during a verbal interview, requires a 60-day notice under 5 CFR 1320.8(d)(1) and a 30-day notice under 5 CFR 1320.10(a). OMB may be requested to approve the process as an emergency approval under 5 CFR 1320.13 if the new collection is needed because it is essential to the mission of the agency, the agency cannot reasonably comply with the normal clearance procedures, public harm is reasonably likely to result if normal clearance procedures are followed, an unanticipated event has occurred, or a statutory or court ordered deadline to be missed. OMB will usually approve an emergency request in 30 days. The problem with an emergency approval is that OMB only approves the collection of information for a maximum of 90 days. However, section 3(c), states that it applies to, "such persons for 90 days from the date of this order." Thus, an emergency request under 5 CFR 1320.13 may be appropriate if we decide that a new collection is necessary.

If a new form is required or provides a list of questions for the officer to ask the individuals either verbally or manually, then the PRA applies. The PRA may not apply if there is already a process or form that very closely fits what is necessary that can be easily adapted without change to the 3(g) waiver process. The PRA may also not apply if the process is left to officer discretion, no standard questions will be asked, or if the waiver can be requested with a simple request that only identifies the individual, and the waiver can be approved with only a review of the applicable individual's file and current information on hand.

In addition, if the individuals who desire a waiver under section 3(g) are asked questions that impose a new standard or implicate a substantive right, then those questions may violate the Administrative Procedure Act (APA) and DHS would have to engage in notice and comment rulemaking under 5 U.S.C. 553 to ask them.

From: Scialabba, Lori L
Sent: Monday, February 06, 2017 12:18 PM
To: Neufeld, Donald W; Renaud, Daniel M
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna; Groom, Molly M
Subject: RE: The 2 issues re individuals inside US

O.k. Really.adding Molly now.

From: Neufeld, Donald W
Sent: Monday, February 06, 2017 10:41:44 AM

To: Scialabba, Lori L; Renaud, Daniel M
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna
Subject: RE: The 2 issues re individuals inside US

We are looking at whether the I-131 process could be modified to support this. It may be very difficult to make the systems changes needed to support issuance of an I-797 rather than the I-512 or RP/RTD. I'm wondering if alternatively we could issue an actual advance parole document (I-512) with the understanding that CBP would instead admit them with their NIV if otherwise admissible. We are looking at that option as well.

From: Scialabba, Lori L
Sent: Monday, February 06, 2017 9:22:46 AM
To: Neufeld, Donald W; Renaud, Daniel M
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna
Subject: RE: The 2 issues re individuals inside US

You guys need to start thinking about how we can adjudicate these national interest waivers here in the U.S. For anyone wanting to travel abroad with a multiple entry visa.

1. How do we do it and what are the guidelines?
2. where do we put the information so CBP can see it when the person returns or what document can we give them that shows they got a waiver.

I'm still fighting this but in the event we are ordered to do it you need to be thinking about how it would happen.

Lori

From: Neufeld, Donald W
Sent: Monday, February 06, 2017 9:14:01 AM
To: Renaud, Daniel M; Scialabba, Lori L
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: The 2 issues re individuals inside US

Neither can I.

From: Renaud, Daniel M
Sent: Monday, February 06, 2017 9:12:34 AM
To: Scialabba, Lori L
Cc: Renaud, Tracy L; Neufeld, Donald W; McCament, James W
Subject: RE: The 2 issues re individuals inside US

I cannot think of a benefit that we adjudicate domestically that requires a valid immigrant or nonimmigrant visa.

Daniel M. Renaud
Associate Director, Field Operations Directorate

From: Scialabba, Lori L
Sent: Monday, February 06, 2017 9:00 AM
To: Groom, Molly M; Busch, Philip B; Renaud, Tracy L
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

I'm still saying NO. This is just going to tick off the judge when he figures out DOJ made this up at the last minute so they could put it into their brief. We don't have a process in place and I can't make one up fast enough with no time to think it through.

From: Groom, Molly M
Sent: Monday, February 06, 2017 8:55:31 AM
To: Scialabba, Lori L; Busch, Philip B; Renaud, Tracy L
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

Can I come see you? DOJ is really pushing for our answer.

From: Scialabba, Lori L
Sent: Monday, February 06, 2017 8:21:09 AM
To: Groom, Molly M; Busch, Philip B; Renaud, Tracy L
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

Wait, DOS reversed the 1/27 revocation? Did the court order that? ANd I see your point but doesn't it also apply to the waiver we are promising to valid visa holders? If the TRO is lifted they are no longer valid visa holders.

From: Groom, Molly M
Sent: Monday, February 06, 2017 8:08:23 AM
To: Scialabba, Lori L; Busch, Philip B; Renaud, Tracy L
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

This part isn't about the waiver, but whether USCIS used the Jan 27 DOS revocation in adjudicating anything. Since it is forward looking it seems we could be okay. But then again they've reversed the Jan 27 revocation so how could we apply that revocation going forward? And if TRO is lifted a new revocation will come out. So it could be misleading. Frankly I don't think this language gets us where DOJ wants us to be- but in the timeframe given I don't know whether we could get there since folks are running down cases.

From: Scialabba, Lori L
Sent: Monday, February 06, 2017 7:58:31 AM
To: Groom, Molly M; Busch, Philip B; Renaud, Tracy L
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W

Subject: RE: The 2 issues re individuals inside US

So Phil is saying the waiver section says if you have a valid multiple entry visa we'll consider a waiver when the last paragraph says DOS revoked the visas. So how does anyone have a valid visa to apply for a waiver. Is that the point?

From: Groom, Molly M
Sent: Monday, February 06, 2017 7:46:33 AM
To: Busch, Philip B; Scialabba, Lori L; Renaud, Tracy L
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

Lori,

They need to know if you are ok with the second part of the statement relating to the DOS revocations. I've reatttached it here. [redacted] (b)(5)

[redacted]

Phil points out that the second part of the statemen[redacted]

[redacted] (b)(5)

Let us know what you think.

From: Busch, Philip B
Sent: Monday, February 06, 2017 6:45:35 AM
To: Groom, Molly M; Scialabba, Lori L; Renaud, Tracy L
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

Well said. [redacted]

[redacted] (b)(5)

[redacted] Phil

From: Groom, Molly M

Sent: Monday, February 06, 2017 2:12:00 AM
To: Scialabba, Lori L; Renaud, Tracy L; Busch, Philip B
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

Here is what I sent:

Joe,

I connected with Lori and she is concerned with agreeing to such a statement. [redacted] (b)(5)

[redacted] Thanks for considering.

From: Groom, Molly M
Sent: Monday, February 06, 2017 1:39 AM
To: Scialabba, Lori L; Renaud, Tracy L; Busch, Philip B
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

As soon as I transmit your concerns I am going to bed. Thanks very much. I will be in touch after 7.

From: Scialabba, Lori L
Sent: Monday, February 06, 2017 1:32 AM

To: Groom, Molly M; Renaud, Tracy L; Busch, Philip B
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

Well I appreciate yours too. Like I said trying to solve this on the spur of the moment is foolish. Happy to be on the call whenever they have it. Assuming it's not before 7:00 am when I'll check emails again.

Go to bed Molly.

Lori

From: Groom, Molly M
Sent: Monday, February 06, 2017 1:25:01 AM
To: Scialabba, Lori L; Renaud, Tracy L; Busch, Philip B
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

I will pass on that you are not on board and will synthesize your concerns. I understand from other emails you are copied on that they will likely call a meeting early tomorrow morning. If it matters, I think you are doing the right thing and I share your concerns. Perhaps with more discussion with DOJ, we can find another way forward on the litigation front. I appreciate your attention late this evening/this morning.

From: Scialabba, Lori L
Sent: Monday, February 06, 2017 1:21 AM
To: Groom, Molly M; Renaud, Tracy L; Busch, Philip B
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

I'm not o.k. With this. This proposal has so many problems and issues that I can see just off the top of my head that I'm sure it would be a disaster. [redacted] (b)(5)

No, I'm not o.k. With this. Making policy based on litigation has always gotten us into more trouble than it's been worth and its never an assurance of winning the litigation either. And trying to develop a policy on a Sunday night without thinking through what we are doing is reckless and foolish.

Lori

From: Groom, Molly M
Sent: Sunday, February 05, 2017 10:53:31 PM
To: Scialabba, Lori L; Renaud, Tracy L; Busch, Philip B
Subject: FW: The 2 issues re individuals inside US

I just got off a call where Joe requested that you consider signing off on this statement. OCC edited to make it as palatable as possible. [redacted] (b)(5)

[redacted] Let me know if you want to discuss. They are hoping to hear from you tonight.

From: Maher, Joseph
Sent: Sunday, February 05, 2017 10:16 PM
To: Davis, Mike P; COUREY, MARC BENNETT (OCC); Groom, Molly M; KOLLER, JULIE (OCC); Baroukh, Nader; Busch, Philip B; Falcone, Michael
Cc: FALK, SCOTT K (OCC); Kelliher, Brian; Browne, Rene; Palmer, David
Subject: The 2 issues re individuals inside US

As discussed, attached is a revised version. Please let me know as soon as possible the reaction from principals.

Joe

Joseph B. Maher
Acting General Counsel
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Office of the Secretary
Subject: Message from Secretary Kelly
Date: Monday, February 06, 2017 12:31:58 PM

Homeland Security

February 6, 2017

To all Department of Homeland Security personnel:

Over the past two weeks, I have had the honor of meeting with many of the dedicated men and women of our Department who work to protect our homeland every day. I continue to be impressed and humbled by the professionalism and diligence displayed as you work to keep our Nation and our citizens safe. I want to thank all employees across the Department for your dedication and exceptional service.

The President's three recent Executive Orders affect you and the work you do, and it's critical that the Department provide you with the information, tools, and resources you need to perform your missions successfully. As policies change, we will keep you regularly apprised of our progress.

We are complying with multiple court orders, including a ruling issued on February 3 that temporarily stayed enforcement of the January 27 Executive Order. In accordance with that court order, DHS has suspended any and all actions enforcing the affected sections of the "Foreign Terrorist Entry" Order. This includes actions to suspend passenger system rules that flag travelers for operational action subject to the Executive Order. DHS personnel have resumed inspection of travelers in accordance with prior standard policy and procedure.

The Department of Justice has requested an emergency stay of this court order and will defend the President's Executive Order, which is lawful and appropriate, and is intended to protect the American people. As of Monday morning, February 6, the legal process remains ongoing, and we will keep you informed of any further developments.

As we continue to respond to recent policy changes, I particularly want to express my appreciation to all employees who are working swiftly to implement the recent Executive Orders while also complying with court orders.

While much media and public attention has been paid to these Orders, each employee in every role across the Department is critical to our success. Please know that you have my full confidence as well as the support of the entire Department as you work on the frontlines defending the homeland.

Thank you for your service and for your dedication to the honorable work of securing our Nation and protecting the American people.

Sincerely,

John F. Kelly
Secretary of Homeland Security

With honor and integrity, we will safeguard the American people, our homeland, and our values.

From:	Cox, Sophia
To:	Neufeld, Donald W; Arroyo, Susan K; Hope, Leslie K; Hutchings, Pamela G; McCament, James W; McConnell, James E; Moran, Karla; Sabga, George M
Subject:	RE: EO Hold
Date:	Monday, January 30, 2017 2:34:52 PM
Importance:	High

Hi. Per our conversation a little bit ago, here are some high level questions I got from folks for the Department to answer. I hope this is along the lines of what you are looking for. I didn't include the questions I sent you yesterday but if any of them need to be included let me know and I will put them back in.

1. Part of the uniform screening standard is to include "Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent"

   a. Does this mean that all applications and petitions will need to be revised or standardized? We note that many of the forms have already be revised to include the questions related to criminality and national security.

   b. If the answer to one of these questions reveals potential issues, what bearing will this have on benefit types that do not accord status and where the issue is not grounds for denial?

2. As part of the uniform screening standard the EO includes a directive to develop "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"

   a. Is this process/determination a discretionary call or will there be defined areas?

3. Information is to be collected on "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"

   a. What is the definition of "major offenses" as it relates to this section? How is it different from the term "aggravated felony" as defined in the INA 101(a)(43)?

4. Can we accept/adjudicate/approved (if eligible) I-730s for following to join family members of individuals granted asylum (FTJ-A) and I-730s for following to join family members of refugees? Is there any distinction between the processing of I-730s for asylees and refugees?

5. For those outside the US currently in T (victims of trafficking) or U (victims of severe form of crime) nonimmigrant status from the seven countries, will they be allowed re-entry? If waivers can be granted case by case, how will those requests be handled?

6. How does the EO impact TRIG exemptions?

7. What is expected of us in terms of reporting?

a. Data to be collected
b. Frequency
c. Transmission

FYI and in case you find this helpful, Pam sent me the numbers of FB/EB visas that were allocated to applicants from the applicable countries for FY-2017.

Iran	703 visa
Iraq	21 visas
Libya	47 visas
Somalia	7 visas
Sudan	9 visas
Syria	102 visas
Yemen	17 visas

I will go through all the EOs in more detail to see if there are other things that might impact us.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 12:29 PM
To: Arroyo, Susan K; Cox, Sophia; Hope, Leslie K; Hutchings, Pamela G; McCament, James W; McConnell, James E; Moran, Karla; Sabga, George M
Subject: EO Hold

At the recently concluded leadership meeting we learned that the processing hold we put in place over the weekend will be lifted. All messaging must now be cleared through the Department, so we cannot communicate this in writing to the troops. However, I wanted you to know that so we don't waste time formulating questions about the hold or working on strategies to ensure compliance. I

expect that the final guidance may be more nuanced on the processing of parole requests, but otherwise we are expecting to lift the hold on adjustments and other form types. Please do not share this further in light of the messaging restrictions. We hope to have formal cleared language later today or tomorrow.

Donald Neufeld
Associate Director
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Ave NE, Suite 2125
Washington, DC 20002

From:	Neufeld, Donald W
To:	Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc:	McCament, James W; Cox, Sophia
Subject:	Friday"s EO
Date:	Saturday, January 28, 2017 9:07:25 AM

Sorry to bother you over the weekend. The President signed an executive order on Friday titled "Protecting the Nation from Foreign Terrorist Entry into the United States". Among other things, it prevents the entry of citizens or nationals from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for a 90 day period. I am working with Dan, Andrew, Tracy and Lori on a message to send out this weekend that would suspend certain adjudications while we seek guidance/clarity on how this will specifically apply to our workloads.

Most likely, on Monday we will want to identify any potentially impacted cases in C3 and ELIS. I assume it will be possible to run reports identifying cases with applicants, requestors or beneficiaries from these countries sorted by form type. Does anyone know if we could somehow flag them for hold? Ideally we'd be able to prevent accidental approval, but even if we can't stop approval it would be good to flag them for adjudicators. Also, this isn't an indefinite hold so whatever we do it needs to allow normal processing to proceed fairly easily at some point in the future.

At this point, I'm just looking for thoughts and ideas on how to identify what will be a changing universe of cases and flag them for possible special handling. I'd prefer to keep this among ourselves for now so please check with me before sharing with anyone. Any thoughts or concerns are appreciated.

Thanks,

Don

From:	Neufeld, Donald W
To:	Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc:	McCament, James W; Cox, Sophia
Subject:	RE: Friday"s EO
Date:	Saturday, January 28, 2017 9:12:45 AM

One more thing, the suspension does not apply to This suspension of entry does not apply to those foreign nationals traveling on A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2 or diplomatic type visas, or to issuance of visas in those categories. Do we adjudicate anything related to those visa categories at the centers?

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:07 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: Friday's EO

Sorry to bother you over the weekend. The President signed an executive order on Friday titled "Protecting the Nation from Foreign Terrorist Entry into the United States". Among other things, it prevents the entry of citizens or nationals from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for a 90 day period. I am working with Dan, Andrew, Tracy and Lori on a message to send out this weekend that would suspend certain adjudications while we seek guidance/clarity on how this will specifically apply to our workloads.

Most likely, on Monday we will want to identify any potentially impacted cases in C3 and ELIS. I assume it will be possible to run reports identifying cases with applicants, requestors or beneficiaries from these countries sorted by form type. Does anyone know if we could somehow flag them for hold? Ideally we'd be able to prevent accidental approval, but even if we can't stop approval it would be good to flag them for adjudicators. Also, this isn't an indefinite hold so whatever we do it needs to allow normal processing to proceed fairly easily at some point in the future.

At this point, I'm just looking for thoughts and ideas on how to identify what will be a changing universe of cases and flag them for possible special handling. I'd prefer to keep this among ourselves for now so please check with me before sharing with anyone. Any thoughts or concerns are appreciated.

Thanks,

Don

From:	Neufeld, Donald W
To:	Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara O; Zuchowski, Laura B; Tamanaha, Emisa T
Cc:	Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject:	Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions
Date:	Saturday, January 28, 2017 10:34:36 AM

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

From: Neufeld, Donald W
To: Moran, Karla
Cc: McCament, James W
Subject: FW: Executive Order
Date: Saturday, January 28, 2017 11:51:10 AM
Attachments: Executive Order PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - 01272017.docx

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This may be helpful. Seriously, I don't want too much activity this weekend that isn't absolutely critical. This stuff can wait until Monday. The reports on what's pending may help guide decision making so that's worth working on to make sure it's done on Monday. I think gathering questions beyond what has already been asked (scope of application of entry restriction) can be accomplished on Monday with everyone engaged. Action plans and tracking for the 30, 60 and 90 day items can certainly wait 48 hours. This is a marathon not a sprint. We still have more EOs coming.

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
Office [redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel

Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list

of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

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To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

FYI. I think Andrew might be right in terms of what is meant but [redacted] (b)(5)

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] (b)(5) We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

From: Moran, Karla
To: Neufeld, Donald W
Cc: McCament, James W
Subject: RE: Executive Order
Date: Saturday, January 28, 2017 11:54:04 AM

Understood and agree.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:51:08 PM
To: Moran, Karla
Cc: McCament, James W
Subject: FW: Executive Order

This may be helpful. Seriously, I don't want too much activity this weekend that isn't absolutely critical. This stuff can wait until Monday. The reports on what's pending may help guide decision making so that's worth working on to make sure it's done on Monday. I think gathering questions beyond what has already been asked (scope of application of entry restriction) can be accomplished on Monday with everyone engaged. Action plans and tracking for the 30, 60 and 90 day items can certainly wait 48 hours. This is a marathon not a sprint. We still have more EOs coming.

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
Office: [redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]*esk)*
(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
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I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted]

(b)(6)

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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
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Cc: Renaud, Tracy L; McCament, James W
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Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130. ...? 2. Should we deschedule oath ceremonies for individuals from the 7? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) andG-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

FYI. I think Andrew might be right in terms of what is meant but [redacted] (b)(5)

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

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Thanks,

Andrew Davidson
Acting Deputy Associate Director

Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

From: Cox, Sophia
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Saturday, January 28, 2017 8:01:17 PM

Hi. I just finished reading the whole EO. Section 3c, which suspends the immigrant and nonimmigrant entry, refers to those described in INA 217(a)(2). As far as I can tell, only Iraq and Syria are mentioned in this statutory provision. Are other countries affected or just Iraq and Syria? I couldn't find reference to any other countries anywhere else, so wanted to be sure I wasn't missing anything.

Regarding EAD categories that would include those in INA 217(a)(2), we have:

- (c)(1) For the dependents of A-1 and A-2 government officials.
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement;
  - DOS sends only the favorably endorsed applications to NSC.
- (c)(4) For the dependents of G-1, G-3, or G-4 (I think this includes NATO and at the US Mission to the UN, too).
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement.
  - DOS sends only the favorably endorsed applications to NSC.

There are some special immigrant categories applicable to As, Gs, and NATO. The I-360 is filed with Dallas and Phoenix LB and the I-485 is filed with Phoenix LB. I am thinking that NSC adjudicates these, but it would be best to confirm.

- I Special Immigrants (INA 101(a)(27)(I) who meet certain residence and physical presence requirements. Includes:
  - Unmarried sons/daughters of an officer or employee, or a former officer or employee of an international organization described in INA 101(a)(15)(G)(i).
  - Surviving spouses of deceased officers or employees of international organizations described in INA

101(a)(15)(G)(i).
  - Retired officers and employees of international organizations.
  - Following to join/accompanying spouse of a retired officer or employee who was granted special immigrant status as a retired officer or employee of an international organization.
- L Special Immigrants (INA 101(a)(27)(L) who meet certain residence and physical presence requirements. Looks like this covers NATO and the same categories of persons described in 101(a)(27)(I).

This is all I can think of for now. If I come up with anything else, I will send it forward.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted]
(b)(6)

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 1:18 PM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi Sophia. I think you may be right about the As and Gs. I'll check and confirm.

Thanks all.

Donna

From: Cox, Sophia
Sent: Saturday, January 28, 2017 11:29:44 AM
To: Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W
Subject: RE: Friday's EO

I think the A and Gs might be done at the Washington district office but I am not 100% sure.

Donna might remember?? There might be some 765 related to their dependents who are students. I'll check the 765 instructions.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:12:43 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

One more thing, the suspension does not apply to This suspension of entry does not apply to those foreign nationals traveling on A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2 or diplomatic type visas, or to issuance of visas in those categories. Do we adjudicate anything related to those visa categories at the centers?

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:07 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: Friday's EO

Sorry to bother you over the weekend. The President signed an executive order on Friday titled "Protecting the Nation from Foreign Terrorist Entry into the United States". Among other things, it prevents the entry of citizens or nationals from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for a 90 day period. I am working with Dan, Andrew, Tracy and Lori on a message to send out this weekend that would suspend certain adjudications while we seek guidance/clarity on how this will specifically apply to our workloads.

Most likely, on Monday we will want to identify any potentially impacted cases in C3 and ELIS. I assume it will be possible to run reports identifying cases with applicants, requestors or beneficiaries from these countries sorted by form type. Does anyone know if we could somehow flag them for hold? Ideally we'd be able to prevent accidental approval, but even if we can't stop approval it would be good to flag them for adjudicators. Also, this isn't an indefinite hold so whatever we do it needs to allow normal processing to proceed fairly easily at some point in the future.

At this point, I'm just looking for thoughts and ideas on how to identify what will be a changing universe of cases and flag them for possible special handling. I'd prefer to keep this among ourselves for now so please check with me before sharing with anyone. Any thoughts or concerns are appreciated.

Thanks,

Don

From: McCament, James W
To: Moran, Karla
Subject: FW: Clearance for Extreme Vetting Q&A
Date: Saturday, January 28, 2017 8:50:39 PM

KM fyi. Will see you all tomorrow morning.

JM

James W. McCament
Deputy Associate Director,
Service Center Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security
Washington, DC 20529-2150

[redacted] (b)(6)

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From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 9:37:04 PM
To: Valverde, Michael; Busch, Philip B; Renaud, Tracy L; Groom, Molly M; Scialabba, Lori L; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Karla Moran.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 5:38:16 PM
To: Neufeld, Donald W; Busch, Philip B; Renaud, Tracy L; Groom, Molly M; Scialabba, Lori L; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

We are doing the same. Our folks should talk, probably. Shelley Goodwin is our point. Who is yours?

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 5:33:11 PM

To: Busch, Philip B; Renaud, Tracy L; Groom, Molly M; Scialabba, Lori L; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Many more than I would have expected. We have folks running reports to see what we have pending in C3 and ELIS for applicants, beneficiaries and requesters from the 7 countries. We should have that Monday afternoon.

From: Busch, Philip B
Sent: Saturday, January 28, 2017 4:33:44 PM
To: Renaud, Tracy L; Neufeld, Donald W; Groom, Molly M; Scialabba, Lori L; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Regarding COS and EOS, it occurred to me to wonder to what extent there actually are nonimmigrants from those countries. Numbers aren't huge, but they are there. For FY 2015 per DHS yearbook, total nonimmigrant admissions for nationals of these countries were:
Iraq, 21,381
Iran, 35,266
Libya, 3,879
Yemen, 5,549
Sudan, 4,792
Syria, 16,018
Somalia, 359

Numbers for the two preceding years were similar. There are also tables further breaking it down by category but I didn't dig into it that deeply.

Phil

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 4:12:21 PM
To: Neufeld, Donald W; Groom, Molly M; Scialabba, Lori L; Busch, Philip B; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Thanks Don. We will add it.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] *desk)*
(b)(6)

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Sent: Saturday, January 28, 2017 3:58 PM
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(b)(6) US Citizenship & Immigration Services
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+ Angie

OPA just called -- they would like anything we can provide within the hour so they can hold a call with CBP and others who are getting bombarded with media inquiries and prepare S1 to return Hill calls.

One question I could see for us, even though it is somewhat answered in the first question below: Does the Executive Order apply to those currently being adjudicated for naturalization?

Jeff

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U.S. Citizenship and Immigration Services
[redacted] (b)(6)
Please visit www.uscis.gov for news and information.

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US Citizenship & Immigration Services
Department of Homeland Security
[redacted]*desk)*
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These seem to be issue that need to be addressed at the Department level.

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Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 9:58:01 AM
To: Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Ruppel, Joanna; Nicholson, Maura J
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Renaud, Tracy L
Subject: RE: Clearance for Extreme Vetting Q&A

I simply do not have answers to these questions, so my input would be of no value.

From: Carter, Jeffrey T (Jeff)
Sent: Saturday, January 28, 2017 12:54:54 PM
To: Renaud, Daniel M; Valverde, Michael; Farnam, Julie E; Ruppel, Joanna; Nicholson, Maura J
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Renaud, Tracy L
Subject: FW: Clearance for Extreme Vetting Q&A

All:

DHS OPA has request a quick (ASAP) agency clearance on the below.

Referred to Department of Homeland Security

(b)(6)

Referred to Department of Homeland Security

From: Moran, Karla
To: McCament, James W
Subject: RE: Clearance for Extreme Vetting Q&A
Date: Sunday, January 29, 2017 6:58:10 AM

Ok, sounds good :)
I promised the boys healthy food. :)
Last time I said pizza they both gave me the look of death! Lol sheesh who knew?!
Maybe we can go get them coffee/tea.

See you in a bit.

From: McCament, James W
Sent: Saturday, January 28, 2017 9:50:38 PM
To: Moran, Karla
Subject: FW: Clearance for Extreme Vetting Q&A

KM fyi. Will see you all tomorrow morning.

JM

James W. McCament
Deputy Associate Director,
Service Center Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security
Washington, DC 20529-2150
[redacted] (b)(6)

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From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 9:37:04 PM
To: Valverde, Michael; Busch, Philip B; Renaud, Tracy L; Groom, Molly M; Scialabba, Lori L; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
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Karla Moran.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 5:38:16 PM
To: Neufeld, Donald W; Busch, Philip B; Renaud, Tracy L; Groom, Molly M; Scialabba, Lori L; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
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Subject: RE: Clearance for Extreme Vetting Q&A

We are doing the same. Our folks should talk, probably. Shelley Goodwin is our point. Who is yours?

From: Neufeld, Donald W
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Many more than I would have expected. We have folks running reports to see what we have pending in C3 and ELIS for applicants, beneficiaries and requesters from the 7 countries. We should have that Monday afternoon.

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Regarding COS and EOS, it occurred to me to wonder to what extent there actually are nonimmigrants from those countries. Numbers aren't huge, but they are there. For FY 2015 per DHS yearbook, total nonimmigrant admissions for nationals of these countries were:
Iraq, 21,381
Iran, 35,266
Libya, 3,879
Yemen, 5,549
Sudan, 4,792
Syria, 16,018
Somalia, 359

Numbers for the two preceding years were similar. There are also tables further breaking it down by category but I didn't dig into it that deeply.

Phil

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Subject: RE: Clearance for Extreme Vetting Q&A

(b)(6

Referred to Department of Homeland Security

From: Neufeld, Donald W
To: Cox, Sophia; Moran, Karla
Subject: FW: Executive Order
Date: Monday, January 30, 2017 10:10:47 AM

FYI

From: Levine, Laurence D
Sent: Monday, January 30, 2017 7:31 AM
To: Groom, Molly M; Slattery, Shannon E; Renaud, Daniel M; Neufeld, Donald W; Walters, Jessica S; Busch, Philip B; Kleczek, Marguerite P (Ania)
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E; Elder, Phillip D; Tynan, Natalie S; Rather, Michael B; Deshommes, Samantha L
Subject: RE: Executive Order

+ Natalie, Mike and Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

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From: Groom, Molly M
Sent: Monday, January 30, 2017 7:28 AM
To: Slattery, Shannon E; Levine, Laurence D; Renaud, Daniel M; Neufeld, Donald W; Walters, Jessica S; Busch, Philip B; Kleczek, Marguerite P (Ania)
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E; Elder, Phillip D
Subject: RE: Executive Order

Plus Phil, Ania and Philip

From: Slattery, Shannon E
Sent: Sunday, January 29, 2017 11:24:08 PM
To: Levine, Laurence D; Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E
Subject: RE: Executive Order

+ Lisette Kvortek and Julie Farnam

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

Office [redacted] (b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:52 PM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
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All – I asked the regs team to give us an idea of the tie frames for doing and re-doing forms as well as regs:

For forms , if, for instance, we have to add new vetting questions, OMB approval can be accomplished relatively quickly as an emergency action (compared to the normal process).
Steps and qualifications for emergency OMB approval:
1) OP&S division, operational directorates, OCC, and RCD collaborate on the amended form and/or instructions.
2) RCD prepares the relevant PRA supporting documents (Supporting Statement, etc.) working with OIDP and Office of Privacy
3) Draft a memo justifying the emergent need (e.g., the EO), signed by USCIS CIO and DHS CIO.
4) RCD submits the package to OMB. OMB approval under emergency will only be valid for 6 months. To extend the validity of the OMB approval beyond 6 months, RCD would need to publish the 60- and 30-day Notices as normal and then resubmit the package to OMB.
As a side note, the interior enforcement EO took away the Privacy Act protections that the USG had extended to non-citizens (by policy I believe). This change may significantly impact how the Privacy Act is interpreted w/r/t USCIS forms and systems, and may or may not cause changes to our Privacy Threshold Analyses which support the PRA process. We need to get a legal opinion on whether our PTAs, etc. will change because of this, and if we can update the relevant PRA supporting documents as they come up in the queue (i.e. as RCD starts work upon expiration) or if this needs to be implemented immediately (which would be a significant workload).

For regs, the time it took to get the EA rules out from the Nov. 20, 2014 memo are good barometers of the average timeline when there is WH support and it's moving as an emergency action:

- Average of 12-16 months for drafting and publishing an NPRM (but note that there was already some work done on EA before the 11/2014 announcement)
- Average of 6-8 months to review public comments, draft final rule, and publish the final rule.

Caveats: 1) The above assumes a relatively hands-off approach of OGC staff-level attorneys and economists prior to moving to OGC FO, S1 FO, and OMB. Also assumes that the timelines for S1 FO review will be similarly expedited (i.e. a matter of hours wherein the Assistant General Counsel briefs S1 and obtains signature). 2) The "effective date" will largely depend on the speed that our computer systems can be stood up. 3) Also, of course, depends on the number and complexity of public comments received and the continued availability of monetary resources to fund contractor support of our regulatory projects (comment analysis).

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:42 AM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Ok - thanks

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

Department of Homeland Security

[redacted]

(b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief

Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. I.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
Offic[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order
To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?

3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
(b)(6) [redacted] desk)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
(b)(6) [redacted]

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order
I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order
I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

FYI. I think Andrew might be right in terms of what is meant but [redacted] (b)(5)

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries

of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person.

[redacted] (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

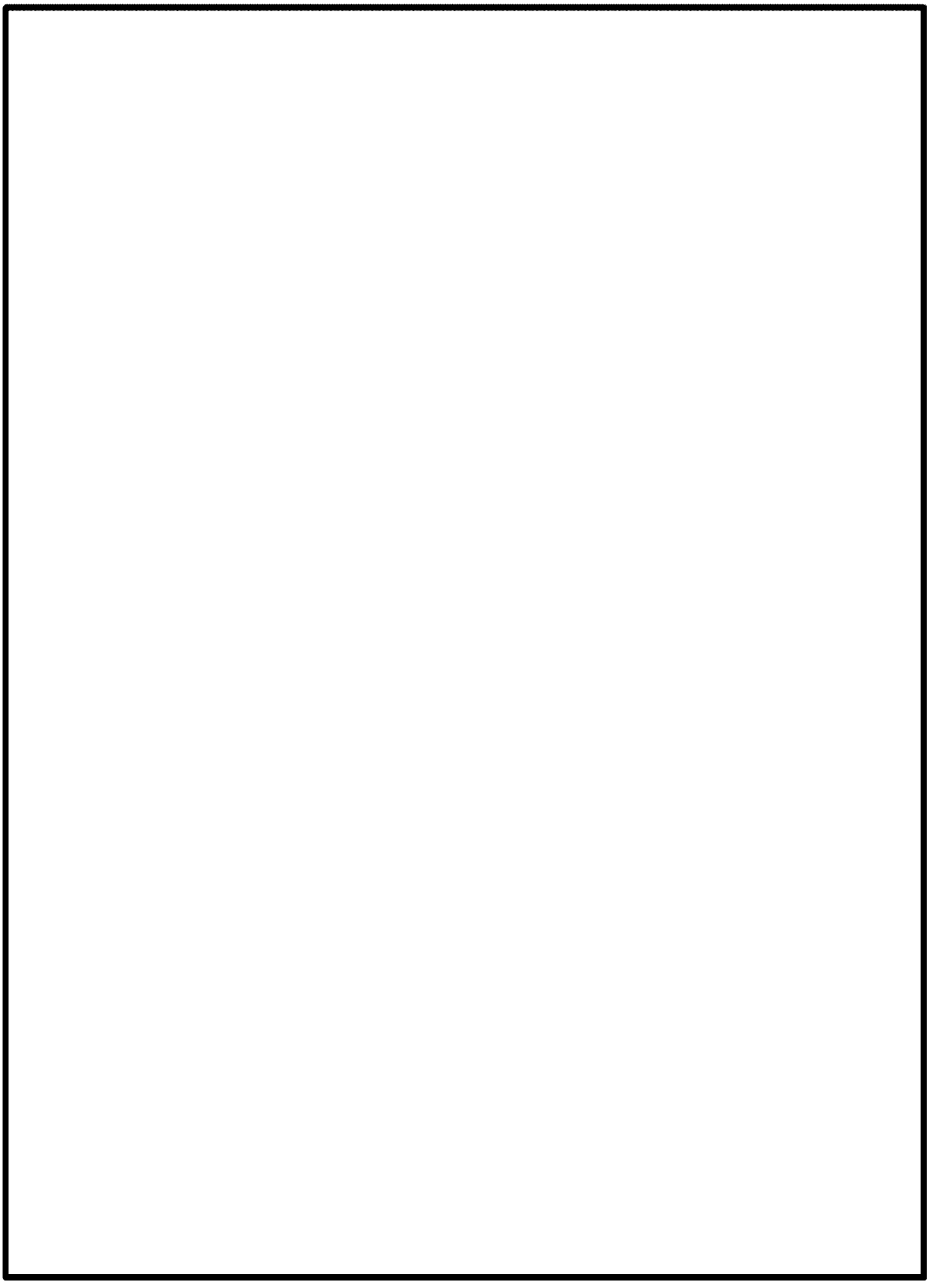
Worley, Jordan P

From: Hamilton, Ricky W
Sent: Thursday, February 02, 2017 11:31 AM
To: Farnam, Julie E
Cc: Looney, Robert V; Gallagher, Kevin E; Reynolds, Patti J
Subject: FW: FOD Tasking - Information Collection fo Adjudications

See below for Central Region

(b)(5)

In adjudicating cases from countries of interest, It is recommend we review cases to determine the following:



(b)(5)

5

Worley, Jordan P

From: Ruppel, Joanna
Sent: Monday, January 30, 2017 8:18 AM
To: Renaud, Daniel M; Walters, Jessica S; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W; Meckley, Tammy M; Davidson, Andrew J; Emrich, Matthew D
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Young, Todd P; Lafferty, John L
Subject: RE: USCIS Pending questions tracker

Adding John Lafferty for Asylum. Hoping list will include Asylum, Refugee and International Operations Division Chiefs.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Monday, January 30, 2017 9:13 AM
To: Walters, Jessica S; Renaud, Tracy L; Ruppel, Joanna; Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W; Meckley, Tammy M; Davidson, Andrew J; Emrich, Matthew D
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Young, Todd P
Subject: RE: USCIS Pending questions tracker

We have the answer to the N-400/N-600 question. We are proceeding as usual with adjudication and oath ceremonies. Currently we are holding everything else. [redacted] (b)(5)

[redacted] (b)(5)

It would be good, maybe to suggest that the EO does not impact applications and petitions filed for or on behalf of individuals in the United States, and applications and petitions for individuals outside the U.S. that do not confer a benefit, and see if it flies.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Walters, Jessica S
Sent: Monday, January 30, 2017 7:58 AM
To: Renaud, Tracy L; Ruppel, Joanna; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W; Meckley, Tammy M; Davidson, Andrew J; Emrich, Matthew D
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Young, Todd P; Walters, Jessica S
Subject: USCIS Pending questions tracker

Good morning all:

Please see the pending questions tracker attached. Please let us know if you have any suggestions/input regarding the format, and then we can fill in the substance and re-send to the group.

Also – We will be creating an email for an EO action group so that everyone is kept in the loop on EO issues and guidance. The group will include ADs, DADs, OCC, OPS, Program Chiefs, Tracy, Lori, Todd and me. We will send the address out as soon as it is created.

Thanks,

Jessica

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 1:13 PM
To: Ruppel, Joanna; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M
Subject: RE: Clearance for Extreme Vetting Q&A

I am adding Jess, Molly and Phil back in again and also adding SCOPS. Jess is working to gather the questions you have all sent so far and compile them on one document. Once she has those together Lori and I will look at them to see which are internal questions and which might warrant public facing Q&A. So if you have sent your questions to Jess we should be all set.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]*desk)*
(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 1:09 PM
To: Renaud, Daniel M; Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Nicholson, Maura J
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Renaud, Tracy L; Strack, Barbara L; Stone, Mary M
Subject: RE: Clearance for Extreme Vetting Q&A

These seem to be issue that need to be addressed at the Department level.

They are also asking for other questions we think should be included, so we may want to put together a list of questions, even if we don't have answers yet.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 9:58:01 AM

Referred to Department of Homeland Security

(b)(6

Referred to Department of Homeland Security

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

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.

GENERAL OBJECTIVES:

- 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.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We 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

Date conversions

Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA 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.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the 7? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) andG-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	Implement Program as part of adjudications process to include development of: • Uniform screening standard and procedure, such as interviews • Database • Amended Application Forms • Mechanism • Process • Mechanism	• To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission. • Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants • To add questions aimed at identifying fraudulent answers and malicious intent • To ensure applicant is who the applicant claims to be • 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 • To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S.	Initial progress report due within 60 days of Jan 27		1. Do we need to take any actions prior to the "plan" described in section four being developed and implemented? 2. Who is responsible for developing the plan? 3. Might this functionality [database to collect identity documents] already exist and be implemented? 4. Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? 5. [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	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	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis 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	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					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.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies 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	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	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; • removed from the United States based on terrorism-	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons • 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 • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

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,

DECISION AND ORDER

- against -

17 Civ. 480 (AMD)

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

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

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

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.

GENERAL OBJECTIVES:

- 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.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We 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

Date conversions

Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA 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.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the 7? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) andG-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e In consultation with DOS 3g*	DHS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

(b)(5)

(b)(5)

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	Implement Program as part of adjudications process to include development of:	• To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission.	Initial progress report due within 60 days of Jan 27		1. Do we need to take any actions prior to the "plan" described in section four being developed and implemented? 2. Who is responsible for developing the plan? 3. Might this functionality [database to collect identity documents] already exist and be implemented? 4. Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? 5. [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?
		• Uniform screening standard and procedure, such as interviews				
		• Database	• Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants			
		• Amended Application Forms	• To add questions aimed at identifying fraudulent answers and malicious intent			
		• Mechanism	• To ensure applicant is who the applicant claims to be			
		• 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			
		• Mechanism	• To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S.			

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	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	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis 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	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					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.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies 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	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	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; • removed from the United States based on terrorism-	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons • 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 • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

(b)(5)

Page 3: [1] Comment [SLD2] Deshommes, Samantha L 1/29/2017 3:36:00 PM

Page 3: [2] Comment [SLD3] Deshommes, Samantha L 1/29/2017 3:11:00 PM

(b)(5)

Gillispie, Anna E

From: Parascandola, Ciro A
Sent: Sunday, January 29, 2017 8:57 AM
To: Levine, Laurence D
Cc: Cummings, Kevin J; Tynan, Natalie S
Subject: RE: Executive Order

Nat,

Kevin and I will might send you a few follow on notes on this, but my question from the EB side is that, while they want to suspend entry of these individuals for the time being, do they also intend for us to hold onto any requests for extensions of stay until the enhanced vetting procedures are in place? The text says "entry" but it's in the section explaining the need to review procedures prior to any benefit being granted. We will send you anything else we can come up with. There is nothing really to state from a strict policy sense, but obviously OCC, SCOPS, the FO et al will like have the same questions regarding exactly what these provisions mean. We have these political advisors on board. They should reach out through their people to the WH to get clarification.

Kevin, you agree?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar,

Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. (b)(5) [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted]

(b)(6)

Gillispie, Anna E

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 8:15 PM
To: Levine, Laurence D; Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

DHS HQ has been busy with press releases today on the EO. See link below to the DHS.gov site for the 4 press releases issued today.

https://www.dhs.gov/news-releases

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
[redacted]
(b)(6)

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:04 PM
To: Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam - there's some other chain that Tammy was on.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58:09 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna);

Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which OIDP can provide the amended form instruments; and the speed with which IT and OIDP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and OIDP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief

Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
Tel [redacted]

(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[redacted]

(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
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Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

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From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

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nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted]

(b)(5)

(b)(5)

[redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:19 PM
To: Cummings, Kevin J; Deshommes, Samantha L; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S; Viger, Steven W
Subject: RE: Executive Order - ECN Link

Nice - thanks

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 7:08:18 PM
To: Levine, Laurence D; Deshommes, Samantha L; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S; Viger, Steven W
Subject: RE: Executive Order - ECN Link

From: Viger, Steven W
Sent: Sunday, January 29, 2017 7:01 PM
To: Cummings, Kevin J
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Here's the link: Executive Order. Depends who all needs access. If it's just BFWD folks, that's easy. If it's others, just takes time to add the names.

Thanks to Steven, here is the ECN link to the document.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:04 PM
To: Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam - there's some other chain that Tammy was on.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58:09 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which OIDP can provide the amended form instruments; and the speed with which IT and OIDP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and OIDP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM

To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Sclalabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Sclalabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Sclalabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. (b)(5) [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

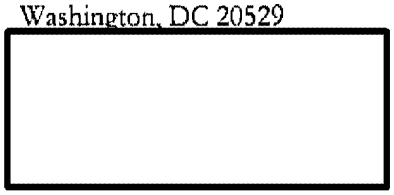
[redacted] (b)(6)

Gillispie, Anna E

From: Viger, Steven W
Sent: Sunday, January 29, 2017 6:10 PM
To: Cummings, Kevin J
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

I checked and all OPS folks should have access. Need to clean up the permissions after all the EA crap.

Steven Viger
Adjudications Officer (Policy)
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Ave., NW
Washington, DC 20529



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From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 7:09 PM
To: Viger, Steven W
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Thanks!

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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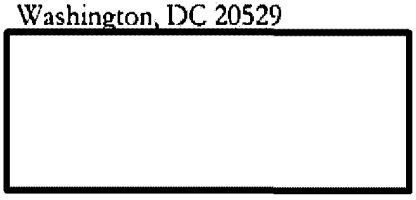
From: Viger, Steven W
Sent: Sunday, January 29, 2017 7:06 PM
To: Cummings, Kevin J
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

I will double-check but management should already have access.

Steven Viger
Adjudications Officer (Policy)
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Ave., NW
Washington, DC 20529



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From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 7:04 PM
To: Viger, Steven W
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Thanks man. I need you to show me how to do it. Those who would need access—at least initially-- would be the OP&S management team highlighted below and all of us.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Viger, Steven W
Sent: Sunday, January 29, 2017 7:01 PM
To: Cummings, Kevin J
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Here's the link: Executive Order. Depends who all needs access. If it's just BFWD folks, that's easy. If it's others, just takes time to add the names.

Steven Viger
Adjudications Officer (Policy)
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Ave., NW

Washington, DC 20529

[redacted] (b)(6)

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From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 5:21 PM
To: Viger, Steven W
Cc: Parascandola, Ciro A
Subject: FW: Executive Order
Importance: High

Is giving various people editing permission for the ECN link a hassle? Thanks man.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which OIDP can provide the amended form instruments; and the speed with which IT and OIDP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and OIDP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM

To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication docs not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] (b)(5) We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:08 PM
To: Levine, Laurence D; Deshommes, Samantha L; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S; Viger, Steven W
Subject: RE: Executive Order - ECN Link

Importance: High

From: Viger, Steven W
Sent: Sunday, January 29, 2017 7:01 PM
To: Cummings, Kevin J
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Here's the link: Executive Order. Depends who all needs access. If it's just BFWD folks, that's easy. If it's others, just takes time to add the names.

Thanks to Steven, here is the ECN link to the document.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:04 PM
To: Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam - there's some other chain that Tammy was on.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

Department of Homeland Security

[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58:09 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which OIDP can provide the amended form instruments; and the speed with which IT and OIDP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and OIDP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[redacted]

(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] (b)(5) [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:06 PM
To: Viger, Steven W
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Let me add you to the string along with the link, and then if anyone needs access they can say so. Thanks!

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Viger, Steven W
Sent: Sunday, January 29, 2017 7:06 PM
To: Cummings, Kevin J
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

I will double-check but management should already have access.

Steven Viger
Adjudications Officer (Policy)
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Ave., NW
Washington, DC 20529

[redacted] (b)(6)

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From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 7:04 PM
To: Viger, Steven W
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Thanks man. I need you to show me how to do it. Those who would need access—at least initially-- would be the OP&S management team highlighted below and all of us.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Viger, Steven W
Sent: Sunday, January 29, 2017 7:01 PM
To: Cummings, Kevin J
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Here's the link: Executive Order. Depends who all needs access. If it's just BFWD folks, that's easy. If it's others, just takes time to add the names.

Steven Viger
Adjudications Officer (Policy)
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Ave., NW
Washington, DC 20529

[redacted] (b)(6)

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From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 5:21 PM
To: Viger, Steven W
Cc: Parascandola, Ciro A
Subject: FW: Executive Order
Importance: High

Is giving various people editing permission for the ECN link a hassle? Thanks man.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy

Department of Homeland Security

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From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which OIDP can provide the amended form instruments; and the speed with which IT and OIDP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and OIDP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

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Sent: Sunday, January 29, 2017 6:29 AM
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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B;

Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

(b)(5)

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:04 PM
To: Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam - there's some other chain that Tammy was on.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58:09 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which OIDP can provide the amended form instruments; and the speed with which IT and OIDP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and OIDP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

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Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B;

Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

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Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

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Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

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Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted]

(b)(6)

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Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

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And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

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Sent: Friday, January 27, 2017 8:00 PM
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Cc: Renaud, Tracy L; McCament, James W
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For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

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I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

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To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M (b)(5)
Subject: FW: Executive Order

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 3:02 PM
To: Deshommes, Samantha L; Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Great comment, Sam and Jerry.

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

(b)(6)

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which OIDP can provide the amended form instruments; and the speed with which IT and OIDP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and OIDP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

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Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM

To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

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All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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DHS USCIS
Field Operations Directorate, Deputy Associate Director
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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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Tracy L. Renaud
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US Citizenship & Immigration Services
Department of Homeland Security
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Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

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Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

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Subject: RE: Executive Order

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Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Sclalabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Sclalabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. (b)(5) [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 2:58 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order
Attachments: Executive Order - 01272017_RCD.docx

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which OIDP can provide the amended form instruments; and the speed with which IT and OIDP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and OIDP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

Department of Homeland Security

[redacted]

(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
Tel: [redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B;

Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

(b)(5)

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

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.

GENERAL OBJECTIVES:

- 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.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We 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

Date conversions

Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA 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.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the 7? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) andG-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

(b)(5)

(b)(5)

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	Implement Program as part of adjudications process to include development of: • Uniform screening standard and procedure, such as interviews	• To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission.	Initial progress report due within 60 days of Jan 27		1. Do we need to take any actions prior to the "plan" described in section four being developed and implemented? 2. Who is responsible for developing the plan? 3. Might this functionality [database to collect identity documents] already exist and be implemented? 4. Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? 5. [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?
		• Database	• Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants			
		• Amended Application Forms	• To add questions aimed at identifying fraudulent answers and malicious intent			
		• Mechanism	• To ensure applicant is who the applicant claims to be			
		• 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			
		• Mechanism	• To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S.			

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	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	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis 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	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					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.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies 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	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	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; • removed from the United States based on terrorism-	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons • 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 • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

(b)(5)

Page 3: [1] Comment [SLD2] Deshommes, Samantha L 1/29/2017 3:36:00 PM

Page 3: [2] Comment [SLD3] Deshommes, Samantha L 1/29/2017 3:11:00 PM

(b)(5)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 2:02 PM
To: Deshommes, Samantha L; Hamilton, Cristina A; Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks Sam and fair point

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 2:59:57 PM
To: Tynan, Natalie S; Hamilton, Cristina A; Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Yes, he did but even on Meet the Press he seemed to waiver on that point and stressed the discretion that CBP has to take additional steps. Looking at the EO and providing RCD questions/comments now.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

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From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 2:58 PM
To: Hamilton, Cristina A; Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Yes, Priebus announced that on the news today. I don't know that there is an official release.

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 2:57:33 PM
To: Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

That's very significant—is that from the news? How was/is that being officially conveyed to/within DHS?

Just so we're all on the same page, it's seven countries, as follows:

Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
[redacted] (b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

Department of Homeland Security

[redacted]

(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple (b)(5) things:

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. (b)(5) [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted]

(b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 1:58 PM
To: Hamilton, Cristina A; Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Yes, Priebus announced that on the news today. I don't know that there is an official release.

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 2:57:33 PM
To: Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

That's very significant—is that from the news? How was/is that being officially conveyed to/within DHS?

Just so we're all on the same page, it's seven countries, as follows:

Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
[redacted]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief

Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen

A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Clro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M (b)(5)
Subject: FW: Executive Order

FYI. I think Andrew might be right in terms of what is meant but [redacted]

(b)(5)

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. (b)(5) [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:45 PM
To: Hamilton, Cristina A; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Cris - yeah as much sharing as we can.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 2:43:02 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Ok, the way I plan to proceed, which I think is consistent with what you want, Larry, is that I will be going through the very helpful chart that Shannon provided, and filling in questions I have on the provisions in the column for Questions. So it's clear which division is raising the question I am going to edit the column to label it NSBI Questions. I'll send that to the entire group for visibility when completed—sometime this evening.

I'm assuming Natalie will then roll-up all the questions each of us submits-- weeding out duplicative questions-- into a master chart for OP&S. Larry, I recommend that you send to Jess for the use of D1/D2, (consistent with D1s request for consolidated questions from components—we weren't asked but they should be made aware of our questions). My understanding/recommendation is that our master chart will be posted to the OP&S ECN (and presumably regularly updated as needed), and used by us for discussions: internal to OP&S; with other components and USCIS or DHS leadership; and for inter-agency discussions.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
[redacted] (b)(6)

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Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Cc: Farnam, Julie E; Kvortek, Lisette E
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Thanks,

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Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
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DHS USCIS
Field Operations Directorate, Deputy Associate Director
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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Lori

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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. (b)(5) [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L

(Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity; what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

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Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
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Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
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Tracy,

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Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

Gillispie, Anna E

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Subject: RE: Executive Order
Attachments: StayOrder.pdf

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
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(b)(5)

[redacted]

(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).

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Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

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Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen

A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

(b)(5)

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. (b)(5) [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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.

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

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:05 AM
To: Tynan, Natalie S; Rigdon, Jerry L; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

And here's what I've learned from RAIO: Asylum has notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise. They also told leadership to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

IO is working with front office on guidance for international staff and ongoing refugee interviews. We have greenlight for refugee interviews in Vienna to continue tomorrow

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 12:01:29 PM
To: Rigdon, Jerry L; Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Thanks Jerry and Kathryn.

From: Rigdon, Jerry L
Sent: Sunday, January 29, 2017 11:58:25 AM
To: Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Here is what Don sent.

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:34:34 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 10:57 AM
To: Rigdon, Jerry L; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks Jerry - it seems the operational components are holding everything from the six countries for now and trying to see what can go forward. I'll continue to keep everyone posted.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Rigdon, Jerry L
Sent: Sunday, January 29, 2017 11:43:15 AM
To: Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order

I've also reached out to a couple of SCOPS BCs.

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:26 AM
To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 11:19:35 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made. NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B;

Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

[redacted]

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[redacted]

(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted]
(b)(6)

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Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
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4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Sclalabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 10:47 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks K - an N-400 and N-600 ceremony went forward yesterday and they are working to clear guidance about allowing citizenship cases to proceed, but of course I don't really know the details of what that means or who it applies to.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 11:37:37 AM
To: Levine, Laurence D; Cummings, Kevin J; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Guidance FOD sent out below:

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition

or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:26 AM
To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 11:19:35 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made. NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L;

Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

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To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

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Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

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Subject: FW: Executive Order

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
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To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
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The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

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3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

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Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

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Cc: Renaud, Tracy L
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Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
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To: Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

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Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Sunday, January 29, 2017 10:43 AM
To: Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order

I've also reached out to a couple of SCOPS BCs.

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:26 AM
To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 11:19:35 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made. NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L;

Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
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Chief, International Operations Division
U.S. Citizenship and Immigration Services
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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant bu [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:38 AM
To: Levine, Laurence D; Cummings, Kevin J; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Guidance FOD sent out below:

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:26 AM
To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 11:19:35 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made.

NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

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To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
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Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon,

Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division

USCIS, Office of Policy & Strategy

[redacted]

(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[redacted]

(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 9:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
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Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

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(b)(6)

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[redacted]

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Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted]

(b)(6)

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Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
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To start and just on this part of the EO:

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
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And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:07 AM
To: Tynan, Natalie S; Cummings, Kevin J; Parascandola, Ciro A
Subject: RE: Executive Order

Yeah, thanks guys.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 10:03:52 AM
To: Cummings, Kevin J; Parascandola, Ciro A; Levine, Laurence D
Subject: RE: Executive Order

I agree guys. The major questions that come to mind are legal and operational. We should be prepared to put some of them forward, but from a policy perspective we are gong to have to wait for that guidance before we know what direction to take.

Having said that, it is worth looking at forms because I am sure we will have to make revisions to include vetting questions such as social media. Again though, the vetting aimed at national interest and benefit to this country change the adjudication of petitions.

I appreciate your thoughts so please share as things come up! Clearly this is fluid.

N

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 9:57:36 AM
To: Parascandola, Ciro A; Levine, Laurence D
Cc: Tynan, Natalie S
Subject: RE: Executive Order

I completely agree. Legal decisions/interpretations are key at the outset.

--Kevin

Kevin J. Cummings

Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Parascandola, Ciro A
Sent: Sunday, January 29, 2017 9:57 AM
To: Levine, Laurence D
Cc: Cummings, Kevin J; Tynan, Natalie S
Subject: RE: Executive Order

Nat,

Kevin and I will might send you a few follow on notes on this, but my question from the EB side is that, while they want to suspend entry of these individuals for the time being, do they also intend for us to hold onto any requests for extensions of stay until the enhanced vetting procedures are in place? The text says "entry" but it's in the section explaining the need to review procedures prior to any benefit being granted. We will send you anything else we can come up with. There is nothing really to state from a strict policy sense, but obviously OCC, SCOPS, the FO et al will like have the same questions regarding exactly what these provisions mean. We have these political advisors on board. They should reach out through their people to the WH to get clarification.

Kevin, you agree?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM

To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

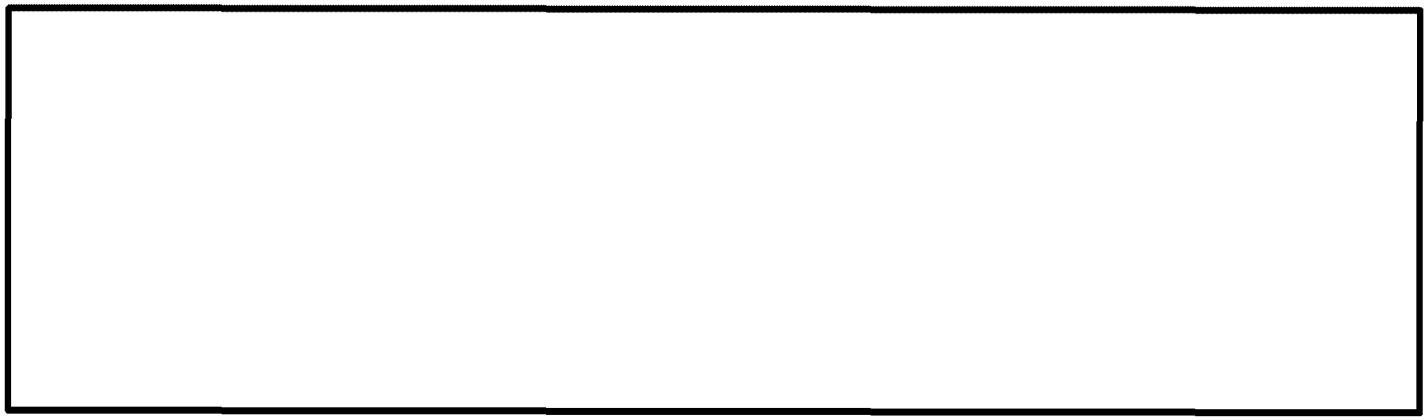
Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)



(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

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To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
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U.S. Citizenship and Immigration Services
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DHS USCIS
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U.S. Citizenship and Immigration Services
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US Citizenship & Immigration Services

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Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Lori

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Subject: RE: Executive Order

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Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 10:18 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

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Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
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Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
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U.S. Citizenship and Immigration Services
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Cc: Farnam, Julie E; Kvortek, Lisette E
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Field Operations Directorate | U.S. Citizenship and Immigration Services
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Cc: Farnam, Julie E; Slattery, Shannon E
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DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
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Subject: FW: Executive Order
Attachments: Executive Order PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - 01272017.docx

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Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
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[redacted] (b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

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.

GENERAL OBJECTIVES:

- 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.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We 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

Date conversions

Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA 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.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the 7? . 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) andG-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	Implement Program as part of adjudications process to include development of: • Uniform screening standard and procedure, such as interviews • Database • Amended Application Forms • Mechanism • Process • Mechanism	• To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission. • Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants • To add questions aimed at identifying fraudulent answers and malicious intent • To ensure applicant is who the applicant claims to be • 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 • To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S.	Initial progress report due within 60 days of Jan 27		1. Do we need to take any actions prior to the "plan" described in section four being developed and implemented? 2. Who is responsible for developing the plan? 3. Might this functionality [database to collect identity documents] already exist and be implemented? 4. Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? 5. [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	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	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis 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	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					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.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies 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	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	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; • removed from the United States based on terrorism-	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons • 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 • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D; Rather, Michael B
Subject: FW: Two Questions
Attachments: 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx

Hi All – attached is the executive order signed early this evening by the President. Please let me, Mike and Larry know if any questions or immediate impacts to policy come to mind. Next week, we may want to consider pulling relevant policy guidance and start thinking about new guidance that will have to be issued. Hopefully we will have more information.

In the meantime, please send any questions!

Thanks,
Natalie

Here is a quick summary (please read the entire document – I tried to hit the "highlights"):

1. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. There are review and reporting requirements that shall be completed within 30 days and additional follow up reporting requirements. While the review is conducted, 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), is suspended for 90 days. The Secretary shall provide a list of countries that do not provided necessary information to adjudicate and additional countries may be added. Visas may be issued to nationals of "blocked" countries in the national interest.
2. Implementing Uniform Screening Standards for All Immigration Programs 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 will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; 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.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of 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. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. 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 will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.

4. 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.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to 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.
7. 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.

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

[redacted] (b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D; Rather, Michael B
Subject: FW: Two Questions
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Thanks,
Natalie

Here is a quick summary (please read the entire document – I tried to hit the "highlights"):

1. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. There are review and reporting requirements that shall be completed within 30 days and additional follow up reporting requirements. While the review is conducted, 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), is suspended for 90 days. The Secretary shall provide a list of countries that do not provided necessary information to adjudicate and additional countries may be added. Visas may be issued to nationals of "blocked" countries in the national interest.
2. Implementing Uniform Screening Standards for All Immigration Programs 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 will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; 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.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of 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. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. 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 will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.

4. 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.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to 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.
7. 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.

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

[redacted] (b)(6)

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

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.

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

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

(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

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:

(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.

# # #

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 12:13 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks B

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

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Sent: Saturday, January 28, 2017 8:28:08 PM
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Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted]
(b)(6)

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To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
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Daniel M. Renaud
Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services
Department of Homeland Security

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Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
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I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
Joanna.Ruppel@uscis.dhs.gov
202-272-1625

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Sent: Friday, January 27, 2017 5:34:17 PM
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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted]

(b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L

(Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

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The I-129 and I-539 will definitely be affected.

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Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
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U.S. Citizenship and Immigration Services
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DHS USCIS
Field Operations Directorate, Deputy Associate Director

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U.S. Citizenship and Immigration Services
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Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:38 AM
To: Levine, Laurence D; Cummings, Kevin J; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Guidance FOD sent out below:

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:26 AM
To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 11:19:35 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made.

NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon,

Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple (b)(5) things:

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division

USCIS, Office of Policy & Strategy

[redacted]

(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

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Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

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From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

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Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From:	Nicholson, Maura J
Sent:	Thursday, February 02, 2017 5:51 PM
To:	Ruppel, Joanna; Kleczek, Marguerite P (Ania); Deshommes, Samantha L; Strack, Barbara L; Lafferty, John L
Cc:	Levine, Laurence D; Rather, Michael B; Tynan, Natalie S; Rigdon, Jerry L; Danzy, Alford L (Al); Zimonjic, Milica; OCC Regulations; Palmer, Ann M; Benedict, Deborah L
Subject:	RE: Urgent Request: Possible Regulatory Action related to the Executive Orders on Immigration - Due 2/3, 12 Noon

I would also note that we are seeking guidance from OCC on whether Federal Register notices may be needed for the potential termination of various parole programs. Not sure yet if they will be required, but am flagging in case.

From: Ruppel, Joanna
Sent: Thursday, February 02, 2017 5:33 PM
To: Kleczek, Marguerite P (Ania); Deshommes, Samantha L; Strack, Barbara L; Lafferty, John L
Cc: Levine, Laurence D; Rather, Michael B; Tynan, Natalie S; Rigdon, Jerry L; Danzy, Alford L (Al); Zimonjic, Milica; OCC Regulations; Nicholson, Maura J; Palmer, Ann M
Subject: RE: Urgent Request: Possible Regulatory Action related to the Executive Orders on Immigration - Due 2/3, 12 Noon

I think we also want to add the asylum regulations that govern following-to-join cases. Can you add that?

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

From: Kleczek, Marguerite P (Ania)
Sent: Thursday, February 02, 2017 5:21 PM
To: Deshommes, Samantha L; Ruppel, Joanna; Strack, Barbara L; Lafferty, John L
Cc: Levine, Laurence D; Rather, Michael B; Tynan, Natalie S; Rigdon, Jerry L; Danzy, Alford L (Al); Zimonjic, Milica; OCC Regulations
Subject: RE: Urgent Request: Possible Regulatory Action related to the Executive Orders on Immigration - Due 2/3, 12 Noon

All—

OCC RALD was looking at this and thus far, has come up with the following:

EO 13769 – Foreign Terrorist Entry

Sec. 6 Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility

- Christina thought this was about TRIG
- OCC RALD: This is about TRIG, but doesn't require any regulatory action. Our TRIG working group is already looking at this and preparing for future discussions with the Department and the interagency.

EO 13767 Border Security and Imm Enf

Sec. 11(b): 8 CFR 208.30 and 31 - Credible fear and reasonable fear determinations
OCC RALD: No need for regulatory changes, but the Asylum Division is working on revisions to its Credible Fear lesson plan in response to this. That's not to say that there won't be a push for regulatory changes, but there's nothing here that isn't consistent with the plain language of the statute.

11(d): Parole authority – must be case-by-case in accordance with the plain language of the statute
We think 8 CFR 212.5 might be affected, but need to study the issue further.
11(c): Applying Expedited Removal to applicants for admission present for less than 2 years. Requires a FR notice, but this is primarily a CBP/ICE matter, but it will affect asylum officer resources.

Thanks,
Ania

Marguerite (Ania) P. Kleczek
Chief, Regulatory and Verification Law Division
Office of the Chief Counsel, USCIS
Tel: [redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Thursday, February 02, 2017 5:15 PM
To: Ruppel, Joanna; Strack, Barbara L; Lafferty, John L
Cc: Levine, Laurence D; Rather, Michael B; Tynan, Natalie S; Rigdon, Jerry L; Danzy, Alford L (Al); Kleczek, Marguerite P (Ania)
Subject: Urgent Request: Possible Regulatory Action related to the Executive Orders on Immigration - Due 2/3, 12 Noon
Importance: High

Good Afternoon RAIO,

Following issuance of the attached Executive Orders (EOs), there have been a number of working groups that have been stood up in the Department to effect implementation. One such group is being chaired by OGC Regulatory Affairs and is tasked with identifying and managing the various regulatory actions that may be needed to implement provisions of these Orders. Ania and I just finished a conference call with them and need some information from you to complete an urgent tasker on possible regulatory actions needed to implement the EOs.

On first glance, I think the Parole, Asylum, Reasonable Fear, and Credible Fear provisions of EO 13767, Section 11 will definitely have regulatory implications for RAIO; however, there could be other provisions that I'm overlooking in the other EOs. Could you please take a look at the attached EOs, if you haven't already, and at minimum identify what specific EO provision is likely to require regulatory changes and the regulatory citation, if known?

DHS needs this information from us by 12 noon tomorrow, so I'd appreciate any assistance you can give in just quickly identifying those items. At this point, your response doesn't need to be any more expansive then the following, for example:

- EO 13767, Section 11: 8 CFR XXX.XX – Update Reasonable Fear regulations to [insert]
- EO 13767, Section 11: 8 CFR XXX.XX – Update asylum regulations to [insert]
- ....

I apologize in advance for the short turnaround on this, and have already requested a delay and been denied. Even if you don't have an idea of the regulatory citation or it depends on the ultimate policy and it is just a possibility, that's fine at this point...

Please let me know if you have any questions.

Thanks,
Samantha

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
Tel: [redacted]

(b)(6)

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Gillispie, Anna E

From: Padilla, April Y
Sent: Sunday, January 29, 2017 10:56 AM
To: Rigdon, Jerry L
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Here is what Don sent out.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:34:34 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Gillispie, Anna E

From:	Levine, Laurence D
Sent:	Saturday, January 28, 2017 7:28 PM
To:	Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject:	FW: Executive Order
Attachments:	Executive Order PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - 01272017.docx

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M (b)(5)
Subject: FW: Executive Order

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

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.

GENERAL OBJECTIVES:

- 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.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We 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

Date conversions

Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA 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.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the 7? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) andG-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	Implement Program as part of adjudications process to include development of: • Uniform screening standard and procedure, such as interviews • Database • Amended Application Forms • Mechanism • Process • Mechanism	• To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission. • Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants • To add questions aimed at identifying fraudulent answers and malicious intent • To ensure applicant is who the applicant claims to be • 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 • To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S.	Initial progress report due within 60 days of Jan 27		1. Do we need to take any actions prior to the "plan" described in section four being developed and implemented? 2. Who is responsible for developing the plan? 3. Might this functionality [database to collect identity documents] already exist and be implemented? 4. Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? 5. [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	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	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis 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	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					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.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies 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	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	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; • removed from the United States based on terrorism-	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons • 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 • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D; Rather, Michael B
Subject: FW: Two Questions
Attachments: 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx

Hi All – attached is the executive order signed early this evening by the President. Please let me, Mike and Larry know if any questions or immediate impacts to policy come to mind. Next week, we may want to consider pulling relevant policy guidance and start thinking about new guidance that will have to be issued. Hopefully we will have more information.

In the meantime, please send any questions!

Thanks,
Natalie

Here is a quick summary (please read the entire document – I tried to hit the "highlights"):

1. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. There are review and reporting requirements that shall be completed within 30 days and additional follow up reporting requirements. While the review is conducted, 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), is suspended for 90 days. The Secretary shall provide a list of countries that do not provided necessary information to adjudicate and additional countries may be added. Visas may be issued to nationals of "blocked" countries in the national interest.
2. Implementing Uniform Screening Standards for All Immigration Programs 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 will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; 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.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of 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. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. 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 will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.

4. 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.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to 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.
7. 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.

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

[redacted]

(b)(6)

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.

# # #

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:45 PM
To: Hamilton, Cristina A; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Cris - yeah as much sharing as we can.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 2:43:02 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Ok, the way I plan to proceed, which I think is consistent with what you want, Larry, is that I will be going through the very helpful chart that Shannon provided, and filling in questions I have on the provisions in the column for Questions. So it's clear which division is raising the question I am going to edit the column to label it NSBI Questions. I'll send that to the entire group for visibility when completed—sometime this evening.

I'm assuming Natalie will then roll-up all the questions each of us submits-- weeding out duplicative questions-- into a master chart for OP&S. Larry, I recommend that you send to Jess for the use of D1/D2, (consistent with D1s request for consolidated questions from components—we weren't asked but they should be made aware of our questions). My understanding/recommendation is that our master chart will be posted to the OP&S ECN (and presumably regularly updated as needed), and used by us for discussions: internal to OP&S; with other components and USCIS or DHS leadership; and for inter-agency discussions.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
[redacted]
(b)(6)

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From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

Gillispie, Anna E

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 2:58 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order
Attachments: Executive Order - 01272017_RCD.docx

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which OIDP can provide the amended form instruments; and the speed with which IT and OIDP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and OIDP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

Department of Homeland Security

[redacted]

(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B;

Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

(b)(5)

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:45 PM
To: Hamilton, Cristina A; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Cris - yeah as much sharing as we can.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 2:43:02 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Ok, the way I plan to proceed, which I think is consistent with what you want, Larry, is that I will be going through the very helpful chart that Shannon provided, and filling in questions I have on the provisions in the column for Questions. So it's clear which division is raising the question I am going to edit the column to label it NSBI Questions. I'll send that to the entire group for visibility when completed—sometime this evening.

I'm assuming Natalie will then roll-up all the questions each of us submits-- weeding out duplicative questions-- into a master chart for OP&S. Larry, I recommend that you send to Jess for the use of D1/D2, (consistent with D1s request for consolidated questions from components—we weren't asked but they should be made aware of our questions). My understanding/recommendation is that our master chart will be posted to the OP&S ECN (and presumably regularly updated as needed), and used by us for discussions: internal to OP&S; with other components and USCIS or DHS leadership; and for inter-agency discussions.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
[redacted]
(b)(6)

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To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

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Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

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Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted]

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

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.

GENERAL OBJECTIVES:

- 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.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We 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

Date conversions

Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA 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.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the 7? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) andG-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

(b)(5)

(b)(5)

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	Implement Program as part of adjudications process to include development of:	• To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission.	Initial progress report due within 60 days of Jan 27		1. Do we need to take any actions prior to the "plan" described in section four being developed and implemented? 2. Who is responsible for developing the plan? 3. Might this functionality [database to collect identity documents] already exist and be implemented? 4. [Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms?] 5. [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?
		• Uniform screening standard and procedure, such as interviews				
		• Database	• Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants			
		• Amended Application Forms	• [To add questions aimed at identifying fraudulent answers and malicious intent]			
		• Mechanism	• To ensure applicant is who the applicant claims to be			
		• 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			
		• Mechanism	• To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S.			

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	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	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis 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	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					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.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies 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	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	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; • removed from the United States based on terrorism-	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons • 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 • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

(b)(5)

Page 3: [1] Comment [SLD2] Deshommes, Samantha L 1/29/2017 3:36:00 PM

Page 3: [2] Comment [SLD3] Deshommes, Samantha L 1/29/2017 3:11:00 PM

(b)(5)

Gillispie, Anna E

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 8:15 PM
To: Levine, Laurence D; Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

DHS HQ has been busy with press releases today on the EO. See link below to the DHS.gov site for the 4 press releases issued today.

https://www.dhs.gov/news-releases

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
[redacted]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:04 PM
To: Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam - there's some other chain that Tammy was on.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58:09 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna);

Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which OIDP can provide the amended form instruments; and the speed with which IT and OIDP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and OIDP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief

Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
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I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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Cc: Renaud, Tracy L; McCament, James W
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I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of

nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant bu [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted]

(b)(5)

(b)(5)

[redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 12:19 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order
Attachments: StayOrder.pdf

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
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Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
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Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
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DHS USCIS
Field Operations Directorate, Deputy Associate Director
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Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

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Lori

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

(b)(5)

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

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,

DECISION AND ORDER

- against -

17 Civ. 480 (AMD)

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

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

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 6:52 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order
Attachments: Executive Order PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO ....docx; Congressional research service report January 2017 on 212(f).pdf

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

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.

GENERAL OBJECTIVES:

- 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.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We 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

Date conversions

Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA 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.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the 7? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) andG-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

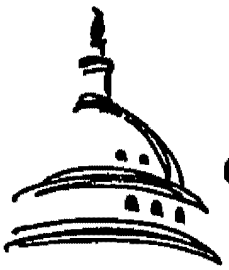
Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	Implement Program as part of adjudications process to include development of: • Uniform screening standard and procedure, such as interviews • Database • Amended Application Forms • Mechanism • Process • Mechanism	• To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission. • Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants • To add questions aimed at identifying fraudulent answers and malicious intent • To ensure applicant is who the applicant claims to be • 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 • To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S.	Initial progress report due within 60 days of Jan 27		1. Do we need to take any actions prior to the "plan" described in section four being developed and implemented? 2. Who is responsible for developing the plan? 3. Might this functionality [database to collect identity documents] already exist and be implemented? 4. Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? 5. [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	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	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis 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	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					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.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies 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	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	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; • removed from the United States based on terrorism-	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons • 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 • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		



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Executive Authority to Exclude Aliens: In Brief

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Committees of Congress

Summary

The Immigration and Nationality Act (INA) provides that individual aliens outside the United States are "inadmissible"—or barred from admission to the country—on health, criminal, security, and other grounds set forth in the INA. However, the INA also grants the Executive several broader authorities that could be used to exclude certain individual aliens or classes of aliens for reasons that are not specifically prescribed in the INA.

Section 212(f) of the INA is arguably the broadest and best known of these authorities. It provides, in relevant part, that

> Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.

Over the years, Presidents have relied upon Section 212(f) to suspend or otherwise restrict the entry of individual aliens and classes of aliens, often (although not always) in conjunction with the imposition of financial sanctions upon these aliens. Among those so excluded have been aliens whose actions "threaten the peace, security, or stability of Libya"; officials of the North Korean government; and aliens responsible for "serious human rights violations."

Neither the text of Section 212(f) nor the case law to date suggests any firm legal limits upon the President's exercise of his authority to exclude aliens under this provision. The central statutory constraint imposed on Section 212(f)'s exclusionary power is that the President must have found that the entry of any alien or class of aliens would be "detrimental to the interests of the United States." The statute does not address (1) what factors should be considered in determining whether aliens' entry is "detrimental" to U.S. interests; (2) when and how proclamations suspending or restricting entry should be issued; (3) what factors are to be considered in determining whether particular restrictions are "appropriate"; or (4) how long any restrictions should last. The limited case law addressing exercises of presidential authority under Section 212(f) also supports the view that this provision confers broad authority to bar or impose conditions upon the entry of aliens. Key among these cases is the Supreme Court's 1993 decision in *Sale v. Haitian Centers Council, Inc.*, which held that the U.S. practice of interdicting persons fleeing Haiti outside U.S. territorial waters and returning them to their home country without allowing them to raise claims for asylum or withholding of removal did not violate the INA or the United Nations Convention Relating to the Status of Refugees. The U.S. practice had been established by Executive Order 12807, which was issued, in part, under the authority of Section 212(f) and "suspend[ed] the entry of aliens coming by sea to the United States without necessary documentation." However, depending on their scope, future executive actions under Section 212(f) could potentially be seen to raise legal issues that have not been prompted by the Executive's prior exercises of this authority.

Beyond Section 212(f), other provisions of the INA can also be seen to authorize the Executive to restrict aliens' entry to the United States. Most notably, Section 214(a)(1) prescribes that the "admission of any alien to the United States as a nonimmigrant shall be for such time and under such conditions as [the Executive] may by regulations prescribe." Section 215(a)(1) similarly provides that "it shall be unlawful for any alien" to enter or depart the United States "except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe." For example, President Carter cited Section 215(a)—rather than Section 212(f)—when authorizing the revocation of immigrant and nonimmigrant visas issued to Iranian citizens during the Iran Hostage Crisis.

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The Immigration and Nationality Act (INA) provides that individual aliens outside the United States are "inadmissible"—or generally barred from admission to the country[1]—on health, criminal, security, and other grounds set forth in the INA.[2] However, the INA also grants the Executive several broad authorities that could be used to exclude certain individual aliens or classes of aliens for reasons that are not specifically set forth in the INA. Section 212(f) of the INA is arguably the broadest and best known of these provisions,[3] but Sections 214(a)(1) and 215(a)(1) can also be seen to authorize the Executive to restrict aliens' entry or admission to the United States.[4]

This report provides a brief overview of the Executive's authority under these provisions of the INA. It begins with and focuses primarily on Section 212(f). It also briefly notes other provisions.

Section 212(f) of the INA

The provisions currently in Section 212(f)—which have been part of the INA since its enactment in 1952[5]—state, in relevant part, that

> Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.[6]

Legislative history materials from the time of the INA's enactment suggest that these provisions were seen to grant the President broad authority to bar or impose conditions upon the entry of aliens,[7] and Presidents over the years have relied upon Section 212(f) to suspend or restrict the entry of various groups of aliens, often (although not always) in conjunction with the imposition of financial sanctions upon them. Among those so excluded have been aliens whose actions

[1] The INA defines "admission" to mean "the lawful entry of an alien into the United States after inspection and authorization by an immigration officer." INA § 101(a)(13)(A), 8 U.S.C. § 1101(a)(13)(A). The INA is codified in Title 8 of the United States Code, and references to the INA in this report also include references to the corresponding sections of Title 8.

[2] *See* INA § 212(a), 8 U.S.C. § 1182(a) (prescribing the inadmissibility of, among others, aliens who have a communicable disease of public health significance; have been convicted of two or more criminal offenses; have engaged in a terrorist activity; are permanently ineligible for citizenship; or have previously voted in violation of any federal, state, or local law). Certain of these grounds of inadmissibility may be waived. *See, e.g.*, INA § 212(a)(9)(B)(v), 8 U.S.C. § 1182(a)(9)(B)(v) (authorizing the Executive to waive the 3- and 10-year bars upon the admission of aliens who have been unlawfully present in the United States for more than 180 days if the refusal of admission to the alien would result in "extreme hardship" to a parent or spouse who is a U.S. citizen or lawful permanent resident (LPR)).

[3] 8 U.S.C. § 1182(f).

[4] 8 U.S.C. §§ 1184(a)(1), 1185(a)(1). As is discussed later in this report, the term "entry" is no longer defined for purposes of the INA. *See* Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), P.L. 104-208, § 301(a), 110 Stat. 3009-575 (Sept. 30, 1996) (amending INA § 101(a)(13) so that it defines "admission," instead of "entry"). However, at one time, the INA defined the term "entry" to mean "any coming of an alien into the United States, from any foreign port or place or from an outlying possession, whether voluntarily or otherwise." INA § 101(a)(13), 8 U.S.C. § 1101(a)(13) (1994). *See infra* notes 26-27 and accompanying text.

[5] 8 U.S.C. § 1182(f).

[6] *See* P.L. 82-414, § 212(e), 66 Stat. 188 (June 27, 1952).

[7] *See, e.g.*, H.R. RPT. 1365, 82d Cong., 2d Sess., at 53 (Feb. 14, 1952) ("The bill vests in the President the authority to suspend the entry of all aliens if he finds that their entry would be detrimental to the interests of the United States, for such period as he shall deem necessary.").

"threaten the peace, security, or stability of Libya";[8] officials of the North Korean government or the Workers' Party of North Korea;[9] aliens who have participated in "serious human rights violations";[10] and others noted in **Table 1** below.

Neither the text of Section 212(f) nor the case law to date suggests any firm legal constraints upon the President's exercise of his authority under Section 212(f), as is explained below. However, future executive actions under INA § 212(f) could potentially be seen to raise legal issues that have not been prompted by the Executive's prior exercise of this authority.[11]

Statutory Language and Executive Branch Interpretations

On its face, Section 212(f) would appear to give the President broad authority to preclude or otherwise restrict the entry into the United States of individual aliens or classes of aliens who are outside the United States and lack recognized ties to the country.[12] The central statutory constraint imposed on Section 212(f)'s exclusionary power is that the President must have found that the entry of any aliens or class of aliens would be "detrimental to the interests of the United States" in order to exclude the alien or class of aliens.[13] The statute does not address (1) what factors should be considered in determining whether aliens' entry is "detrimental" to U.S. interests; (2) when and how proclamations suspending or restricting entry should be issued; (3) what factors are to be considered in determining whether particular restrictions are "appropriate"; or (4) how long any restrictions should last. There also do not appear to be any regulations addressing the exercise of presidential authority under Section 212(f).

The Department of State's *Foreign Affairs Manual* (FAM) seemingly provides the only publicly available executive branch guidance on the President's Section 212(f) authority. In relevant part, the FAM notes that Section 212(f) proclamations "typically" grant the Secretary of State authority to identify individuals covered by the proclamation and to waive its application for foreign policy

[8] *See* Executive Order 13726, Blocking Property and Suspending Entry Into the United States of Persons Contributing to the Situation in Libya, 81 Fed. Reg. 23559 (Apr. 21, 2016).

[9] *See* Executive Order 13687, Imposing Additional Sanctions With Respect To North Korea, 80 Fed. Reg. 819 (Jan. 6, 2015).

[10] *See* Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Participate in Serious Human Rights and Humanitarian Law Violations and Other Abuses, 76 Fed. Reg. 49277 (Aug. 9, 2011).

[11] Not knowing the form that future restrictions might take, or the grounds upon which such restrictions might be subject to legal challenges, it would be premature to assess whether specific restrictions might be within the Executive's authority. However, it is important to note that aliens outside the United States who have no ties to the country generally have limited ability to challenge the denial of visas or admission to them. *See, e.g.*, Shaughnessy v. Mezei, 345 U.S. 206, 216 (1953) ("Whatever our individual estimate of that policy and the fears on which it rests, respondent's right to enter the United States depends on the congressional will, and courts cannot substitute their judgment for the legislative mandate."); United States *ex rel.* Knauff v. Shaughnessy, 338 U.S. 537, 542 (1950) ("[A]n alien who seeks admission to this country may not do so under any claim of right. Admission of aliens to the United States is a privilege granted by the sovereign United States Government. Such privilege is granted to an alien only upon such terms as the United States shall prescribe."). *But see* Kleindienst v. Mandel, 408 U.S. 753, 762-63 (1972) (recognizing that U.S. persons adversely affected by the denial of a visa waiver to an alien outside the United States may have a right to challenge the denial under certain circumstances).

[12] LPRs who leave the United States for a brief period of time are distinguishable from, for example, refugees seeking to be admitted to the United States. *See, e.g.*, Landon v. Plasencia, 459 U.S. 21, 32 (1982) (discussing due process concerns raised by the application to an LPR of a statute which provided for the exclusion of any alien who "at any time shall have, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law").

[13] INA § 212(f), 8 U.S.C. § 1182(f).

or other national interests.[14] The FAM also notes that such proclamations may bar entry based on either affiliation or "objectionable" conduct. In addition, it provides that Section 212(f) may reach persons who are inadmissible under other provisions of law, in which case, the "statutory inadmissibilities are to be considered prior to determining whether a Presidential Proclamation applies."[15] However, the FAM is generally not seen as having the force of law to bind the executive branch.[16] Thus, the Executive would not need to engage in notice-and-comment rulemaking in order to alter particular practices contained in the FAM that have historically been associated with exercises of Section 212(f) authority (e.g., not relying on a 212(f) proclamation to bar the admission of aliens who are inadmissible on other grounds).[17]

Judicial Constructions of Section 212(f)

The limited case law addressing exercises of presidential authority under Section 212(f) also supports the view that this provision of the INA confers broad authority to suspend or restrict the entry of aliens. Key among these cases is the Supreme Court's 1993 decision in *Sale v. Haitian Centers Council, Inc.*, which held that the U.S. practice of interdicting persons fleeing Haiti outside U.S. territorial waters and returning them to their home country without allowing them to raise claims for asylum and withholding of removal did not violate either the INA or the United Nations Convention Relating to the Status of Refugees.[18] The U.S. practice had been established by Executive Order 12807, which was issued, in part, under the authority of Section 212(f) of the INA[19] and "suspend[ed] the entry of aliens coming by sea to the United States without necessary documentation."[20] Although the *Sale* Court was primarily concerned with whether the INA and UN Convention provisions regarding withholding of removal applied extraterritorially,[21] it is arguably important for understanding the scope of the President's Section 212(f) authority. In particular, the *Sale* decision arguably helped clarify the relationship between exercises of the authority granted by Section 212(f) and those granted by other provisions of the INA, as well as the meaning of *entry* for purposes of Section 212(f).

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[14] 9 FAM § 302.11-3(B)(1), *available at* h https://fam.state.gov/Fam/FAM.aspx (last accessed: Jan. 3, 2017).

[15] *Id.*

[16] *See, e.g.*, Patel v. U.S. Dep't of State, No. 11-cv-6-wmc, 2013 U.S. Dist. LEXIS 108592, at *13 (W.D. Wis. Aug. 2, 2013) ("[T]he Foreign Affairs Manual is an internal guideline that sets forth agency practice and procedures. Because internal guidelines and agency manuals like the Foreign Affairs Manual are not subject to [Administrative Procedure Act] APA rulemaking procedures, they lack the force of law and do not bind agency discretion.").

[17] For more on the constraints of the rulemaking process, see generally CRS Report R41546, *A Brief Overview of Rulemaking and Judicial Review*, by Todd Garvey and Daniel T. Shedd; CRS Report RL32240, *The Federal Rulemaking Process: An Overview*, coordinated by Maeve P. Carey.

[18] 509 U.S. 155, 158-59 (1993). Specifically at issue in *Sale* were the provisions currently in INA § 241(b)(3)(B) and Article 33 of the Convention, which both bar the return of aliens to countries where their life or freedom would be threatened because of their race, religion, nationality, political opinion, or membership in a particular social group. The United States is technically a party to the 1967 UN Protocol Relating to the Status of Refugees, not the 1951 Convention Relating to the Status of Refugees. However, the Protocol incorporated articles 2 to 34 of the Convention, and it is customary for commentators to refer to the Convention, not the Protocol, when discussing these articles.

[19] Executive Order 12,807 also cited INA § 215(a)(1), which provides that "[u]nless otherwise ordered by the President, it shall be unlawful for any alien to depart from or enter ... the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe." 8 U.S.C. § 1185(a)(1). For further discussion of this provision, see *infra* "Other Provisions of the INA".

[20] *See* Interdiction of Illegal Aliens, 57 Fed. Reg. 23133 (June 1, 1992). President George H.W. Bush initially issued this order, but President Clinton left the order in place without modifications when he took office. It remained in effect at the time of the Court's decision in *Sale*. *See generally* 509 U.S. at 165.

[21] *Sale*, 509 U.S. at 173-88.

In particular, the Court rejected the view of the U.S. Court of Appeals for the Second Circuit ("Second Circuit") that interdiction was prohibited because of the INA's prohibition upon the then-Attorney General returning an alien to a country where he or she would be persecuted.[22] The Second Circuit had reached this conclusion by noting that the Attorney General was the President's "agent" in matters of immigration.[23] Therefore, it found that INA's prohibition on the Attorney General returning aliens to countries where the alien's life or freedom would be threatened because of the alien's race, religion, nationality, political opinion, or membership in a particular social group should be imputed to the rest of the executive branch.[24] The Supreme Court disagreed, however, holding that the interdiction program created by the President did not "usurp[] authority that Congress has delegated to, or implicate[] responsibilities that it has imposed on, the Attorney General alone."[25] The Court reached this conclusion, in part, because it viewed the INA as restricting only the then-Attorney General's immigration-related responsibilities under the act. It did not view the INA as restricting the President's actions in geographic areas outside of where Congress had authorized the Attorney General to act in the immigration context (i.e., outside the United States).[26] The upshot of this reasoning was that the Court declined to find that the interdiction program implemented under the authority of Section 212(f) ran afoul of statutory or treaty-based restrictions.

The *Sale* decision also helped define what is meant by the term *entry* as that term is used in Section 212(f). At the time when *Sale* was decided, the INA explicitly defined *entry* to encompass "any coming of an alien into the United States, from any foreign port or place or from an outlying possession, whether voluntarily or otherwise."[27] Therefore, consistent with this definition, the Court distinguished between (1) aliens who are "on our shores seeking admission" or "on the threshold of initial entry," and (2) aliens who are within the United States after entry, regardless of the legality of that entry.[28] While the statutory definition of *entry* that the Court relied upon was deleted from the INA as part of the amendments made by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (P.L. 104-208),[29] the *Sale* Court's construction of *entry* has persisted in discussions of Section 212(f) and in other contexts.[30]

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[22] *Id.* at 171-72. For several decades, the authority to interpret, implement, and enforce the provisions of the INA was primarily vested in the Attorney General. The Attorney General, in turn, delegated this authority to the Immigration and Naturalization Service (INS) within the Department of Justice. Following the establishment of the Department of Homeland Security (DHS) pursuant to the Homeland Security Act of 2002 (P.L. 107-296), the INS was abolished and its functions were generally transferred to DHS. *See* 6 U.S.C. § 251. Although the INA still refers to the Attorney General in multiple places, such references are generally (although not universally) taken to mean the Secretary of Homeland Security. *See generally* CRS Legal Sidebar WSLG553, *Does It Matter Whether the INA Says DOJ or DHS?: An Example Involving Revocation of Asylum*, by Kate M. Manuel.

[23] Haitian Centers Council, Inc. v. McNary, 969 F.2d 1350, 1360 (2d Cir. 1992).

[24] *Id.* ("[W]e reject the government's suggestion that since [the relevant provision of the INA] restricts actions of only the attorney general, the President might in any event assign the same "return" function to some other government official. Congress understood that the President's agent for dealing with immigration matters is the attorney general, and we would find it difficult to believe that the proscription of [the INA]—returning an alien to his persecutors—was forbidden if done by the attorney general but permitted if done by some other arm of the executive branch.").

[25] *Sale*, 509 U.S. at 172.

[26] *Id.* at 173. *See also* INA § 103(a)(1), 8 U.S.C. § 1103(a)(1) ("The Secretary of Homeland Security shall be charged with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens, except insofar as this chapter or such laws relate to the powers, functions, and duties conferred upon the President.... ").

[27] INA § 101(a)(13), 8 U.S.C. § 1101(a)(13) (1994).

[28] *Sale*, 509 U.S. at 174.

[29] P.L. 104-208, § 301(a), 110 Stat. 3009-575 (amending Section 101(a)(13) of the INA to define *admission*, instead of (continued...)

Lower court decisions provide some further discussion of exercises of 212(f) authority that would seem to be consistent with *Sale*. The most recent of these, an unpublished 2003 decision by the Second Circuit in *Sesay v. Immigration and Naturalization Service [INS]*, granted deference to the Board of Immigration Appeals' (BIA's) determination that the alien petitioner was ineligible for asylum because a grant of asylum necessarily requires entry, and the petitioner's entry was barred by Presidential Proclamation 7062.[31] Previously, in its 1992 decision in *Haitian Refugee Center, Inc. v. Baker*, the U.S. Court of Appeals for the Eleventh Circuit had noted various precedents characterizing the power to exclude aliens from the country as an "inherent executive power" when opining that Section 212(f) "clearly grants the President broad discretionary authority to control the entry of aliens into the United States."[32] A lower court, the U.S. District Court for the Northern District of California, similarly emphasized the breadth of the executive's power over entry in conjunction with its discussion of Section 212(f) in its 1996 decision in *Encuentro del Canto Popular v. Christopher*, stating,

> The exclusion of aliens is a fundamental act of sovereignty. The right to do so stems not alone from legislative power but is inherent in the executive power to control the foreign affairs of the nation. When Congress prescribes a procedure concerning the admissibility of aliens, it is not dealing alone with a legislative power. It is implementing an inherent executive power.[33]

Collectively, *Sale* and these other decisions suggest that Section 212(f) gives the Executive significant power to bar or impose conditions upon the entry of aliens "on our shores seeking admission" or "on the threshold of initial entry."[34] None of these decisions note any limitations upon the President's power under Section 212(f). This silence could, however, be seen, in part, to reflect the arguably limited nature of the Executive's use of its Section 212(f) authority to date. As **Table 1** below illustrates, prior exercises of presidential authority under Section 212(f) have

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(...continued)

entry). *See supra* note 5.

[30] *See, e.g.*, Sesay v. INS, 74 Fed. App'x 84, 86 (2d Cir. 2003) (considering the meaning of "entry" in the course of addressing whether a grant of asylum requires entry into the United States); *Matter of* Rosas-Ramirez, 22 I. & N. Dec. 616, 617 (BIA 1999) (discussing whether adjustment of status while within the United States constitutes an "admission" for purposes of INA § 237(a)(2)(A)(iii), and noting that admission is defined, in part, in terms of "entry").

[31] 74 Fed. App'x at 86. The BIA is the highest administrative tribunal for interpreting and applying immigration law. The Second Circuit noted, but did not address, arguments as to the relationship between Sections 212(d) and 212(f) in its decision. The Secretary of Homeland Security's authority to parole aliens into the United States under Section 212(d), however, could be seen as a counterpart to the President's authority under Section 212(f) in that the President may "parole"—or permit the entry into the United States—almost any alien, regardless of whether the alien is subject to one or more of the grounds of inadmissibility set forth in Section 212(a). *See* INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A) ("The Attorney General [later, Secretary of Homeland Security] may [subject to certain restrictions involving refugees and alien laborers] in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States.... ").

[32] 953 F.2d 1498, 1506-08 (11th Cir. 1992).

[33] 930 F. Supp. 1360, 1365 (N.D. Cal. 1996) (quoting Knauff v. Shaughnessy, 338 U.S. 537 (1949) (upholding the executive branch's determination to exclude the alien wife of a former U.S. servicemember, who was eligible for admission under the War Brides Act of 1945, because of concerns that her admission would endanger public safety)). The *Christopher* case arose from a challenge to the denial or revocation of visas to certain Cubans pursuant to Presidential Proclamation 5377, which suspended the entry of individuals whom the Secretary of State (or a designee) considered to be officers or employees of the Cuban government or Cuban Communist Party. As the district court noted, although the plaintiffs at times seem to have suggested that Section 212(f) itself is invalid, their argument was best construed as being that Presidential Proclamation 5377 was invalid because it conflicted with Section 901 of the Foreign Relations Authorization Act for FY1988-1989. *Id.* at 1363.

[34] *Sale*, 509 U.S. at 174.

differed in terms of which and how many aliens are subject to exclusion. In no case to date, though, has the Executive purported to take certain types of action, such as barring all aliens from entering the United States for an extended period of time or explicitly distinguishing between categories of aliens based on their religion. Any such restrictions could potentially be seen to raise legal issues that were not raised by prior exclusions. For example, if the Executive were to seek to bar the entry of all aliens, as immigrants or nonimmigrants, for an extended time, questions could be raised about whether the President's action was consistent with Congress's intent in enacting statutes which prescribe criteria for the issuance of family- and employment-based immigrant and nonimmigrant visas and authorize the issuance of certain numbers of such visas each year.[35] Similarly, if the President were to purport to exclude aliens based on their religion, an argument could potentially be made that this action is in tension with U.S. treaty obligations[36] or the First Amendment.[37] (Distinctions between aliens based on nationality, in contrast, have historically been viewed as a routine feature of immigration legislation and subjected to deferential "rational basis" review by the courts.[38])

Table 1. Categories of Aliens Excluded under INA § 212(f)

Arranged Chronologically, from the Most to the Least Recent, by the Date of Their Publication in the *Federal Register*

Date & President	Nature of the Exclusion
2016, Apr. 21 – Obama *Executive Order 13726, 81 Fed. Reg. 23559*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have "contributed to the situation in Libya" in specified ways (e.g., engaging in "actions or policies that threaten the peace, security, or stability" of that country or may lead to or result in the

[35] For example, Section 203(a)(1) provides that "[q]ualified immigrants who are the unmarried sons or daughters of citizens of the United States *shall* be allocated visas in a number not to exceed 23,400" (with some additions possible) each year. *See* 8 U.S.C. § 1153(a)(1). "Shall" has been construed to indicate mandatory agency action when used in other contexts. *See, e.g.*, Kirtsaeng v. John Wiley & Sons, Inc., 136 S. Ct. 1979, 1983 (2016); Kingdomware Techs., Inc. v. United States, 136 S. Ct. 1969, 1977 (2016); Halo Elecs., Inc. v. Pulse Elecs., Inc., 136 S. Ct. 1923, 1931 (2016).

[36] For example, Article 2 of the International Covenant on Civil and Political Rights provides that "[e]ach State Party ... undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind" based on religion, among other things. United Nations, Human Rights, Office of the High Commissioner, International Covenant on Civil and Political Rights, http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx (last accessed: Jan. 14, 2017). The United States ratified this Convention in 1992, with certain reservations, understandings, and declarations. *See, e.g.*, Kristina Ash, *U.S. Reservations to the International Covenant on Civil and Political Rights: Credibility Maximization and Global Influence*, 3 NW. J. INT'L HUM. RTS. 1, 2 (2005). However, "Congress has not made the treaty enforceable in U.S. courts," and commentators have disagreed as to whether it or other provisions of law (e.g., the First Amendment) could serve as basis for invalidating the exclusion of certain aliens because of their religion. *See, e.g.*, Debra Cassens Weiss, *Would SCOTUS Uphold Trump's Plan to Bar Muslim Immigrants*, ABA J., Dec. 9, 2015, http://www.abajournal.com/news/article/would_scotus_uphold_trumps_plan_to_bar_muslim_immigrants.

[37] Aliens outside the United States without recognized ties to the country might have difficulty in maintaining such a challenge. *See id.* However, in certain cases, a ban on the entry of persons based on religion could potentially be seen to impinge upon the First Amendment rights of U.S. citizens by, for example, excluding officers and teachers of that religion. *Cf.* Kleindienst v. Mandel, 408 U.S. 753, 762-63 (1972) (recognizing that U.S. persons whose constitutional rights are adversely affected by the denial of a visa way to an alien outside the United States may have the right to challenge the denial in certain circumstances).

[38] *See, e.g.*, Rajah v. Mukasey, 544 F.3d 427, 435-36 (2d Cir. 2008) (quoting an earlier decision to the effect that the "most exacting level of scrutiny that we will impose on immigration legislation is rational basis review"); Narenji v. Civiletti, 617 F.2d 745, 748 (D.C. Cir. 1980) ("[C]lassifications among aliens based upon nationality are consistent with due process and equal protection if supported by a rational basis.... ").

Date & President	Nature of the Exclusion
	misappropriation of Libyan state assets)
2016, Mar. 18 – Obama *Executive Order 13722, 81 Fed. Reg. 14943*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain transactions involving North Korea (e.g., selling or purchasing metal, graphite, coal, or software directly or indirectly to or from North Korea, or to persons acting for or on behalf of the North Korean government or the Workers' Party of Korea)
2015, Nov. 25 – Obama *Executive Order 13712, 80 Fed. Reg. 73633*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have "contributed to the situation in Burundi" in specified ways (e.g., engaging in "actions or policies that threaten the peace, security, or stability of Burundi," or "undermine democratic processes or institutions" in that country)
2015, Apr. 2 – Obama *Executive Order 13694, 80 Fed. Reg. 18077 (later amended by Executive Order 13757, 82 Fed. Reg. 1 (Jan. 3, 2017))*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in "significant malicious cyber-enabled activities" (e.g., harming or significantly compromising the provision of services by a computer or computer network that supports an entity in a critical infrastructure sector)
2015, Mar. 11 – Obama *Executive Order 13692, 80 Fed. Reg. 12747*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have "contributed to the situation in Venezuela" in specified ways (e.g., engaging in actions or policies that undermine democratic processes or institutions, significant acts of violence or conduct that constitutes a serious abuse or violation of human rights)
2015, Jan. 6 – Obama *Executive Order 13687, 80 Fed. Reg. 819*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens with specified connections to North Korea (e.g., officials of the North Korean government or the Workers' Party of Korea)
2014, Dec. 24 – Obama *Executive Order 13685, 79 Fed. Reg. 77357*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain transactions involving the Crimea region of Ukraine (e.g., materially assisting, sponsoring, or providing financial, material, or technological support for, or goods or services to or in support of, persons whose property or interests are blocked pursuant to the order)
2014, May 15 – Obama *Executive Order 13667, 79 Fed. Reg. 28387*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have contributed to the conflict in the Central African Republic in specified ways (e.g., engaging in actions or policies that threaten the peace, security, or stability of that country, or that threaten transitional agreements or the political transition process)
2014, Apr. 7 – Obama *Executive Order 13664, 79 Fed. Reg. 19283*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain conduct as to South Sudan (e.g., actions or policies that "have the purpose or effect of expanding or extending the conflict" in that country, or obstructing reconciliation or peace talks or processes)
2014, Mar. 24 – Obama *Executive Order 13662, 79 Fed. Reg. 16169*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have contributed to the situation in Ukraine in specified ways (e.g., operating in the financial services, energy, metals and mining, engineering, or defense and related materiel sectors of the Russian Federation economy)
2014, Mar. 19 – Obama *Executive Order 13661, 79 Fed. Reg. 15535*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens determined to have contributed to the situation in Ukraine in specified ways (e.g., officials of the government of the Russian Federation, or persons who operate in the arms or related materiel sector)
2014, Mar. 10 – Obama *Executive Order 13660, 79 Fed.*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens determined to have contributed to the situation in Ukraine in specified ways (e.g., engagement in or responsibility for misappropriation of state assets of

Date & President	Nature of the Exclusion
Reg. 13493	Ukraine or of economically significant entities in that country)
2013, June 5 – Obama *Executive Order 13645, 78 Fed. Reg. 33945*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who have engaged in certain conduct related to Iran (e.g., materially assisting, sponsoring, or providing support for, or goods or services to or in support of, any Iranian person included on the list of Specially Designated Nationals and Blocked Persons)
2012, Oct. 12 – Obama *Executive Order 13628, 77 Fed. Reg. 62139*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain actions involving Iran (e.g., knowingly transferring or facilitating the transfer of goods or technologies to Iran, to entities organized under Iranian law or subject to Iranian jurisdiction, or to Iranian nationals, that are likely to be used by the Iranian government to commit serious human rights abuses against the Iranian people)
2012, July 13 – Obama *Executive Order 13619, 77 Fed. Reg. 41243*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to threaten the peace, security, or stability of Burma in specified ways (e.g., participation in the commission of human rights abuses, or importing or exporting arms or related materiel to or from North Korea)
2012, May 3 – Obama *Executive Order 13608, 77 Fed. Reg. 26409*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain conduct as to Iran and Syria (e.g., facilitating deceptive transactions for or on behalf of any person subject to U.S. sanctions concerning Iran and Syria)
2012, Apr. 24 – Obama *Executive Order 13606, 77 Fed. Reg. 24571*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens determined to have engaged in specified conduct involving "grave human rights abuses by the governments of Iran and Syria via information technology" (e.g., operating or directing the operation of communications technology that facilitates computer or network disruption, monitoring, or tracking that could assist or enable serious human rights abuses by or on behalf of these governments)
2011, Aug. 9 – Obama *Proclamation 8697, 76 Fed. Reg. 49277*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who participate in serious human rights and humanitarian law violations and other abuses (e.g., planning, ordering, assisting, aiding and abetting, committing, or otherwise participating in "widespread or systemic violence against any civilian population" based, in whole or in part, on race, color, descent, sex, disability, language, religion, ethnicity, birth, political opinion, national origin, membership in a particular social group, membership in an indigenous group, or sexual orientation or gender identity)
2011, July 27 – Obama *Proclamation 8693, 76 Fed. Reg. 44751*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens subject to U.N. Security Council travel bans and International Emergency Economic Powers Act sanctions
2009, Jan. 22 – Bush *Proclamation 8342, 74 Fed. Reg. 4093*	Suspending the entry into the United States, as immigrants or nonimmigrants, of foreign government officials responsible for failing to combat trafficking in persons
2007, July 3 – Bush *Proclamation 8158, 72 Fed. Reg. 36587*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for policies or actions that threaten Lebanon's sovereignty and democracy (e.g., current or former Lebanese government officials and private persons who "deliberately undermine or harm Lebanon's sovereignty")
2006, May 16 – Bush *Proclamation 8015, 71 Fed. Reg. 28541*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for policies or actions that threaten the transition to democracy in Belarus (e.g., Members of the government of Alyaksandr Lukashenka and other persons involved in policies or actions that "undermine or injure democratic institutions or impede the transition to democracy in Belarus")
2004, Jan. 14 – Bush *Proclamation 7750, 69 Fed. Reg.*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who have engaged in or benefitted from corruption in specified ways (e.g., current or former public officials whose solicitation or acceptance of articles of

Date & President	Nature of the Exclusion
2287	monetary value or other benefits has or had "serious adverse effects on the national interests of the United States")
2002, Feb. 26 – Bush *Proclamation 7524, 67 Fed. Reg. 8857*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for actions that threaten Zimbabwe's democratic institutions and transition to a multi-party democracy (e.g., Senior members of the government of Robert Mugabe, persons who through their business dealings with Zimbabwe government officials derive significant financial benefit from policies that undermine or injure Zimbabwe's democratic institutions)
2001, June 29 – Bush *Proclamation 7452, 66 Fed. Reg. 34775*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for actions that threaten international stabilization efforts in the Western Balkans, or are responsible for wartime atrocities in that region
2000, Oct. 13 – Clinton *Proclamation 7359, 65 Fed. Reg. 60831*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who plan, engage in, or benefit from activities that support the Revolutionary United Front or otherwise impede the peace process in Sierra Leone
1999, Nov. 17 – Clinton *Proclamation 7249, 64 Fed. Reg. 62561*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens responsible for repression of the civilian population in Kosovo or policies that obstruct democracy in the Federal Republic of Yugoslavia (FRY) or otherwise lend support to the government of the FRY and the Republic of Serbia
1998, Jan. 16 – Clinton *Proclamation 7062, 63 Fed. Reg. 2871*	Suspending the entry into the United States, as immigrants or nonimmigrants, of members of the military junta in Sierra Leone and their family
1997, Dec. 16 – Clinton *Proclamation 7060, 62 Fed. Reg. 65987*	Suspending the entry into the United States, as immigrants or nonimmigrants, of senior officials of the National Union for the Total Independence of Angola (UNITA) and adult members of their immediate families
1996, Nov. 26 – Clinton *Proclamation 6958, 61 Fed. Reg. 60007*	Suspending the entry into the United States, as immigrants or nonimmigrants, of members of the government of Sudan, officials of that country, and members of the Sudanese armed forces
1996, Oct. 7 – Clinton *Proclamation 6925, 61 Fed. Reg. 52233*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who "formulate, implement, or benefit from policies that impede Burma's transition to democracy" and their immediate family members
1994, Oct. 27 – Clinton *Proclamation 6749, 59 Fed. Reg. 54117*	Suspending the entry into the United States, as immigrants or nonimmigrants, of certain aliens described in U.N. Security Council Resolution 942 (e.g., officers of the Bosnian Serb military and paramilitary forces and those acting on their behalf, or persons found to have provided financial, material, logistical, military, or other tangible support to Bosnian Serb forces in violation of relevant U.S. Security Council resolutions)
1994, Oct. 5 – Clinton *Proclamation 6730, 59 Fed. Reg. 50683*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who formulate, implement, or benefit from policies that impede Liberia's transition to democracy and their immediate family
1994, May 10 – Clinton *Proclamation 6685, 59 Fed. Reg. 24337*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens described in U.N. Security Council Resolution 917 (e.g., officers of the Haitian military, including the police, and their immediate families; major participants in the 1991 Haitian coup d'etat)
1993, Dec. 14 – Clinton *Proclamation 6636, 58 Fed. Reg. 65525*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who formulate, implement, or benefit from policies that impede Nigeria's transition to democracy and their immediate family
1993, June 23 – Clinton *Proclamation 6574, 58 Fed. Reg.*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who formulate or benefit from policies that impede Zaire's transition to democracy and their immediate family

Date & President	Nature of the Exclusion
34209	
1993, June 7 – Clinton *Proclamation 6569, 58 Fed. Reg. 31897*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who formulate, implement, or benefit from policies that impede the progress of negotiations to restore a constitutional government to Haiti and their immediate family
1992, June 1 – Bush *Executive Order 12807, 57 Fed. Reg. 23133*	Making provisions to enforce the suspension of the entry of undocumented aliens by sea and the interdiction of any covered vessel carrying such aliens
1988, Oct. 26 – Reagan *Proclamation 5887, 53 Fed. Reg. 43184*	Suspending the entry of specified Nicaraguan nationals into the United States as nonimmigrants (e.g., officers of the Nicaraguan government or the Sandinista National Liberation Front holding diplomatic or official passports)
1988, June 14 – Reagan *Proclamation 5829, 53 Fed. Reg. 22289*	Suspending the entry into the United States, as immigrants or nonimmigrants, of certain Panamanian nationals who formulate or implement the policies Manuel Antonio Noriega and Manuel Solis Palma, and their immediate families
1986, Aug. 26 – Reagan *Proclamation 5517, 51 Fed. Reg. 30470*	Suspending the entry of Cuban nationals as immigrants with certain specified exceptions (e.g., Cuban nationals applying for admission as immediate relatives under INA § 201(b))
1985, Oct. 10 – Reagan *Proclamation 5377, 50 Fed. Reg. 41329*	Suspending the entry of specified classes of Cuban nationals as nonimmigrants (e.g., officers or employees of the Cuban government or the Communist Party of Cuba holding diplomatic or official passports)
1981, Oct. 1 – Reagan *Proclamation 4865, 46 Fed. Reg. 48107*	Suspending the entry of undocumented aliens from the high seas, and directing the interdiction of certain vessels carrying such aliens

Source: Congressional Research Service, based on various sources cited in **Table 1**.

Note: In a number of cases, the exclusions listed in **Table 1** were expressly said to be waivable, in the Executive's discretion, when the entry of a particular alien otherwise subject to exclusion "would not be contrary to the interests of the United States." See, e.g., 50 Fed. Reg. 41329, at § 2 (Oct. 10, 1985).

Other Provisions of the INA

Beyond Section 212(f), other provisions of the INA can also be seen to authorize the Executive to restrict aliens' entry to the United States.[39] Most notably, Section 214(a)(1) prescribes that the "admission of any alien to the United States as a nonimmigrant shall be for such time and under such conditions as [the Executive] may by regulations prescribe."[40] (Nonimmigrants are aliens admitted to the United States for a specific period of time and purpose pursuant to one of the

[39] In addition, yet other provisions of the INA could be seen to give the Executive discretion as to whether certain categories of aliens are admitted. For example, Section 207(a)(2) of the INA could be seen to give the Executive broad discretion in determining how many aliens are admitted to the United States as refugees each year. *See* 8 U.S.C. § 1157(a)(2). Other provisions outside immigration law could also apply. *See* National Defense Authorization Act for FY2017, P.L. 114-328, §§ 1261-1265,—Stat.—(Dec. 23, 2016) (sanctions for human rights abusers); Consolidated Appropriations Act, P.L. 114-113, § 7031(c), 129 Stat. 2755 (Dec. 18, 2015) (providing that certain foreign officials involved in "significant corruption" and their immediate family are ineligible for entry to the United States); Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012, P.L. 112-208, §§ 404-406, 126 Stat. 1505-1509 (Dec. 14, 2012) (excluding certain aliens involved in human rights abuses).

[40] 8 U.S.C. § 1184(a)(1).

"lettered" visas set forth in Section 101(a)(15) of the INA.[41]) Section 215(a)(1) similarly provides that "it shall be unlawful for any alien" to enter or depart the United States "except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe."[42] In the past, the Executive has relied upon Section 215(a)(1), in particular, to exclude certain aliens. For example, President Carter cited to Section 215(a) when authorizing the revocation of immigrant and nonimmigrant visas issued to Iranians during the Iran Hostage Crisis.[43]

The current Section 215(a) was enacted as part of the INA in 1952.[44] However, similar language appeared in earlier immigration-related statutes.[45] Both the earlier language and the initial version of Section 215(a) granted the President the power to impose additional restrictions upon aliens' entry into and departure from the United States during times of war and, in some cases, "national emergency."[46] The President's exclusion of certain aliens under this authority[47] was upheld in several court cases, the most notable of which was arguably the Supreme Court's 1950 decision in *United States* ex rel. *Knauff v. Shaughnessy*.[48] There, the Court rejected a challenge to the exclusion of a German "war bride" under regulations promulgated pursuant to Presidential Proclamation 2523, which was itself issued under the authority of a predecessor of Section 215(a).[49] In so doing, the Court rejected the excluded bride's argument that both the regulations and the underlying statute constituted an impermissible delegation of legislative power, reasoning that "[t]he exclusion of aliens is a fundamental act of sovereignty. The right to do so stems not

[41] *Id.* § 1101(a)(15) (defining an "immigrant" to mean "every alien *except* an alien who is within one of the following classes of nonimmigrant aliens.... ") (emphasis added).

[42] *Id.* § 1184(a)(1).

[43] *See* Executive Order 12172, Delegation of Authority With Respect to Entry of Certain Aliens Into the United States, 44 Fed. Reg. 67947, 67947 (Nov. 28, 1979) (authorizing the Secretary of State and the Attorney General to exercise "in respect of Iranians holding *nonimmigrant visas*, the authority conferred upon the President by section 215(a)(1) of the Act of June 27, 1952 (8 USC 1185).... ") (emphasis added); Executive Order 12206, Amendment of Delegation of Authority with Respect to Entry of Certain Aliens Into the United States," 45 Fed. Reg. 24101, 24201 (Apr. 7, 1980) (amending Executive Order 12172 to cover *immigrant*, as well as nonimmigrant visas). The exclusion addressed in *Sale* was also effectuated, in part, under the authority of Section 215(a). *See supra* note 19.

[44] *See* P.L. 82-414, § 212(e), 66 Stat. 190 (June 27, 1952).

[45] *See* P.L. 65-164, 40 Stat. 559 (May 22, 1918) ("[W]hen the United States is at war, if the President shall find that public safety requires that restrictions and prohibitions ... be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful [f]or any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe."); P.L. 77-113, 55 Stat. 252 (June 20, 1941) (similar).

[46] *See* 66 Stat. 190 (war and national emergency); 55 Stat. 252 (war); 40 Stat. 559 (war).

[47] *See, e.g.*, Proclamation 3,004, Control of Persons Leaving or Entering the United States, 18 Fed. Reg. 489 (Jan. 17, 1953) (President Truman relying, in part, on a predecessor to Section 215(a) to impose restrictions on the entry of aliens into the Panama Canal Zone and American Samoa); Proclamation 2,850, 14 Fed. Reg. 5173 (Aug. 19, 1949) (President Truman relying, in part, on a predecessor to Section 215(a) in excluding aliens whose entry executive officials deem "would be prejudicial to the interests of the United States"); Proclamation 2,523, Control of Persons Entering and Leaving the United States, 6 Fed. Reg. 2617 (Nov. 18, 1941) (similar, President Roosevelt).

[48] 338 U.S. 537 (1950). *See also* Shaughnessy v. United States *ex rel.* Mezei, 345 U.S. 206 (1953) (noting the President's power to exclude aliens in the course of finding that an alien who was so excluded, but whom no other country would accept, was not entitled to release into the United States). The *Mezei* Court, in particular, cited a number of precedents for the proposition that "the power to expel or exclude aliens [is] a fundamental sovereign attribute exercised by the Government's political departments largely immune from judicial control." 345 U.S. at 210 (citing Harisiades v. Shaughnessy, 342 U.S. 580 (1952); The *Chinese Exclusion Case*, 130 U.S. 581 (1889); and Fong Yue Ting v. United States, 149 U.S. 698 (1893)).

[49] *Knauff*, 338 U.S. at 540-42.

from legislative power but is inherent in the executive power to control the foreign affairs of the nation."[50] Therefore, in the Court's view, Congress could not have run afoul of the non-delegation doctrine by authorizing the President to exercise this power "for the best interests of the country" during wartime because the President already possessed such authority.[51] The *Knauff* Court similarly rejected the argument that the regulations in question were not "reasonable," as required by the statutory authority under which they were issued—which in relevant part, made it unlawful for an alien to enter the United States "except under such reasonable rules ... as the President may prescribe."[52] The Court did so because it viewed the regulations excluding aliens whose entry was "deemed prejudicial to the public interest" as "reasonable in the circumstances of the period for which they were authorized, namely, the national emergency of World War II."[53]

The statutory language regarding war and national emergency—which arguably factored into the Court's decision in *Knauff*—was deleted from Section 215(a) in 1978.[54] However, it seems unlikely that this deletion would serve as a basis for overruling the *Knauff* Court's conclusions about whether the power in question was impermissibly delegated to the Executive,[55] or about what constitutes a "reasonable" regulation for purposes of Section 215(a).[56] *Knauff's* statements about the inherent power of nations to exclude aliens outside the United States with no recognized ties to the country would also generally seem to remain good law.[57]

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[50] *Id.* at 542.

[51] *Id.* at 542-43 ("[T]here is no question of inappropriate delegation of legislative power involved here."). The non-delegation doctrine precludes Congress from handing over its legislative powers to other branches of the federal government. However, Congress may "confer[] decisionmaking authority upon agencies, so long as it "lays down by legislative act an intelligible principle to which the person or body authorized to [act] is directed to conform." See Whitman v. Am. Trucking Ass'ns, 531 U.S. 457, 472 (2001) (internal quotations omitted).

[52] 338 U.S. at 544.

[53] *Id.*

[54] P.L. 95-426, § 707(a), 92 Stat. 992-93 (Oct. 7, 1978).

[55] *Cf.* Cass R. Sunstein, *Nondelegation Canons*, 67 U. CHI. L. REV. 315, 315 (2000) ("Since 1935, the Supreme Court has not struck down an act of Congress on nondelegation grounds.... ").

[56] There does not appear to be any court cases establishing what is meant by the term "reasonable regulations" for purposes of Section 215(a) and its predecessors. However, courts may grant considerable deference to the Executive's determinations in this area, given the "plenary power" that the political branches are generally seen to have over immigration. *See, e.g.*, Mathews v. Diaz, 426 U.S. 67, 81 (1976) ("For reasons long recognized as valid, the responsibility for regulating the relationship between the United States and our alien visitors has been committed to the political branches of the Federal Government.").

[57] *See, e.g.*, Jean v. Nelson, 472 U.S. 847, 875 (1985) ("It is in the area of entry] that the Government's interest in protecting our sovereignty is at its strongest and that individual claims to constitutional entitlement are the least compelling."); Fiallo v. Bell, 430 U.S. 787, 792 (1977) (citing cases finding that the power to exclude is a "fundamental sovereign attribute"); Kleindeinst v. Mandel, 408 U.S. 753, 765 (similar) (1972). Certain limits to this power have, however, been recognized, particularly as to aliens with recognized ties to the United States or who would need to be detained in the United States to effectuate their exclusion. *See, e.g.*, CRS Legal Sidebar WSLG1695, *Supreme Court to Hear Challenge to Aliens' Detention Pending Removal Proceedings*, by Kate M. Manuel.

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:05 AM
To: Tynan, Natalie S; Rigdon, Jerry L; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

And here's what I've learned from RAIO: Asylum has notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise. They also told leadership to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

IO is working with front office on guidance for international staff and ongoing refugee interviews. We have greenlight for refugee interviews in Vienna to continue tomorrow

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Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 12:01:29 PM
To: Rigdon, Jerry L; Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Thanks Jerry and Kathryn.

From: Rigdon, Jerry L
Sent: Sunday, January 29, 2017 11:58:25 AM
To: Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Here is what Don sent.

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:34:34 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 10:26 AM
To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 11:19:35 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made. NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

Referred to Immigration and Customs Enforcement

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Referred to Immigration and Customs Enforcement

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Referred to Immigration and Customs Enforcement

Referred to Department of Homeland Security

(b)(6

Gillispie, Anna E

From: Levine, Laurence D
Sent: Friday, February 03, 2017 11:00 AM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Do we have a nominee for this WG from OP&S – not sure which Division is best suited for it, so please share any responses with the entire chain here.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Friday, February 03, 2017 11:57 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Everyone—

As Julie mentions below, FOD was designated to co-lead with FDNS the **Interview portion** of Section 4 (a) Implementing Uniform Screening Standards for All Immigration Programs. The relevant interview portions of Section 4(a) are as follows:

1. The development of a uniform screening standard and procedure, such as in-person interviews;
2. A mechanism to ensure that the applicant is who the applicant claims to be;
3. 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;

4. Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; and
5. A mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

I know a lot of work has been done already in various manners that impacts this goal and can be utilized for this task. We would like to convene the process for articulating how the interview process has been and/or can be enhanced (best practices, new policies, new tools/systems, resources, and/or additional questions) to ensure we are using our interviews in the best way to inform our eligibility, credibility and national security/public safety determinations.

Lisette Kvortek will serve as the FOD working group coordinator and will work with the FDNS POC to organize the work. I'd ask that folks self-identify as a responsible party and name a POC representing your office. Since work is due on the 17th, we'd like to get started asap.

Thank you.

From: Farnam, Julie E
Sent: Friday, February 03, 2017 11:20 AM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Good morning,

Thank you for your work on the deliverables already completed. I appreciate everyone's timely responses.

The next big deliverable we have is in regards to Sec. 4a and 4b of the Protecting the Nation from Foreign Terrorist Entry EO. Proposals related to the items below are due to me by COB Friday, February 17, 2017. FDNS has the overall lead on this deliverable, but there will also be several working groups that may be co-coordinated by other directorates with FDNS. Here is the specific language from the EO:

> "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."

Because there are a lot of pieces to this section and because the pieces affect different directorates, we will likely need a few working groups to tackle this one. As discussed at the meeting yesterday, these are the proposed working groups:

- Interviews (FOD to co-lead)
- Identity Document Database

- Identity verification
- Form revisions (OP&S proposal attached)
- Immigrant integration (OoC to co-lead)

As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS
Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS
Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO	
Review of asylum referrals/credible fear determinations	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Budgetary/Staffing Needs	All EOs	N/A	MGMT	
Plan related to FY17 refugee entries	Protecting the Nation from Foreign Terrorist Entry	5d	RAIO	
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO	

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Sunday, January 29, 2017 10:58 AM
To: Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Here is what Don sent.

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:34:34 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Gillispie, Anna E

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 7:28 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order
Attachments: Executive Order PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - 01272017.docx

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. (b)(5) [redacted] [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

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.

GENERAL OBJECTIVES:

- 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.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We 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

Date conversions

Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA 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.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the 7? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) andG-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	Implement Program as part of adjudications process to include development of:	• To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission.	Initial progress report due within 60 days of Jan 27		1. Do we need to take any actions prior to the "plan" described in section four being developed and implemented? 2. Who is responsible for developing the plan? 3. Might this functionality [database to collect identity documents] already exist and be implemented? 4. Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? 5. [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?
		• Uniform screening standard and procedure, such as interviews				
		• Database	• Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants			
		• Amended Application Forms	• To add questions aimed at identifying fraudulent answers and malicious intent			
		• Mechanism	• To ensure applicant is who the applicant claims to be			
		• 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			
		• Mechanism	• To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S.			

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	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	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis 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	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					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.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies 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	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	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; • removed from the United States based on terrorism-	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons • 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 • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D; Rather, Michael B
Subject: FW: Two Questions
Attachments: 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx

Hi All – attached is the executive order signed early this evening by the President. Please let me, Mike and Larry know if any questions or immediate impacts to policy come to mind. Next week, we may want to consider pulling relevant policy guidance and start thinking about new guidance that will have to be issued. Hopefully we will have more information.

In the meantime, please send any questions!

Thanks,
Natalie

Here is a quick summary (please read the entire document – I tried to hit the "highlights"):

1. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. There are review and reporting requirements that shall be completed within 30 days and additional follow up reporting requirements. While the review is conducted, 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), is suspended for 90 days. The Secretary shall provide a list of countries that do not provided necessary information to adjudicate and additional countries may be added. Visas may be issued to nationals of "blocked" countries in the national interest.
2. Implementing Uniform Screening Standards for All Immigration Programs 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 will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; 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.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of 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. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. 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 will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.

4. 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.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to 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.
7. 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.

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

[redacted] (b)(6)

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release January 27, 2017

EXECUTIVE ORDER

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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.

# # #

Gillispie, Anna E

From: Levine, Laurence D
Sent: Friday, February 03, 2017 7:12 AM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: Here are the latest CBP talkers - I'm not sure what they're used for, but I presume it's for public comms
Attachments: QA for EO on Protecting the Nation FINAL.DOCX

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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Referred to Department of Homeland Security

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Gillispie, Anna E

From: Levine, Laurence D
Sent: Friday, February 03, 2017 1:24 PM
To: Phillips, Mark; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Thanks Mark

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Phillips, Mark
Sent: Friday, February 03, 2017 2:23:41 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

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From: Levine, Laurence D
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We're going to have to keep it to 2 or 3 folks - just let me know your nominations by COB.
Thanks!

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U.S. Citizenship and Immigration Services
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Thanks,
Larry

Larry Levine
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Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
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From: Valverde, Michael
Sent: Friday, February 03, 2017 11:57 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Everyone—

As Julie mentions below, FOD was designated to co-lead with FDNS the **interview portion** of Section 4 (a) Implementing Uniform Screening Standards for All Immigration Programs. The relevant interview portions of Section 4(a) are as follows:

1. The development of a uniform screening standard and procedure, such as in-person interviews;
2. A mechanism to ensure that the applicant is who the applicant claims to be;

3. 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;
4. Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; and
5. A mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

I know a lot of work has been done already in various manners that impacts this goal and can be utilized for this task. We would like to convene the process for articulating how the interview process has been and/or can be enhanced (best practices, new policies, new tools/systems, resources, and/or additional questions) to ensure we are using our interviews in the best way to inform our eligibility, credibility and national security/public safety determinations.

Lisette Kvortek will serve as the FOD working group coordinator and will work with the FDNS POC to organize the work. I'd ask that folks self-identify as a responsible party and name a POC representing your office. Since work is due on the 17th, we'd like to get started asap.

Thank you.

From: Farnam, Julie E
Sent: Friday, February 03, 2017 11:20 AM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
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Subject: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Good morning,

Thank you for your work on the deliverables already completed. I appreciate everyone's timely responses.

The next big deliverable we have is in regards to Sec. 4a and 4b of the Protecting the Nation from Foreign Terrorist Entry EO. Proposals related to the items below are due to me by COB Friday, February 17, 2017. FDNS has the overall lead on this deliverable, but there will also be several working groups that may be co-coordinated by other directorates with FDNS. Here is the specific language from the EO:

> "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."

Because there are a lot of pieces to this section and because the pieces affect different directorates, we will likely need a few working groups to tackle this one. As discussed at the meeting yesterday, these are the proposed working groups:

- Interviews (FOD to co-lead)
- Identity Document Database
- Identity verification
- Form revisions (OP&S proposal attached)
- Immigrant integration (OoC to co-lead)

As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS
Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS
Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO	
Review of asylum referrals/credible fear determinations	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Budgetary/Staffing Needs	All EOs	N/A	MGMT	
Plan related to FY17 refugee entries	Protecting the Nation from Foreign Terrorist Entry	5d	RAIO	
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO	

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor

Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted]

(b)(6)

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Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Sclalabba, Lori L
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Everyone—

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Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Gillispie, Anna E

From: Levine, Laurence D
Sent: Friday, February 03, 2017 12:56 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
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Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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Sent: Friday, February 03, 2017 12:00:17 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L (Samantha.L.Deshommes@uscis.dhs.gov); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
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Larry Levine
Acting Chief
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U.S. Citizenship and Immigration Services
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Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
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Gillispie, Anna E

From: Rather, Michael B
Sent: Friday, February 03, 2017 2:02 PM
To: Cummings, Kevin J; Levine, Laurence D
Cc: Phillips, Mark; Parascandola, Ciro A
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Thanks Kevin! I hope you enjoy the weekend, too!

It's unanimous, right? Go Falcons!

Michael B. Rather | Division Chief
Resource Management & Mission Support Division | Office of Policy and Strategy (OPS)
U.S. Citizenship & Immigration Services (USCIS) | Department of Homeland Security (DHS)
20 Massachusetts Avenue NW - Suite 1200 | Washington, DC 20529
[redacted] (b)(6)

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From: Cummings, Kevin J
Sent: Friday, February 03, 2017 2:48 PM
To: Levine, Laurence D
Cc: Phillips, Mark; Parascandola, Ciro A; Rather, Michael B
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

We echo Mr Phillips. Happy Weekend gents.

From: Levine, Laurence D
Sent: Friday, February 03, 2017 2:24:13 PM
To: Phillips, Mark; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
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Thanks Mark

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U.S. Citizenship and Immigration Services

Department of Homeland Security

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(b)(6)

From: Phillips, Mark
Sent: Friday, February 03, 2017 2:23:41 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
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To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
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Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Gillispie, Anna E

From: Hamilton, Cristina A
Sent: Friday, February 03, 2017 11:07 AM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

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Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
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Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
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Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
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Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDN
Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
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Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

RJ Linnan for IHAD. Thanks!

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To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

We're going to have to keep it to 2 or 3 folks - just let me know your nominations by COB.
Thanks!

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
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It's unclear, but we're thinking it may well encompass those kinds of benefits (asylum, ref, etc.), too – or at least don't see clearly why it wouldn't. So, from our perspective, in the early phases at least and as the scope is being defined, we would like to participate, too.

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As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS
Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS

Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO	
Review of asylum referrals/credible fear determinations	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Budgetary/Staffing Needs	All EOs	N/A	MGMT	
Plan related to FY17 refugee entries	Protecting the Nation from Foreign Terrorist Entry	5d	RAIO	
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO	

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Gillispie, Anna E

From: Parascandola, Ciro A
Sent: Friday, February 03, 2017 11:16 AM
To: Cummings, Kevin J
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Yeah but we should not be pressed on this.

From: Cummings, Kevin J
Sent: Friday, February 03, 2017 12:12:31 PM
To: Parascandola, Ciro A
Subject: FW: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

If pressed, Bazaire

From: Levine, Laurence D
Sent: Friday, February 03, 2017 12:00:17 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Do we have a nominee for this WG from OP&S – not sure which Division is best suited for it, so please share any responses with the entire chain here.

Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

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From: Valverde, Michael
Sent: Friday, February 03, 2017 11:57 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R;

Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Everyone—

As Julie mentions below, FOD was designated to co-lead with FDNS the **interview portion** of Section 4 (a) Implementing Uniform Screening Standards for All Immigration Programs. The relevant interview portions of Section 4(a) are as follows:

1. The development of a uniform screening standard and procedure, such as in-person interviews;
2. A mechanism to ensure that the applicant is who the applicant claims to be;
3. 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;
4. Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; and
5. A mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

I know a lot of work has been done already in various manners that impacts this goal and can be utilized for this task. We would like to convene the process for articulating how the interview process has been and/or can be enhanced (best practices, new policies, new tools/systems, resources, and/or additional questions) to ensure we are using our interviews in the best way to inform our eligibility, credibility and national security/public safety determinations.

Lisette Kvortek will serve as the FOD working group coordinator and will work with the FDNS POC to organize the work. I'd ask that folks self-identify as a responsible party and name a POC representing your office. Since work is due on the 17th, we'd like to get started asap.

Thank you.

From: Farnam, Julie E
Sent: Friday, February 03, 2017 11:20 AM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Good morning,

Thank you for your work on the deliverables already completed. I appreciate everyone's timely responses.

The next big deliverable we have is in regards to Sec. 4a and 4b of the Protecting the Nation from Foreign Terrorist Entry EO. Proposals related to the items below are due to me by COB Friday, February 17, 2017. FDNS has the overall lead on

this deliverable, but there will also be several working groups that may be co-coordinated by other directorates with FDNS. Here is the specific language from the EO:

> "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."

Because there are a lot of pieces to this section and because the pieces affect different directorates, we will likely need a few working groups to tackle this one. As discussed at the meeting yesterday, these are the proposed working groups:

- Interviews (FOD to co-lead)
- Identity Document Database
- Identity verification
- Form revisions (OP&S proposal attached)
- Immigrant integration (OoC to co-lead)

As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS
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Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS
Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO	
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Budgetary/Staffing Needs	All EOs	N/A	MGMT
Plan related to FY17 refugee entries	Protecting the Nation from Foreign Terrorist Entry	5d	RAIO
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Gillispie, Anna E

From: Silwany, Oscar Y
Sent: Monday, January 30, 2017 12:11 AM
To: Levine, Laurence D
Cc: Lin, Melissa; Cummings, Kevin J; Deshommes, Samantha L; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B
Subject: RE: Executive Order - ECN Link

Hello there, we may have issues with permissions, etc., with the doc stored in a BFWD site library. As such, I created a dedicated site. We are going to need one very soon anyway as we did with CIR in 2013. See links to site and library where matrix is stored below.

So you know, the library supports versioning; the latest version includes RCD's comments. We can tighten up permissions tomorrow, among other items. I wanted to send this to you all first – if OK with you and Larry, please send to others.

I am having internet (and cable) issues at home and need to wait for a Verizon tech tomorrow (using iPhone as a hot spot for now).

Presidential Actions ECN site (beta): http://ecn.uscis.dhs.gov/team/ops/PDC/ExecActions/default.aspx

The matrix is housed here: http://ecn.uscis.dhs.gov/team/ops/PDC/ExecActions/SharedLibrary/Forms/AllItems.aspx

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 7:19 PM
To: Cummings, Kevin J; Deshommes, Samantha L; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S; Viger, Steven W
Subject: RE: Executive Order - ECN Link

Nice - thanks

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 7:08:18 PM
To: Levine, Laurence D; Deshommes, Samantha L; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L

(Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S; Viger, Steven W
Subject: RE: Executive Order - ECN Link

From: Viger, Steven W
Sent: Sunday, January 29, 2017 7:01 PM
To: Cummings, Kevin J
Cc: Parascandola, Ciro A
Subject: RE: Executive Order

Here's the link: Executive Order. Depends who all needs access. If it's just BFWD folks, that's easy. If it's others, just takes time to add the names.

Thanks to Steven, here is the ECN link to the document.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:04 PM
To: Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam - there's some other chain that Tammy was on.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58:09 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which OIDP can provide the amended form instruments; and the speed with which IT and OIDP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and OIDP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more

urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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Sent: Friday, January 27, 2017 5:34:17 PM
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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

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To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

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Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications

on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:52 PM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

All – I asked the regs team to give us an idea of the tie frames for doing and re-doing forms as well as regs:

For forms , if, for instance, we have to add new vetting questions, OMB approval can be accomplished relatively quickly as an emergency action (compared to the normal process).
Steps and qualifications for emergency OMB approval:
1) OP&S division, operational directorates, OCC, and RCD collaborate on the amended form and/or instructions.
2) RCD prepares the relevant PRA supporting documents (Supporting Statement, etc.) working with OIDP and Office of Privacy
3) Draft a memo justifying the emergent need (e.g., the EO), signed by USCIS CIO and DHS CIO.
4) RCD submits the package to OMB. OMB approval under emergency will only be valid for 6 months. To extend the validity of the OMB approval beyond 6 months, RCD would need to publish the 60- and 30-day Notices as normal and then resubmit the package to OMB.
As a side note, the interior enforcement EO took away the Privacy Act protections that the USG had extended to non-citizens (by policy I believe). This change may significantly impact how the Privacy Act is interpreted w/r/t USCIS forms and systems, and may or may not cause changes to our Privacy Threshold Analyses which support the PRA process. We need to get a legal opinion on whether our PTAs, etc. will change because of this, and if we can update the relevant PRA supporting documents as they come up in the queue (i.e. as RCD starts work upon expiration) or if this needs to be implemented immediately (which would be a significant workload).

For regs, the time it took to get the EA rules out from the Nov. 20, 2014 memo are good barometers of the average timeline when there is WH support and it's moving as an emergency action:
- Average of 12-16 months for drafting and publishing an NPRM (but note that there was already some work done on EA before the 11/2014 announcement)
- Average of 6-8 months to review public comments, draft final rule, and publish the final rule.

Caveats: 1) The above assumes a relatively hands-off approach of OGC staff-level attorneys and economists prior to moving to OGC FO, S1 FO, and OMB. Also assumes that the timelines for S1 FO review will be similarly expedited (i.e. a matter of hours wherein the Assistant General Counsel briefs S1 and obtains signature). 2) The "effective date" will largely depend on the speed that our computer systems can be stood up. 3) Also, of course, depends on the number and complexity of public comments received and the continued availability of monetary resources to fund contractor support of our regulatory projects (comment analysis).

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:42 AM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Ok - thanks

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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DHS USCIS
Field Operations Directorate, Deputy Associate Director

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Chief, International Operations Division
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Lori

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Cc: Renaud, Tracy L; Neufeld, Donald W
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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

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Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 2:58 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order
Attachments: Executive Order - 01272017_RCD.docx

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which OIDP can provide the amended form instruments; and the speed with which IT and OIDP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and OIDP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

Department of Homeland Security

[redacted] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B;

Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant bu

(b)(5)

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

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.

GENERAL OBJECTIVES:

- 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.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We 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

Date conversions

Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA 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.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the 7? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) andG-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e In consultation with DOS 3g*	DHS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

(b)(5)

(b)(5)

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	Implement Program as part of adjudications process to include development of: • Uniform screening standard and procedure, such as interviews	• To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission.	Initial progress report due within 60 days of Jan 27		1. Do we need to take any actions prior to the "plan" described in section four being developed and implemented? 2. Who is responsible for developing the plan? 3. Might this functionality [database to collect identity documents] already exist and be implemented? 4. Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? 5. [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?
		• Database	• Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants			
		• Amended Application Forms	• To add questions aimed at identifying fraudulent answers and malicious intent			
		• Mechanism	• To ensure applicant is who the applicant claims to be			
		• 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			
		• Mechanism	• To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S.			

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	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	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis 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	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					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.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies 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	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	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; • removed from the United States based on terrorism-	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons • 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 • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

(b)(5)

Page 3: [1] Comment [SLD2] Deshommes, Samantha L 1/29/2017 3:36:00 PM

Page 3: [2] Comment [SLD3] Deshommes, Samantha L 1/29/2017 3:11:00 PM

(b)(5)

Gillispie, Anna E

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 1:58 PM
To: Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

That's very significant—is that from the news? How was/is that being officially conveyed to/within DHS?

Just so we're all on the same page, it's seven countries, as follows:

Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
[redacted]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B;

Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J;

Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] (b)(5) [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 1:43 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Ok, the way I plan to proceed, which I think is consistent with what you want, Larry, is that I will be going through the very helpful chart that Shannon provided, and filling in questions I have on the provisions in the column for Questions. So it's clear which division is raising the question I am going to edit the column to label it NSBI Questions. I'll send that to the entire group for visibility when completed—sometime this evening.

I'm assuming Natalie will then roll-up all the questions each of us submits-- weeding out duplicative questions-- into a master chart for OP&S. Larry, I recommend that you send to Jess for the use of D1/D2, (consistent with D1s request for consolidated questions from components—we weren't asked but they should be made aware of our questions). My understanding/recommendation is that our master chart will be posted to the OP&S ECN (and presumably regularly updated as needed), and used by us for discussions: internal to OP&S; with other components and USCIS or DHS leadership; and for inter-agency discussions.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
[redacted]
(b)(6)

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From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
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Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
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Subject: RE: Executive Order

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Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
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3. How do we handle N-400s 120+ days from interview?
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5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of

nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M (b)(5)
Subject: FW: Executive Order

FYI.. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted]

(b)(5)

(b)(5)

[redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted]

(b)(6)

Gillispie, Anna E

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 12:11 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
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Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

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Cc: Renaud, Tracy L; McCament, James W
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Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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Cc: Renaud, Tracy L; Neufeld, Donald W
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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M (b)(5)
Subject: FW: Executive Order

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] (b)(5)

[redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted]

(b)(6)

Gillispie, Anna E

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 8:15 PM
To: Levine, Laurence D; Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

DHS HQ has been busy with press releases today on the EO. See link below to the DHS.gov site for the 4 press releases issued today.

https://www.dhs.gov/news-releases

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
[redacted]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:04 PM
To: Deshommes, Samantha L; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam - there's some other chain that Tammy was on.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 3:58:09 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna);

Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which OIDP can provide the amended form instruments; and the speed with which IT and OIDP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and OIDP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief

Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM

To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[redacted]

(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of

nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted]

(b)(5)

(b)(5)

[redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted]

(b)(6)

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Sunday, January 29, 2017 10:58 AM
To: Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Here is what Don sent.

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:34:34 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Gillispie, Anna E

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 10:31 AM
To: Valverde, Michael; Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Young, Todd P; Slattery, Shannon E; Walters, Jessica S; Nicholson, Maura J
Subject: RE: Executive Order

IO is still seeking clarification on some things (was hoping to get today), but likely will do same.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Valverde, Michael
Sent: Sunday, January 29, 2017 11:29 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Walters, Jessica S
Subject: RE: Executive Order

Yes. We've got just about everything on hold (meaning no final decisions) from the countries until we give further guidance.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine

Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine

Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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To: Valverde, Michael; Renaud, Daniel M
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Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

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Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

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To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order
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1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services

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Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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Subject: FW: Executive Order (b)(5)

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111 Massachusetts Avenue, NW
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Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services

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U.S. Citizenship and Immigration Services
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To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order
I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order
I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted]
We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

(b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted]

(b)(6)

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 9:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made. NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
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To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
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Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
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To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

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Subject: RE: Executive Order

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

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Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

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Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 9:04 AM
To: Cummings, Kevin J; Parascandola, Ciro A; Levine, Laurence D
Subject: RE: Executive Order

I agree guys. The major questions that come to mind are legal and operational. We should be prepared to put some of them forward, but from a policy perspective we are gong to have to wait for that guidance before we know what direction to take.

Having said that, it is worth looking at forms because I am sure we will have to make revisions to include vetting questions such as social media. Again though, the vetting aimed at national interest and benefit to this country change the adjudication of petitions.

I appreciate your thoughts so please share as things come up! Clearly this is fluid.

N

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 9:57:36 AM
To: Parascandola, Ciro A; Levine, Laurence D
Cc: Tynan, Natalie S
Subject: RE: Executive Order

I completely agree. Legal decisions/interpretations are key at the outset.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Parascandola, Ciro A
Sent: Sunday, January 29, 2017 9:57 AM
To: Levine, Laurence D
Cc: Cummings, Kevin J; Tynan, Natalie S
Subject: RE: Executive Order

Nat,

Kevin and I will might send you a few follow on notes on this, but my question from the EB side is that, while they want to suspend entry of these individuals for the time being, do they also intend for us to hold onto any requests for extensions of stay until the enhanced vetting procedures are in place? The text says "entry" but it's in the section explaining the need to review procedures prior to any benefit being granted. We will send you

anything else we can come up with. There is nothing really to state from a strict policy sense, but obviously OCC, SCOPS, the FO et al will like have the same questions regarding exactly what these provisions mean. We have these political advisors on board. They should reach out through their people to the WH to get clarification.

Kevin, you agree?

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Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

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Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

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[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]

(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 10:54 AM
To: Neufeld, Donald W; Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc: Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S; Lafferty, John L; Strack, Barbara L; Stone, Mary M; Nicholson, Maura J
Subject: RE: Executive Order

Asylum has notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise. They also told leadership to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

IO is working with front office on guidance for international staff and ongoing refugee interviews. We have greenlight for refugee interviews in Vienna to continue tomorrow.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Sunday, January 29, 2017 11:52 AM
To: Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Same here Larry. We have put a full stop on everything involving the 7 countries at the centers pending further guidance.

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM

To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
[redacted] and Immigration Services
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Subject: RE: Executive Order

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Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Cc: Farnam, Julie E; Slattery, Shannon E
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Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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US Citizenship & Immigration Services
Department of Homeland Security

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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

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Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

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Lori

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For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

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Sent: Friday, January 27, 2017 7:56:01 PM
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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

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To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

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(b)(5)

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Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

Gillispie, Anna E

From:	Neufeld, Donald W
Sent:	Sunday, January 29, 2017 10:52 AM
To:	Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc:	Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject:	RE: Executive Order

Same here Larry. We have put a full stop on everything involving the 7 countries at the centers pending further guidance.

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Has anything gone out to our field folks at this point about pendings?

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Office of Policy & Strategy
U.S. Citizenship and Immigration Services
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Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services

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Sent: Saturday, January 28, 2017 11:34:16 AM
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Subject: FW: Executive Order

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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

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I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

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Cc: Farnam, Julie E; Slattery, Shannon E
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DHS USCIS
Field Operations Directorate, Deputy Associate Director

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U.S. Citizenship and Immigration Services
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US Citizenship & Immigration Services
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U.S. Citizenship and Immigration Services

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Department of Homeland Security | U.S. Citizenship and Immigration Services

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Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but

[redacted] (b)(5)

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted]
We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:38 AM
To: Levine, Laurence D; Cummings, Kevin J; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Guidance FOD sent out below:

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:26 AM
To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 11:19:35 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made.

NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon,

Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division

USCIS, Office of Policy & Strategy

[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M (b)(5)
Subject: FW: Executive Order

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

Gillispie, Anna E

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order
Attachments: Executive Order PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - 01272017.docx

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

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Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM

To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

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5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L;

Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant bu[redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

(b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

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.

GENERAL OBJECTIVES:

- 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.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We 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

Date conversions

Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA 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.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the 7? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) andG-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e In consultation with DOS 3g*	DHS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

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Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	Implement Program as part of adjudications process to include development of:	• To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission.	Initial progress report due within 60 days of Jan 27		1. Do we need to take any actions prior to the "plan" described in section four being developed and implemented? 2. Who is responsible for developing the plan? 3. Might this functionality [database to collect identity documents] already exist and be implemented? 4. Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? 5. [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?
		• Uniform screening standard and procedure, such as interviews				
		• Database	• Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants			
		• Amended Application Forms	• To add questions aimed at identifying fraudulent answers and malicious intent			
		• Mechanism	• To ensure applicant is who the applicant claims to be			
		• 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			
		• Mechanism	• To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S.			

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	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	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis 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	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					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.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies 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	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	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; • removed from the United States based on terrorism-	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons • 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 • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

(b)(5)

Page 3: [1] Comment [SLD2] Deshommes, Samantha L 1/29/2017 3:36:00 PM

Page 3: [2] Comment [SLD3] Deshommes, Samantha L 1/29/2017 3:11:00 PM

(b)(5)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D; Rather, Michael B
Subject: FW: Two Questions
Attachments: 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx

Hi All – attached is the executive order signed early this evening by the President. Please let me, Mike and Larry know if any questions or immediate impacts to policy come to mind. Next week, we may want to consider pulling relevant policy guidance and start thinking about new guidance that will have to be issued. Hopefully we will have more information.

In the meantime, please send any questions!

Thanks,
Natalie

Here is a quick summary (please read the entire document – I tried to hit the "highlights"):

1. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. There are review and reporting requirements that shall be completed within 30 days and additional follow up reporting requirements. While the review is conducted, 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), is suspended for 90 days. The Secretary shall provide a list of countries that do not provided necessary information to adjudicate and additional countries may be added. Visas may be issued to nationals of "blocked" countries in the national interest.
2. Implementing Uniform Screening Standards for All Immigration Programs 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 will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; 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.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of 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. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. 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 will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.

4. 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.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to 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.
7. 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.

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

[redacted] (b)(6)

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release January 27, 2017

EXECUTIVE ORDER

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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.

# # #

Gillispie, Anna E

From: Phillips, Mark
Sent: Sunday, January 29, 2017 8:25 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple (b)(5) things:

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B;

Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]

(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[redacted] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of

nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted]

(b)(5)

(b)(5)

[redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 6:52 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order
Attachments: Executive Order PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO ....docx; Congressional research service report January 2017 on 212(f).pdf

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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Sent: Saturday, January 28, 2017 11:18:11 PM
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Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

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Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
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Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

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.

GENERAL OBJECTIVES:

- 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.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We 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

Date conversions	
Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA 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.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the 7? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) andG-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

(b)(5)

(b)(5)

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	Implement Program as part of adjudications process to include development of:	• To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission.	Initial progress report due within 60 days of Jan 27		1. Do we need to take any actions prior to the "plan" described in section four being developed and implemented? 2. Who is responsible for developing the plan? 3. Might this functionality [database to collect identity documents] already exist and be implemented? 4. [Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms?] 5. [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?
		• Uniform screening standard and procedure, such as interviews				
		• Database	• Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants			
		• Amended Application Forms	• To add questions aimed at identifying fraudulent answers and malicious intent			
		• Mechanism	• To ensure applicant is who the applicant claims to be			
		• 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			
		• Mechanism	• To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S.			

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	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	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis 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	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					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.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies 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	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	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; • removed from the United States based on terrorism-	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

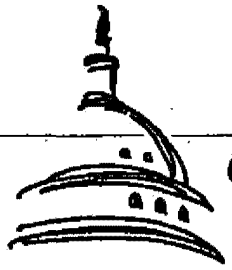
Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons • radicalized after entry into the United States and engaged in terrorism-related acts, or who have provided material support to terrorism-related organizations in countries that pose a threat to the United States • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

(b)(5)

Page 3: [1] Comment [SLD2] Deshommes, Samantha L 1/29/2017 3:36:00 PM

Page 3: [2] Comment [SLD3] Deshommes, Samantha L 1/29/2017 3:11:00 PM

(b)(5)



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Executive Authority to Exclude Aliens: In Brief

Kate M. Manuel
Acting Section Research Manager

January 23, 2017

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CRS REPORT
Prepared for Members and
Committees of Congress

Summary

The Immigration and Nationality Act (INA) provides that individual aliens outside the United States are "inadmissible"—or barred from admission to the country—on health, criminal, security, and other grounds set forth in the INA. However, the INA also grants the Executive several broader authorities that could be used to exclude certain individual aliens or classes of aliens for reasons that are not specifically prescribed in the INA.

Section 212(f) of the INA is arguably the broadest and best known of these authorities. It provides, in relevant part, that

> Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.

Over the years, Presidents have relied upon Section 212(f) to suspend or otherwise restrict the entry of individual aliens and classes of aliens, often (although not always) in conjunction with the imposition of financial sanctions upon these aliens. Among those so excluded have been aliens whose actions "threaten the peace, security, or stability of Libya"; officials of the North Korean government; and aliens responsible for "serious human rights violations."

Neither the text of Section 212(f) nor the case law to date suggests any firm legal limits upon the President's exercise of his authority to exclude aliens under this provision. The central statutory constraint imposed on Section 212(f)'s exclusionary power is that the President must have found that the entry of any alien or class of aliens would be "detrimental to the interests of the United States." The statute does not address (1) what factors should be considered in determining whether aliens' entry is "detrimental" to U.S. interests; (2) when and how proclamations suspending or restricting entry should be issued; (3) what factors are to be considered in determining whether particular restrictions are "appropriate"; or (4) how long any restrictions should last. The limited case law addressing exercises of presidential authority under Section 212(f) also supports the view that this provision confers broad authority to bar or impose conditions upon the entry of aliens. Key among these cases is the Supreme Court's 1993 decision in *Sale v. Haitian Centers Council, Inc.*, which held that the U.S. practice of interdicting persons fleeing Haiti outside U.S. territorial waters and returning them to their home country without allowing them to raise claims for asylum or withholding of removal did not violate the INA or the United Nations Convention Relating to the Status of Refugees. The U.S. practice had been established by Executive Order 12807, which was issued, in part, under the authority of Section 212(f) and "suspend[ed] the entry of aliens coming by sea to the United States without necessary documentation." However, depending on their scope, future executive actions under Section 212(f) could potentially be seen to raise legal issues that have not been prompted by the Executive's prior exercises of this authority.

Beyond Section 212(f), other provisions of the INA can also be seen to authorize the Executive to restrict aliens' entry to the United States. Most notably, Section 214(a)(1) prescribes that the "admission of any alien to the United States as a nonimmigrant shall be for such time and under such conditions as [the Executive] may by regulations prescribe." Section 215(a)(1) similarly provides that "it shall be unlawful for any alien" to enter or depart the United States "except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe." For example, President Carter cited Section 215(a)—rather than Section 212(f)—when authorizing the revocation of immigrant and nonimmigrant visas issued to Iranian citizens during the Iran Hostage Crisis.

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Table 1. Categories of Aliens Excluded under INA § 212(f) 6

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The Immigration and Nationality Act (INA) provides that individual aliens outside the United States are "inadmissible"—or generally barred from admission to the country[1]—on health, criminal, security, and other grounds set forth in the INA.[2] However, the INA also grants the Executive several broad authorities that could be used to exclude certain individual aliens or classes of aliens for reasons that are not specifically set forth in the INA. Section 212(f) of the INA is arguably the broadest and best known of these provisions,[3] but Sections 214(a)(1) and 215(a)(1) can also be seen to authorize the Executive to restrict aliens' entry or admission to the United States.[4]

This report provides a brief overview of the Executive's authority under these provisions of the INA. It begins with and focuses primarily on Section 212(f). It also briefly notes other provisions.

Section 212(f) of the INA

The provisions currently in Section 212(f)—which have been part of the INA since its enactment in 1952[5]—state, in relevant part, that

> Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.[6]

Legislative history materials from the time of the INA's enactment suggest that these provisions were seen to grant the President broad authority to bar or impose conditions upon the entry of aliens,[7] and Presidents over the years have relied upon Section 212(f) to suspend or restrict the entry of various groups of aliens, often (although not always) in conjunction with the imposition of financial sanctions upon them. Among those so excluded have been aliens whose actions

[1] The INA defines "admission" to mean "the lawful entry of an alien into the United States after inspection and authorization by an immigration officer." INA § 101(a)(13)(A), 8 U.S.C. § 1101(a)(13)(A). The INA is codified in Title 8 of the United States Code, and references to the INA in this report also include references to the corresponding sections of Title 8.

[2] *See* INA § 212(a), 8 U.S.C. § 1182(a) (prescribing the inadmissibility of, among others, aliens who have a communicable disease of public health significance; have been convicted of two or more criminal offenses; have engaged in a terrorist activity; are permanently ineligible for citizenship; or have previously voted in violation of any federal, state, or local law). Certain of these grounds of inadmissibility may be waived. *See, e.g.*, INA § 212(a)(9)(B)(v), 8 U.S.C. § 1182(a)(9)(B)(v) (authorizing the Executive to waive the 3- and 10-year bars upon the admission of aliens who have been unlawfully present in the United States for more than 180 days if the refusal of admission to the alien would result in "extreme hardship" to a parent or spouse who is a U.S. citizen or lawful permanent resident (LPR)).

[3] 8 U.S.C. § 1182(f).

[4] 8 U.S.C. §§ 1184(a)(1), 1185(a)(1). As is discussed later in this report, the term "entry" is no longer defined for purposes of the INA. *See* Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), P.L. 104-208, § 301(a), 110 Stat. 3009-575 (Sept. 30, 1996) (amending INA § 101(a)(13) so that it defines "admission," instead of "entry"). However, at one time, the INA defined the term "entry" to mean "any coming of an alien into the United States, from any foreign port or place or from an outlying possession, whether voluntarily or otherwise." INA § 101(a)(13), 8 U.S.C. § 1101(a)(13) (1994). *See infra* notes 26-27 and accompanying text.

[5] 8 U.S.C. § 1182(f).

[6] *See* P.L. 82-414, § 212(e), 66 Stat. 188 (June 27, 1952).

[7] *See, e.g.*, H.R. RPT. 1365, 82d Cong., 2d Sess., at 53 (Feb. 14, 1952) ("The bill vests in the President the authority to suspend the entry of all aliens if he finds that their entry would be detrimental to the interests of the United States, for such period as he shall deem necessary.").

"threaten the peace, security, or stability of Libya";[8] officials of the North Korean government or the Workers' Party of North Korea;[9] aliens who have participated in "serious human rights violations";[10] and others noted in **Table 1** below.

Neither the text of Section 212(f) nor the case law to date suggests any firm legal constraints upon the President's exercise of his authority under Section 212(f), as is explained below. However, future executive actions under INA § 212(f) could potentially be seen to raise legal issues that have not been prompted by the Executive's prior exercise of this authority.[11]

Statutory Language and Executive Branch Interpretations

On its face, Section 212(f) would appear to give the President broad authority to preclude or otherwise restrict the entry into the United States of individual aliens or classes of aliens who are outside the United States and lack recognized ties to the country.[12] The central statutory constraint imposed on Section 212(f)'s exclusionary power is that the President must have found that the entry of any aliens or class of aliens would be "detrimental to the interests of the United States" in order to exclude the alien or class of aliens.[13] The statute does not address (1) what factors should be considered in determining whether aliens' entry is "detrimental" to U.S. interests; (2) when and how proclamations suspending or restricting entry should be issued; (3) what factors are to be considered in determining whether particular restrictions are "appropriate"; or (4) how long any restrictions should last. There also do not appear to be any regulations addressing the exercise of presidential authority under Section 212(f).

The Department of State's *Foreign Affairs Manual* (FAM) seemingly provides the only publicly available executive branch guidance on the President's Section 212(f) authority. In relevant part, the FAM notes that Section 212(f) proclamations "typically" grant the Secretary of State authority to identify individuals covered by the proclamation and to waive its application for foreign policy

[8] *See* Executive Order 13726, Blocking Property and Suspending Entry Into the United States of Persons Contributing to the Situation in Libya, 81 Fed. Reg. 23559 (Apr. 21, 2016).

[9] *See* Executive Order 13687, Imposing Additional Sanctions With Respect To North Korea, 80 Fed. Reg. 819 (Jan. 6, 2015).

[10] *See* Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Participate in Serious Human Rights and Humanitarian Law Violations and Other Abuses, 76 Fed. Reg. 49277 (Aug. 9, 2011).

[11] Not knowing the form that future restrictions might take, or the grounds upon which such restrictions might be subject to legal challenges, it would be premature to assess whether specific restrictions might be within the Executive's authority. However, it is important to note that aliens outside the United States who have no ties to the country generally have limited ability to challenge the denial of visas or admission to them. *See, e.g.*, Shaughnessy v. Mezei, 345 U.S. 206, 216 (1953) ("Whatever our individual estimate of that policy and the fears on which it rests, respondent's right to enter the United States depends on the congressional will, and courts cannot substitute their judgment for the legislative mandate."); United States *ex rel.* Knauff v. Shaughnessy, 338 U.S. 537, 542 (1950) ("[A]n alien who seeks admission to this country may not do so under any claim of right. Admission of aliens to the United States is a privilege granted by the sovereign United States Government. Such privilege is granted to an alien only upon such terms as the United States shall prescribe."). *But see* Kleindienst v. Mandel, 408 U.S. 753, 762-63 (1972) (recognizing that U.S. persons adversely affected by the denial of a visa waiver to an alien outside the United States may have a right to challenge the denial under certain circumstances).

[12] LPRs who leave the United States for a brief period of time are distinguishable from, for example, refugees seeking to be admitted to the United States. *See, e.g.*, Landon v. Plasencia, 459 U.S. 21, 32 (1982) (discussing due process concerns raised by the application to an LPR of a statute which provided for the exclusion of any alien who "at any time shall have, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law").

[13] INA § 212(f), 8 U.S.C. § 1182(f).

or other national interests.[14] The FAM also notes that such proclamations may bar entry based on either affiliation or "objectionable" conduct. In addition, it provides that Section 212(f) may reach persons who are inadmissible under other provisions of law, in which case, the "statutory inadmissibilities are to be considered prior to determining whether a Presidential Proclamation applies."[15] However, the FAM is generally not seen as having the force of law to bind the executive branch.[16] Thus, the Executive would not need to engage in notice-and-comment rulemaking in order to alter particular practices contained in the FAM that have historically been associated with exercises of Section 212(f) authority (e.g., not relying on a 212(f) proclamation to bar the admission of aliens who are inadmissible on other grounds).[17]

Judicial Constructions of Section 212(f)

The limited case law addressing exercises of presidential authority under Section 212(f) also supports the view that this provision of the INA confers broad authority to suspend or restrict the entry of aliens. Key among these cases is the Supreme Court's 1993 decision in *Sale v. Haitian Centers Council, Inc.*, which held that the U.S. practice of interdicting persons fleeing Haiti outside U.S. territorial waters and returning them to their home country without allowing them to raise claims for asylum and withholding of removal did not violate either the INA or the United Nations Convention Relating to the Status of Refugees.[18] The U.S. practice had been established by Executive Order 12807, which was issued, in part, under the authority of Section 212(f) of the INA[19] and "suspend[ed] the entry of aliens coming by sea to the United States without necessary documentation."[20] Although the *Sale* Court was primarily concerned with whether the INA and UN Convention provisions regarding withholding of removal applied extraterritorially,[21] it is arguably important for understanding the scope of the President's Section 212(f) authority. In particular, the *Sale* decision arguably helped clarify the relationship between exercises of the authority granted by Section 212(f) and those granted by other provisions of the INA, as well as the meaning of *entry* for purposes of Section 212(f).

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[14] 9 FAM § 302.11-3(B)(1), *available at* h https://fam.state.gov/Fam/FAM.aspx (last accessed: Jan. 3, 2017).

[15] *Id.*

[16] *See, e.g.*, Patel v. U.S. Dep't of State, No. 11-cv-6-wmc, 2013 U.S. Dist. LEXIS 108592, at *13 (W.D. Wis. Aug. 2, 2013) ("[T]he Foreign Affairs Manual is an internal guideline that sets forth agency practice and procedures. Because internal guidelines and agency manuals like the Foreign Affairs Manual are not subject to [Administrative Procedure Act] APA rulemaking procedures, they lack the force of law and do not bind agency discretion.").

[17] For more on the constraints of the rulemaking process, see generally CRS Report R41546, *A Brief Overview of Rulemaking and Judicial Review*, by Todd Garvey and Daniel T. Shedd; CRS Report RL32240, *The Federal Rulemaking Process: An Overview*, coordinated by Maeve P. Carey.

[18] 509 U.S. 155, 158-59 (1993). Specifically at issue in *Sale* were the provisions currently in INA § 241(b)(3)(B) and Article 33 of the Convention, which both bar the return of aliens to countries where their life or freedom would be threatened because of their race, religion, nationality, political opinion, or membership in a particular social group. The United States is technically a party to the 1967 UN Protocol Relating to the Status of Refugees, not the 1951 Convention Relating to the Status of Refugees. However, the Protocol incorporated articles 2 to 34 of the Convention, and it is customary for commentators to refer to the Convention, not the Protocol, when discussing these articles.

[19] Executive Order 12,807 also cited INA § 215(a)(1), which provides that "[u]nless otherwise ordered by the President, it shall be unlawful for any alien to depart from or enter ... the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe." 8 U.S.C. § 1185(a)(1). For further discussion of this provision, see *infra* "Other Provisions of the INA".

[20] *See* Interdiction of Illegal Aliens, 57 Fed. Reg. 23133 (June 1, 1992). President George H.W. Bush initially issued this order, but President Clinton left the order in place without modifications when he took office. It remained in effect at the time of the Court's decision in *Sale*. *See generally* 509 U.S. at 165.

[21] *Sale*, 509 U.S. at 173-88.

In particular, the Court rejected the view of the U.S. Court of Appeals for the Second Circuit ("Second Circuit") that interdiction was prohibited because of the INA's prohibition upon the then-Attorney General returning an alien to a country where he or she would be persecuted.[22] The Second Circuit had reached this conclusion by noting that the Attorney General was the President's "agent" in matters of immigration.[23] Therefore, it found that INA's prohibition on the Attorney General returning aliens to countries where the alien's life or freedom would be threatened because of the alien's race, religion, nationality, political opinion, or membership in a particular social group should be imputed to the rest of the executive branch.[24] The Supreme Court disagreed, however, holding that the interdiction program created by the President did not "usurp[] authority that Congress has delegated to, or implicate[] responsibilities that it has imposed on, the Attorney General alone."[25] The Court reached this conclusion, in part, because it viewed the INA as restricting only the then-Attorney General's immigration-related responsibilities under the act. It did not view the INA as restricting the President's actions in geographic areas outside of where Congress had authorized the Attorney General to act in the immigration context (i.e., outside the United States).[26] The upshot of this reasoning was that the Court declined to find that the interdiction program implemented under the authority of Section 212(f) ran afoul of statutory or treaty-based restrictions.

The *Sale* decision also helped define what is meant by the term *entry* as that term is used in Section 212(f). At the time when *Sale* was decided, the INA explicitly defined *entry* to encompass "any coming of an alien into the United States, from any foreign port or place or from an outlying possession, whether voluntarily or otherwise."[27] Therefore, consistent with this definition, the Court distinguished between (1) aliens who are "on our shores seeking admission" or "on the threshold of initial entry," and (2) aliens who are within the United States after entry, regardless of the legality of that entry.[28] While the statutory definition of *entry* that the Court relied upon was deleted from the INA as part of the amendments made by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (P.L. 104-208),[29] the *Sale* Court's construction of *entry* has persisted in discussions of Section 212(f) and in other contexts.[30]

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[22] *Id.* at 171-72. For several decades, the authority to interpret, implement, and enforce the provisions of the INA was primarily vested in the Attorney General. The Attorney General, in turn, delegated this authority to the Immigration and Naturalization Service (INS) within the Department of Justice. Following the establishment of the Department of Homeland Security (DHS) pursuant to the Homeland Security Act of 2002 (P.L. 107-296), the INS was abolished and its functions were generally transferred to DHS. *See* 6 U.S.C. § 251. Although the INA still refers to the Attorney General in multiple places, such references are generally (although not universally) taken to mean the Secretary of Homeland Security. *See generally* CRS Legal Sidebar WSLG553, *Does It Matter Whether the INA Says DOJ or DHS?: An Example Involving Revocation of Asylum*, by Kate M. Manuel.

[23] Haitian Centers Council, Inc. v. McNary, 969 F.2d 1350, 1360 (2d Cir. 1992).

[24] *Id.* ("[W]e reject the government's suggestion that since [the relevant provision of the INA] restricts actions of only the attorney general, the President might in any event assign the same "return" function to some other government official. Congress understood that the President's agent for dealing with immigration matters is the attorney general, and we would find it difficult to believe that the proscription of [the INA]—returning an alien to his persecutors—was forbidden if done by the attorney general but permitted if done by some other arm of the executive branch.").

[25] *Sale*, 509 U.S. at 172.

[26] *Id.* at 173. *See also* INA § 103(a)(1), 8 U.S.C. § 1103(a)(1) ("The Secretary of Homeland Security shall be charged with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens, except insofar as this chapter or such laws relate to the powers, functions, and duties conferred upon the President.... ").

[27] INA § 101(a)(13), 8 U.S.C. § 1101(a)(13) (1994).

[28] *Sale*, 509 U.S. at 174.

[29] P.L. 104-208, § 301(a), 110 Stat. 3009-575 (amending Section 101(a)(13) of the INA to define *admission*, instead of (continued...)

Lower court decisions provide some further discussion of exercises of 212(f) authority that would seem to be consistent with *Sale*. The most recent of these, an unpublished 2003 decision by the Second Circuit in *Sesay v. Immigration and Naturalization Service [INS]*, granted deference to the Board of Immigration Appeals' (BIA's) determination that the alien petitioner was ineligible for asylum because a grant of asylum necessarily requires entry, and the petitioner's entry was barred by Presidential Proclamation 7062.[31] Previously, in its 1992 decision in *Haitian Refugee Center, Inc. v. Baker*, the U.S. Court of Appeals for the Eleventh Circuit had noted various precedents characterizing the power to exclude aliens from the country as an "inherent executive power" when opining that Section 212(f) "clearly grants the President broad discretionary authority to control the entry of aliens into the United States."[32] A lower court, the U.S. District Court for the Northern District of California, similarly emphasized the breadth of the executive's power over entry in conjunction with its discussion of Section 212(f) in its 1996 decision in *Encuentro del Canto Popular v. Christopher*, stating,

> The exclusion of aliens is a fundamental act of sovereignty. The right to do so stems not alone from legislative power but is inherent in the executive power to control the foreign affairs of the nation. When Congress prescribes a procedure concerning the admissibility of aliens, it is not dealing alone with a legislative power. It is implementing an inherent executive power.[33]

Collectively, *Sale* and these other decisions suggest that Section 212(f) gives the Executive significant power to bar or impose conditions upon the entry of aliens "on our shores seeking admission" or "on the threshold of initial entry."[34] None of these decisions note any limitations upon the President's power under Section 212(f). This silence could, however, be seen, in part, to reflect the arguably limited nature of the Executive's use of its Section 212(f) authority to date. As **Table 1** below illustrates, prior exercises of presidential authority under Section 212(f) have

(...continued)

entry). *See supra* note 5.

[30] *See, e.g.*, Sesay v. INS, 74 Fed. App'x 84, 86 (2d Cir. 2003) (considering the meaning of "entry" in the course of addressing whether a grant of asylum requires entry into the United States); *Matter of* Rosas-Ramirez, 22 I. & N. Dec. 616, 617 (BIA 1999) (discussing whether adjustment of status while within the United States constitutes an "admission" for purposes of INA § 237(a)(2)(A)(iii), and noting that admission is defined, in part, in terms of "entry").

[31] 74 Fed. App'x at 86. The BIA is the highest administrative tribunal for interpreting and applying immigration law. The Second Circuit noted, but did not address, arguments as to the relationship between Sections 212(d) and 212(f) in its decision. The Secretary of Homeland Security's authority to parole aliens into the United States under Section 212(d), however, could be seen as a counterpart to the President's authority under Section 212(f) in that the President may "parole"—or permit the entry into the United States—almost any alien, regardless of whether the alien is subject to one or more of the grounds of inadmissibility set forth in Section 212(a). *See* INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A) ("The Attorney General [later, Secretary of Homeland Security] may [subject to certain restrictions involving refugees and alien laborers] in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States.... ").

[32] 953 F.2d 1498, 1506-08 (11th Cir. 1992).

[33] 930 F. Supp. 1360, 1365 (N.D. Cal. 1996) (quoting Knauff v. Shaughnessy, 338 U.S. 537 (1949) (upholding the executive branch's determination to exclude the alien wife of a former U.S. servicemember, who was eligible for admission under the War Brides Act of 1945, because of concerns that her admission would endanger public safety)). The *Christopher* case arose from a challenge to the denial or revocation of visas to certain Cubans pursuant to Presidential Proclamation 5377, which suspended the entry of individuals whom the Secretary of State (or a designee) considered to be officers or employees of the Cuban government or Cuban Communist Party. As the district court noted, although the plaintiffs at times seem to have suggested that Section 212(f) itself is invalid, their argument was best construed as being that Presidential Proclamation 5377 was invalid because it conflicted with Section 901 of the Foreign Relations Authorization Act for FY1988-1989. *Id.* at 1363.

[34] *Sale*, 509 U.S. at 174.

differed in terms of which and how many aliens are subject to exclusion. In no case to date, though, has the Executive purported to take certain types of action, such as barring all aliens from entering the United States for an extended period of time or explicitly distinguishing between categories of aliens based on their religion. Any such restrictions could potentially be seen to raise legal issues that were not raised by prior exclusions. For example, if the Executive were to seek to bar the entry of all aliens, as immigrants or nonimmigrants, for an extended time, questions could be raised about whether the President's action was consistent with Congress's intent in enacting statutes which prescribe criteria for the issuance of family- and employment-based immigrant and nonimmigrant visas and authorize the issuance of certain numbers of such visas each year.[35] Similarly, if the President were to purport to exclude aliens based on their religion, an argument could potentially be made that this action is in tension with U.S. treaty obligations[36] or the First Amendment.[37] (Distinctions between aliens based on nationality, in contrast, have historically been viewed as a routine feature of immigration legislation and subjected to deferential "rational basis" review by the courts.[38])

Table 1. Categories of Aliens Excluded under INA § 212(f)

Arranged Chronologically, from the Most to the Least Recent, by the Date of Their Publication in the *Federal Register*

Date & President	Nature of the Exclusion
2016, Apr. 21 – Obama *Executive Order 13726, 81 Fed. Reg. 23559*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have "contributed to the situation in Libya" in specified ways (e.g., engaging in "actions or policies that threaten the peace, security, or stability" of that country or may lead to or result in the

[35] For example, Section 203(a)(1) provides that "[q]ualified immigrants who are the unmarried sons or daughters of citizens of the United States *shall* be allocated visas in a number not to exceed 23,400" (with some additions possible) each year. *See* 8 U.S.C. § 1153(a)(1). "Shall" has been construed to indicate mandatory agency action when used in other contexts. *See, e.g.*, Kirtsaeng v. John Wiley & Sons, Inc., 136 S. Ct. 1979, 1983 (2016); Kingdomware Techs., Inc. v. United States, 136 S. Ct. 1969, 1977 (2016); Halo Elecs., Inc. v. Pulse Elecs., Inc., 136 S. Ct. 1923, 1931 (2016).

[36] For example, Article 2 of the International Covenant on Civil and Political Rights provides that "[e]ach State Party ... undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind" based on religion, among other things. United Nations, Human Rights, Office of the High Commissioner, International Covenant on Civil and Political Rights, http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx (last accessed: Jan. 14, 2017). The United States ratified this Convention in 1992, with certain reservations, understandings, and declarations. *See, e.g.*, Kristina Ash, *U.S. Reservations to the International Covenant on Civil and Political Rights: Credibility Maximization and Global Influence*, 3 NW. J. INT'L HUM. RTS. 1, 2 (2005). However, "Congress has not made the treaty enforceable in U.S. courts," and commentators have disagreed as to whether it or other provisions of law (e.g., the First Amendment) could serve as basis for invalidating the exclusion of certain aliens because of their religion. *See, e.g.*, Debra Cassens Weiss, *Would SCOTUS Uphold Trump's Plan to Bar Muslim Immigrants*, ABA J., Dec. 9, 2015, http://www.abajournal.com/news/article/would_scotus_uphold_trumps_plan_to_bar_muslim_immigrants.

[37] Aliens outside the United States without recognized ties to the country might have difficulty in maintaining such a challenge. *See id.* However, in certain cases, a ban on the entry of persons based on religion could potentially be seen to impinge upon the First Amendment rights of U.S. citizens by, for example, excluding officers and teachers of that religion. *Cf.* Kleindienst v. Mandel, 408 U.S. 753, 762-63 (1972) (recognizing that U.S. persons whose constitutional rights are adversely affected by the denial of a visa way to an alien outside the United States may have the right to challenge the denial in certain circumstances).

[38] *See, e.g.*, Rajah v. Mukasey, 544 F.3d 427, 435-36 (2d Cir. 2008) (quoting an earlier decision to the effect that the "most exacting level of scrutiny that we will impose on immigration legislation is rational basis review"); Narenji v. Civiletti, 617 F.2d 745, 748 (D.C. Cir. 1980) ("[C]lassifications among aliens based upon nationality are consistent with due process and equal protection if supported by a rational basis.... ").

Date & President	Nature of the Exclusion
	misappropriation of Libyan state assets)
2016, Mar. 18 – Obama *Executive Order 13722, 81 Fed. Reg. 14943*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain transactions involving North Korea (e.g., selling or purchasing metal, graphite, coal, or software directly or indirectly to or from North Korea, or to persons acting for or on behalf of the North Korean government or the Workers' Party of Korea)
2015, Nov. 25 – Obama *Executive Order 13712, 80 Fed. Reg. 73633*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have "contributed to the situation in Burundi" in specified ways (e.g., engaging in "actions or policies that threaten the peace, security, or stability of Burundi," or "undermine democratic processes or institutions" in that country)
2015, Apr. 2 – Obama *Executive Order 13694, 80 Fed. Reg. 18077 (later amended by Executive Order 13757, 82 Fed. Reg. 1 (Jan. 3, 2017))*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in "significant malicious cyber-enabled activities" (e.g., harming or significantly compromising the provision of services by a computer or computer network that supports an entity in a critical infrastructure sector)
2015, Mar. 11 – Obama *Executive Order 13692, 80 Fed. Reg. 12747*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have "contributed to the situation in Venezuela" in specified ways (e.g., engaging in actions or policies that undermine democratic processes or institutions, significant acts of violence or conduct that constitutes a serious abuse or violation of human rights)
2015, Jan. 6 – Obama *Executive Order 13687, 80 Fed. Reg. 819*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens with specified connections to North Korea (e.g., officials of the North Korean government or the Workers' Party of Korea)
2014, Dec. 24 – Obama *Executive Order 13685, 79 Fed. Reg. 77357*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain transactions involving the Crimea region of Ukraine (e.g., materially assisting, sponsoring, or providing financial, material, or technological support for, or goods or services to or in support of, persons whose property or interests are blocked pursuant to the order)
2014, May 15 – Obama *Executive Order 13667, 79 Fed. Reg. 28387*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have contributed to the conflict in the Central African Republic in specified ways (e.g., engaging in actions or policies that threaten the peace, security, or stability of that country, or that threaten transitional agreements or the political transition process)
2014, Apr. 7 – Obama *Executive Order 13664, 79 Fed. Reg. 19283*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain conduct as to South Sudan (e.g., actions or policies that "have the purpose or effect of expanding or extending the conflict" in that country, or obstructing reconciliation or peace talks or processes)
2014, Mar. 24 – Obama *Executive Order 13662, 79 Fed. Reg. 16169*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have contributed to the situation in Ukraine in specified ways (e.g., operating in the financial services, energy, metals and mining, engineering, or defense and related materiel sectors of the Russian Federation economy)
2014, Mar. 19 – Obama *Executive Order 13661, 79 Fed. Reg. 15535*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens determined to have contributed to the situation in Ukraine in specified ways (e.g., officials of the government of the Russian Federation, or persons who operate in the arms or related materiel sector)
2014, Mar. 10 – Obama *Executive Order 13660, 79 Fed.*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens determined to have contributed to the situation in Ukraine in specified ways (e.g., engagement in or responsibility for misappropriation of state assets of

Date & President	Nature of the Exclusion
Reg. 13493	Ukraine or of economically significant entities in that country)
2013, June 5 – Obama *Executive Order 13645, 78 Fed. Reg. 33945*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who have engaged in certain conduct related to Iran (e.g., materially assisting, sponsoring, or providing support for, or goods or services to or in support of, any Iranian person included on the list of Specially Designated Nationals and Blocked Persons)
2012, Oct. 12 – Obama *Executive Order 13628, 77 Fed. Reg. 62139*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain actions involving Iran (e.g., knowingly transferring or facilitating the transfer of goods or technologies to Iran, to entities organized under Iranian law or subject to Iranian jurisdiction, or to Iranian nationals, that are likely to be used by the Iranian government to commit serious human rights abuses against the Iranian people)
2012, July 13 – Obama *Executive Order 13619, 77 Fed. Reg. 41243*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to threaten the peace, security, or stability of Burma in specified ways (e.g., participation in the commission of human rights abuses, or importing or exporting arms or related materiel to or from North Korea)
2012, May 3 – Obama *Executive Order 13608, 77 Fed. Reg. 26409*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain conduct as to Iran and Syria (e.g., facilitating deceptive transactions for or on behalf of any person subject to U.S. sanctions concerning Iran and Syria)
2012, Apr. 24 – Obama *Executive Order 13606, 77 Fed. Reg. 24571*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens determined to have engaged in specified conduct involving "grave human rights abuses by the governments of Iran and Syria via information technology" (e.g., operating or directing the operation of communications technology that facilitates computer or network disruption, monitoring, or tracking that could assist or enable serious human rights abuses by or on behalf of these governments)
2011, Aug. 9 – Obama *Proclamation 8697, 76 Fed. Reg. 49277*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who participate in serious human rights and humanitarian law violations and other abuses (e.g., planning, ordering, assisting, aiding and abetting, committing, or otherwise participating in "widespread or systemic violence against any civilian population" based, in whole or in part, on race, color, descent, sex, disability, language, religion, ethnicity, birth, political opinion, national origin, membership in a particular social group, membership in an indigenous group, or sexual orientation or gender identity)
2011, July 27 – Obama *Proclamation 8693, 76 Fed. Reg. 44751*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens subject to U.N. Security Council travel bans and International Emergency Economic Powers Act sanctions
2009, Jan. 22 – Bush *Proclamation 8342, 74 Fed. Reg. 4093*	Suspending the entry into the United States, as immigrants or nonimmigrants, of foreign government officials responsible for failing to combat trafficking in persons
2007, July 3 – Bush *Proclamation 8158, 72 Fed. Reg. 36587*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for policies or actions that threaten Lebanon's sovereignty and democracy (e.g., current or former Lebanese government officials and private persons who "deliberately undermine or harm Lebanon's sovereignty")
2006, May 16 – Bush *Proclamation 8015, 71 Fed. Reg. 28541*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for policies or actions that threaten the transition to democracy in Belarus (e.g., Members of the government of Alyaksandr Lukashenka and other persons involved in policies or actions that "undermine or injure democratic institutions or impede the transition to democracy in Belarus")
2004, Jan. 14 – Bush *Proclamation 7750, 69 Fed. Reg.*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who have engaged in or benefitted from corruption in specified ways (e.g., current or former public officials whose solicitation or acceptance of articles of

Date & President	Nature of the Exclusion
2287	monetary value or other benefits has or had "serious adverse effects on the national interests of the United States")
2002, Feb. 26 – Bush *Proclamation 7524, 67 Fed. Reg. 8857*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for actions that threaten Zimbabwe's democratic institutions and transition to a multi-party democracy (e.g., Senior members of the government of Robert Mugabe, persons who through their business dealings with Zimbabwe government officials derive significant financial benefit from policies that undermine or injure Zimbabwe's democratic institutions)
2001, June 29 – Bush *Proclamation 7452, 66 Fed. Reg. 34775*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for actions that threaten international stabilization efforts in the Western Balkans, or are responsible for wartime atrocities in that region
2000, Oct. 13 – Clinton *Proclamation 7359, 65 Fed. Reg. 60831*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who plan, engage in, or benefit from activities that support the Revolutionary United Front or otherwise impede the peace process in Sierra Leone
1999, Nov. 17 – Clinton *Proclamation 7249, 64 Fed. Reg. 62561*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens responsible for repression of the civilian population in Kosovo or policies that obstruct democracy in the Federal Republic of Yugoslavia (FRY) or otherwise lend support to the government of the FRY and the Republic of Serbia
1998, Jan. 16 – Clinton *Proclamation 7062, 63 Fed. Reg. 2871*	Suspending the entry into the United States, as immigrants or nonimmigrants, of members of the military junta in Sierra Leone and their family
1997, Dec. 16 – Clinton *Proclamation 7060, 62 Fed. Reg. 65987*	Suspending the entry into the United States, as immigrants or nonimmigrants, of senior officials of the National Union for the Total Independence of Angola (UNITA) and adult members of their immediate families
1996, Nov. 26 – Clinton *Proclamation 6958, 61 Fed. Reg. 60007*	Suspending the entry into the United States, as immigrants or nonimmigrants, of members of the government of Sudan, officials of that country, and members of the Sudanese armed forces
1996, Oct. 7 – Clinton *Proclamation 6925, 61 Fed. Reg. 52233*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who "formulate, implement, or benefit from policies that impede Burma's transition to democracy" and their immediate family members
1994, Oct. 27 – Clinton *Proclamation 6749, 59 Fed. Reg. 54117*	Suspending the entry into the United States, as immigrants or nonimmigrants, of certain aliens described in U.N. Security Council Resolution 942 (e.g., officers of the Bosnian Serb military and paramilitary forces and those acting on their behalf, or persons found to have provided financial, material, logistical, military, or other tangible support to Bosnian Serb forces in violation of relevant U.S. Security Council resolutions)
1994, Oct. 5 – Clinton *Proclamation 6730, 59 Fed. Reg. 50683*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who formulate, implement, or benefit from policies that impede Liberia's transition to democracy and their immediate family
1994, May 10 – Clinton *Proclamation 6685, 59 Fed. Reg. 24337*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens described in U.N. Security Council Resolution 917 (e.g., officers of the Haitian military, including the police, and their immediate families; major participants in the 1991 Haitian coup d'etat)
1993, Dec. 14 – Clinton *Proclamation 6636, 58 Fed. Reg. 65525*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who formulate, implement, or benefit from policies that impede Nigeria's transition to democracy and their immediate family
1993, June 23 – Clinton *Proclamation 6574, 58 Fed. Reg.*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who formulate or benefit from policies that impede Zaire's transition to democracy and their immediate family

Date & President	Nature of the Exclusion
34209	
1993, June 7 – Clinton *Proclamation 6569, 58 Fed. Reg. 31897*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who formulate, implement, or benefit from policies that impede the progress of negotiations to restore a constitutional government to Haiti and their immediate family
1992, June 1 – Bush *Executive Order 12807, 57 Fed. Reg. 23133*	Making provisions to enforce the suspension of the entry of undocumented aliens by sea and the interdiction of any covered vessel carrying such aliens
1988, Oct. 26 – Reagan *Proclamation 5887, 53 Fed. Reg. 43184*	Suspending the entry of specified Nicaraguan nationals into the United States as nonimmigrants (e.g., officers of the Nicaraguan government or the Sandinista National Liberation Front holding diplomatic or official passports)
1988, June 14 – Reagan *Proclamation 5829, 53 Fed. Reg. 22289*	Suspending the entry into the United States, as immigrants or nonimmigrants, of certain Panamanian nationals who formulate or implement the policies Manuel Antonio Noriega and Manuel Solis Palma, and their immediate families
1986, Aug. 26 – Reagan *Proclamation 5517, 51 Fed. Reg. 30470*	Suspending the entry of Cuban nationals as immigrants with certain specified exceptions (e.g., Cuban nationals applying for admission as immediate relatives under INA § 201(b))
1985, Oct. 10 – Reagan *Proclamation 5377, 50 Fed. Reg. 41329*	Suspending the entry of specified classes of Cuban nationals as nonimmigrants (e.g., officers or employees of the Cuban government or the Communist Party of Cuba holding diplomatic or official passports)
1981, Oct. 1 – Reagan *Proclamation 4865, 46 Fed. Reg. 48107*	Suspending the entry of undocumented aliens from the high seas, and directing the interdiction of certain vessels carrying such aliens

Source: Congressional Research Service, based on various sources cited in **Table 1**.

Note: In a number of cases, the exclusions listed in **Table 1** were expressly said to be waivable, in the Executive's discretion, when the entry of a particular alien otherwise subject to exclusion "would not be contrary to the interests of the United States." See, e.g., 50 Fed. Reg. 41329, at § 2 (Oct. 10, 1985).

Other Provisions of the INA

Beyond Section 212(f), other provisions of the INA can also be seen to authorize the Executive to restrict aliens' entry to the United States.[39] Most notably, Section 214(a)(1) prescribes that the "admission of any alien to the United States as a nonimmigrant shall be for such time and under such conditions as [the Executive] may by regulations prescribe."[40] (Nonimmigrants are aliens admitted to the United States for a specific period of time and purpose pursuant to one of the

[39] In addition, yet other provisions of the INA could be seen to give the Executive discretion as to whether certain categories of aliens are admitted. For example, Section 207(a)(2) of the INA could be seen to give the Executive broad discretion in determining how many aliens are admitted to the United States as refugees each year. *See* 8 U.S.C. § 1157(a)(2). Other provisions outside immigration law could also apply. *See* National Defense Authorization Act for FY2017, P.L. 114-328, §§ 1261-1265,—Stat.—(Dec. 23, 2016) (sanctions for human rights abusers); Consolidated Appropriations Act, P.L. 114-113, § 7031(c), 129 Stat. 2755 (Dec. 18, 2015) (providing that certain foreign officials involved in "significant corruption" and their immediate family are ineligible for entry to the United States); Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012, P.L. 112-208, §§ 404-406, 126 Stat. 1505-1509 (Dec. 14, 2012) (excluding certain aliens involved in human rights abuses).

[40] 8 U.S.C. § 1184(a)(1).

"lettered" visas set forth in Section 101(a)(15) of the INA.[41]) Section 215(a)(1) similarly provides that "it shall be unlawful for any alien" to enter or depart the United States "except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe."[42] In the past, the Executive has relied upon Section 215(a)(1), in particular, to exclude certain aliens. For example, President Carter cited to Section 215(a) when authorizing the revocation of immigrant and nonimmigrant visas issued to Iranians during the Iran Hostage Crisis.[43]

The current Section 215(a) was enacted as part of the INA in 1952.[44] However, similar language appeared in earlier immigration-related statutes.[45] Both the earlier language and the initial version of Section 215(a) granted the President the power to impose additional restrictions upon aliens' entry into and departure from the United States during times of war and, in some cases, "national emergency."[46] The President's exclusion of certain aliens under this authority[47] was upheld in several court cases, the most notable of which was arguably the Supreme Court's 1950 decision in *United States* ex rel. *Knauff v. Shaughnessy*.[48] There, the Court rejected a challenge to the exclusion of a German "war bride" under regulations promulgated pursuant to Presidential Proclamation 2523, which was itself issued under the authority of a predecessor of Section 215(a).[49] In so doing, the Court rejected the excluded bride's argument that both the regulations and the underlying statute constituted an impermissible delegation of legislative power, reasoning that "[t]he exclusion of aliens is a fundamental act of sovereignty. The right to do so stems not

[41] *Id.* § 1101(a)(15) (defining an "immigrant" to mean "every alien *except* an alien who is within one of the following classes of nonimmigrant aliens.... ") (emphasis added).

[42] *Id.* § 1184(a)(1).

[43] *See* Executive Order 12172, Delegation of Authority With Respect to Entry of Certain Aliens Into the United States, 44 Fed. Reg. 67947, 67947 (Nov. 28, 1979) (authorizing the Secretary of State and the Attorney General to exercise "in respect of Iranians holding *nonimmigrant visas*, the authority conferred upon the President by section 215(a)(1) of the Act of June 27, 1952 (8 USC 1185).... ") (emphasis added); Executive Order 12206, Amendment of Delegation of Authority with Respect to Entry of Certain Aliens Into the United States," 45 Fed. Reg. 24101, 24201 (Apr. 7, 1980) (amending Executive Order 12172 to cover *immigrant*, as well as nonimmigrant visas). The exclusion addressed in *Sale* was also effectuated, in part, under the authority of Section 215(a). *See supra* note 19.

[44] *See* P.L. 82-414, § 212(e), 66 Stat. 190 (June 27, 1952).

[45] *See* P.L. 65-164, 40 Stat. 559 (May 22, 1918) ("[W]hen the United States is at war, if the President shall find that public safety requires that restrictions and prohibitions ... be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful [f]or any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe."); P.L. 77-113, 55 Stat. 252 (June 20, 1941) (similar).

[46] *See* 66 Stat. 190 (war and national emergency); 55 Stat. 252 (war); 40 Stat. 559 (war).

[47] *See, e.g.*, Proclamation 3,004, Control of Persons Leaving or Entering the United States, 18 Fed. Reg. 489 (Jan. 17, 1953) (President Truman relying, in part, on a predecessor to Section 215(a) to impose restrictions on the entry of aliens into the Panama Canal Zone and American Samoa); Proclamation 2,850, 14 Fed. Reg. 5173 (Aug. 19, 1949) (President Truman relying, in part, on a predecessor to Section 215(a) in excluding aliens whose entry executive officials deem "would be prejudicial to the interests of the United States"); Proclamation 2,523, Control of Persons Entering and Leaving the United States, 6 Fed. Reg. 2617 (Nov. 18, 1941) (similar, President Roosevelt).

[48] 338 U.S. 537 (1950). *See also* Shaughnessy v. United States *ex rel.* Mezei, 345 U.S. 206 (1953) (noting the President's power to exclude aliens in the course of finding that an alien who was so excluded, but whom no other country would accept, was not entitled to release into the United States). The *Mezei* Court, in particular, cited a number of precedents for the proposition that "the power to expel or exclude aliens [is] a fundamental sovereign attribute exercised by the Government's political departments largely immune from judicial control." 345 U.S. at 210 (citing Harisiades v. Shaughnessy, 342 U.S. 580 (1952); The *Chinese Exclusion Case*, 130 U.S. 581 (1889); and Fong Yue Ting v. United States, 149 U.S. 698 (1893)).

[49] *Knauff*, 338 U.S. at 540-42.

from legislative power but is inherent in the executive power to control the foreign affairs of the nation."[50] Therefore, in the Court's view, Congress could not have run afoul of the non-delegation doctrine by authorizing the President to exercise this power "for the best interests of the country" during wartime because the President already possessed such authority.[51] The *Knauff* Court similarly rejected the argument that the regulations in question were not "reasonable," as required by the statutory authority under which they were issued—which in relevant part, made it unlawful for an alien to enter the United States "except under such reasonable rules ... as the President may prescribe."[52] The Court did so because it viewed the regulations excluding aliens whose entry was "deemed prejudicial to the public interest" as "reasonable in the circumstances of the period for which they were authorized, namely, the national emergency of World War II."[53]

The statutory language regarding war and national emergency—which arguably factored into the Court's decision in *Knauff*—was deleted from Section 215(a) in 1978.[54] However, it seems unlikely that this deletion would serve as a basis for overruling the *Knauff* Court's conclusions about whether the power in question was impermissibly delegated to the Executive,[55] or about what constitutes a "reasonable" regulation for purposes of Section 215(a).[56] *Knauff's* statements about the inherent power of nations to exclude aliens outside the United States with no recognized ties to the country would also generally seem to remain good law.[57]

Author Contact Information

Kate M. Manuel
Acting Section Research Manager
kmanuel@crs.loc.gov, 7-4477

[50] *Id.* at 542.

[51] *Id.* at 542-43 ("[T]here is no question of inappropriate delegation of legislative power involved here."). The non-delegation doctrine precludes Congress from handing over its legislative powers to other branches of the federal government. However, Congress may "confer[] decisionmaking authority upon agencies, so long as it "lays down by legislative act an intelligible principle to which the person or body authorized to [act] is directed to conform." See Whitman v. Am. Trucking Ass'ns, 531 U.S. 457, 472 (2001) (internal quotations omitted).

[52] 338 U.S. at 544.

[53] *Id.*

[54] P.L. 95-426, § 707(a), 92 Stat. 992-93 (Oct. 7, 1978).

[55] *Cf.* Cass R. Sunstein, *Nondelegation Canons*, 67 U. CHI. L. REV. 315, 315 (2000) ("Since 1935, the Supreme Court has not struck down an act of Congress on nondelegation grounds.... ").

[56] There does not appear to be any court cases establishing what is meant by the term "reasonable regulations" for purposes of Section 215(a) and its predecessors. However, courts may grant considerable deference to the Executive's determinations in this area, given the "plenary power" that the political branches are generally seen to have over immigration. *See, e.g.*, Mathews v. Diaz, 426 U.S. 67, 81 (1976) ("For reasons long recognized as valid, the responsibility for regulating the relationship between the United States and our alien visitors has been committed to the political branches of the Federal Government.").

[57] *See, e.g.*, Jean v. Nelson, 472 U.S. 847, 875 (1985) ("It is in the area of entry] that the Government's interest in protecting our sovereignty is at its strongest and that individual claims to constitutional entitlement are the least compelling."); Fiallo v. Bell, 430 U.S. 787, 792 (1977) (citing cases finding that the power to exclude is a "fundamental sovereign attribute"); Kleindeinst v. Mandel, 408 U.S. 753, 765 (similar) (1972). Certain limits to this power have, however, been recognized, particularly as to aliens with recognized ties to the United States or who would need to be detained in the United States to effectuate their exclusion. *See, e.g.*, CRS Legal Sidebar WSLG1695, *Supreme Court to Hear Challenge to Aliens' Detention Pending Removal Proceedings*, by Kate M. Manuel.

Gillispie, Anna E

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 5:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. (b)(5) [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Saturday, January 28, 2017 9:47 AM
To: Levine, Laurence D; Rather, Michael B; Deshommes, Samantha L; Rigdon, Jerry L
Subject: RE: Maybe we've done this

Honestly with the one that came out yesterday, arguably all forms have to be revised to ask about the "national security" questions. The torrent of issues under that section in the EO could potentially require a change in every form.

Social media vetting will likely also be a part of this. CBP's ESTA form was recently revised to include an optional question about social media handles. If they privacy act application chances, questions like that can go on every form.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:31:07 AM
To: Tynan, Natalie S; Rather, Michael B; Deshommes, Samantha L; Rigdon, Jerry L
Subject: Maybe we've done this

But, at least with the three EOs out there, let's make a list of all the regs and forms we can reasonably expect will be needed from them. Can you all look through them and make a list to be reviewed and amended (if necessary) by the other Chiefs. We should keep an eye on the drafts too - that's where the real torrential work lies - but for now, let's stick to what's been signed.
Thanks,
Larry

Larry Levine
Senior Advisor to the Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:22 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D; Rather, Michael B
Subject: RE: Two Questions

I forgot to note - #2 below includes a directive 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. (b)(5)

[redacted]

N

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

[redacted] (b)(6)

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 8:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D (Laurence.D.Levine@uscis.dhs.gov); Rather, Michael B
Subject: FW: Two Questions

Hi All – attached is the executive order signed early this evening by the President. Please let me, Mike and Larry know if any questions or immediate impacts to policy come to mind. Next week, we may want to consider pulling relevant policy guidance and start thinking about new guidance that will have to be issued. Hopefully we will have more information.

In the meantime, please send any questions!

Thanks,
Natalie

Here is a quick summary (please read the entire document – I tried to hit the "highlights"):

1. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. There are review and reporting requirements that shall be completed within 30 days and additional follow up reporting requirements. While the review is conducted, 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), is suspended for 90 days. The Secretary shall provide a list of countries that do not provided necessary information to adjudicate and additional countries may be added. Visas may be issued to nationals of "blocked" countries in the national interest.
2. Implementing Uniform Screening Standards for All Immigration Programs 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 will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; 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.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of 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. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. 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 will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.
4. 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.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to 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.
7. 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.

Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

[redacted]

(b)(6)

Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

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Referred to U.S. Customs and Border Protection

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.

# # #

Referred to U.S. Customs and Border Protection

(b)(6

Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

(b)(6

Referred to U.S. Customs and Border Protection

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 10:01 AM
To: Moulton, Shayla S
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: Clarification on Scope of Section 4a

Good Morning, Shayla,

OP&S would like to obtain clarification on the overall scope of section 4a. If we adhere to the specific wording of the EO, the number of forms that might need to be considered will be significantly reduced. (Many thanks to Kevin Greeley for providing the following analysis.)

> Section 4(a) starts off focusing specifically on USCIS implementing "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."
>
> Going back to the argument of using the plain language of the EO, to ensure that we don't go outside of the legal scope, the first part of this seems to focus on "individuals seeking to enter the United States." The second part seems to focus on individuals "who are at risk of causing harm subsequent to their admission." (b)(5)

[redacted]

"Admission" is defined in the INA as:

> (13)(A) The terms "admission" and "admitted" mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.
>
> (B) An alien who is paroled under section 212(d)(5) or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.
>
> (C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien-
>
> (i) has abandoned or relinquished that status,
>
> (ii) has been absent from the United States for a continuous period in excess of 180 days,
>
> (iii) has engaged in illegal activity after having departed the United States,
>
> (iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this Act and extradition proceedings,
>
> (v) has committed an offense identified in section 212(a)(2), unless since such offense the alien has been granted relief under section 212(h) or 240A(a), or

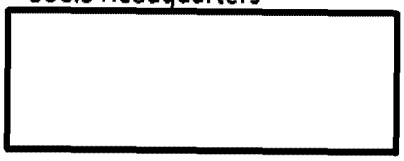
(vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

The same legal question exists for the other forms already identified.

Shayla – Has this previously been discussed amongst the WG leads? If not, should we get a legal interpretation from OCC or even raise the question to Julie Farnam?

Thanks,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters



(b)(6)

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 9:19 AM
To: Levine, Laurence D; Tynan, Natalie S
Cc: Deshommes, Samantha L
Subject: FW: Executive Order: Form Revisions Working Group - Meeting Minutes

Good Morning,

Kevin Greeley makes a great point about how USCIS should interpret the scope of section 4a of the "Protecting the Nation..." E.O. (See red font portion of email below.) Since clarifying the scope of this section is vital, I propose that we run this question up through the Forms Changes WG lead to Julie Farnam. Please let me know if you agree or if you have other thoughts.

Thanks,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

From: Greeley, Kevin A
Sent: Wednesday, February 08, 2017 10:08 AM
To: Rigdon, Jerry L; Kvortek, Steven P (Steve); Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

If the OP&S representatives (and potentially OP&S management) concur with my interpretation, then I think we should proactively raise this to the WG leads for consideration. I don't know if FNDS will necessarily agree, since it might significantly change the scope of the forms that FDNS predesignated. However, FDNS and adjudications often have differing opinions on certain matters.

I would defer to the group, and Jerry specifically as a management POC, as to the best course of action.

Thanks!

Kevin Greeley
Adjudications Officer
DHS|USCIS
Office of Policy & Strategy (OP&S)
National Security & Benefits Integrity Division (NSBI)

[redacted] (b)(6)

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 10:04 AM
To: Greeley, Kevin A; Kvortek, Steven P (Steve); Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

Kevin – This is a great catch!
I propose that we send Kevin's write-up to Shayla with a request to get Julie's take on the scope of 4a.

Thoughts?

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

From: Greeley, Kevin A
Sent: Wednesday, February 08, 2017 9:20 AM
To: Kvortek, Steven P (Steve); Rigdon, Jerry L; Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

However, I didn't raise this point in the Forms WG, which is what your notes cover. I only raised it in the Interview WG. So the thoughts expressed below haven't been presented to the Forms WG for consideration.

I wanted to raise it to the OP&S POCs included here for contemplation.

Thanks!

Kevin Greeley
Adjudications Officer
DHS|USCIS
Office of Policy & Strategy (OP&S)
National Security & Benefits Integrity Division (NSBI)

[redacted] (b)(6)

From: Kvortek, Steven P (Steve)
Sent: Wednesday, February 08, 2017 9:17 AM
To: Greeley, Kevin A; Rigdon, Jerry L; Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

Thank you, Kevin. I tried to capture this in the notes but didn't expound upon the context of your comments at the working group meeting. I'll revise the meeting minutes to include this clarification.

-Steve

From: Greeley, Kevin A
Sent: Wednesday, February 08, 2017 9:02 AM

To: Kvortek, Steven P (Steve); Rigdon, Jerry L; Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

Hi, Steve. I don't have any suggested edits or additions. Although, something to consider for the OP&S POCs, is something I didn't raise until the Interview WG.

Section 4(a) starts off focusing specifically on USCIS implementing "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."

Going back to the argument of using the plain language of the EO, to ensure that we don't go outside of the legal scope, the first part of this seems to focus on "individuals seeking to enter the United States." The second part seems to focus on individuals "who are at risk of causing harm subsequent to their admission." (b)(5)

"Admission" is defined in the INA as:

> (13)(A) The terms "admission" and "admitted" mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.
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> (B) An alien who is paroled under section 212(d)(5) or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.
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> (C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien-
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> (i) has abandoned or relinquished that status,
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> (ii) has been absent from the United States for a continuous period in excess of 180 days,
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> (iii) has engaged in illegal activity after having departed the United States,
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> (iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this Act and extradition proceedings,
>
> (v) has committed an offense identified in section 212(a)(2), unless since such offense the alien has been granted relief under section 212(h) or 240A(a), or
>
> (vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

The same legal question exists for other forms already identified.

I should have raised this in the first WG, but it didn't strike me until the second WG. Regardless of what the intent might have been with the EO, I think we need to stick with the specific language. This is why it is essential to have knowledgeable immigration experts involved in drafting and reviewing EOs before they are signed. I think if we adhere to the specific wording of the EO, the scope of forms that might need to be considered will be significantly reduced.

I appreciate any thoughts you have on this in advance of the next WG meeting.

Thanks.

Kevin Greeley
Adjudications Officer
DHS|USCIS
Office of Policy & Strategy (OP&S)
National Security & Benefits Integrity Division (NSBI)
[redacted] (b)(6)

From: Kvortek, Steven P (Steve)
Sent: Tuesday, February 07, 2017 5:41 PM
To: Rigdon, Jerry L; Greeley, Kevin A; Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

Thank you, Jerry. I appreciate the review and input.

From: Rigdon, Jerry L
Sent: Tuesday, February 07, 2017 5:37:07 PM
To: Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: FW: Executive Order: Form Revisions Working Group - Meeting Minutes

Steve,

I added a few edits.

Thanks,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters
[redacted] (b)(6)

From: Kvortek, Steven P (Steve)
Sent: Tuesday, February 07, 2017 4:34 PM
To: Greeley, Kevin A; Rigdon, Jerry L
Subject: Executive Order: Form Revisions Working Group - Meeting Minutes

Kevin and Jerry,

Please see the attached draft meeting minutes of this morning's *EO: Form Revisions* working group meeting. If there is any additional information or changes that should be included, please advise and I'll update the notes.

Thank you,

Steve

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Thursday, February 09, 2017 11:31 AM
To: Levine, Laurence D; Rather, Michael B
Subject: Questions on Section 4a of EO #3

Hi – Jerry and Kevin raised issues related to section 4a of executive order #3 – Implementing Uniform Standards for All Immigration Programs. It looks like there are at least two working groups focused on this section – the forms revisions (headed by FDNS) and the interview (headed by FOD).

Here are the two questions:

1. What is the reporting structure for the WGs?
    a. Jerry understands that anything produced by the forms WG will be sent to a Tiger Team at DHS.
    b. We do not have visibility into that reporting structure or members of the Tiger Team.
2. Is there a uniform interpretation of section 4a?
    a. Kevin and Jerry are concerned that the scope of the WGs looking at 4a is too large. I know we raised this up to FDNS; however, Kevin is on two WGs looking at this provision and from his report, it sounds like there is not a universal understanding or interpretation of section 4a.

I think these questions raise significant issues and that OP&S should at least be on record as having raised them. We could reach out directly to Julie or they could be raised in a FO meeting. I wanted to get your thoughts on this – our OP&S colleagues are having some angst.

N

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

(b)(6)

Gillispie, Anna E

From: Moulton, Shayla S
Sent: Wednesday, February 08, 2017 10:02 AM
To: Rigdon, Jerry L
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R; Temple, Mark C
Subject: RE: Clarification on Scope of Section 4a

Adding Mark Temple

Shayla Moulton
Special Assistant, HQFDNS Front Office
United States Citizenship and Immigration Services

[redacted] (b)(6)

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 11:01 AM
To: Moulton, Shayla S
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: Clarification on Scope of Section 4a

Good Morning, Shayla,

OP&S would like to obtain clarification on the overall scope of section 4a. If we adhere to the specific wording of the EO, the number of forms that might need to be considered will be significantly reduced. (Many thanks to Kevin Greeley for providing the following analysis.)

> Section 4(a) starts off focusing specifically on USCIS implementing "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."
>
> Going back to the argument of using the plain language of the EO, to ensure that we don't go outside of the legal scope, the first part of this seems to focus on "individuals seeking to enter the United States." The second part seems to focus on individuals "who are at risk of causing harm subsequent to their admission."

(b)(5) [redacted]

"Admission" is defined in the INA as:

> (13)(A) The terms "admission" and "admitted" mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.
>
> (B) An alien who is paroled under section 212(d)(5) or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.

(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien-

(i) has abandoned or relinquished that status,

(ii) has been absent from the United States for a continuous period in excess of 180 days,

(iii) has engaged in illegal activity after having departed the United States,

(iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this Act and extradition proceedings,

(v) has committed an offense identified in section 212(a)(2), unless since such offense the alien has been granted relief under section 212(h) or 240A(a), or

(vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

The same legal question exists for the other forms already identified.

Shayla – Has this previously been discussed amongst the WG leads? If not, should we get a legal interpretation from OCC or even raise the question to Julie Farnam?

Thanks,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

Gillispie, Anna E

From: Greeley, Kevin A
Sent: Wednesday, February 08, 2017 7:19 AM
To: Rigdon, Jerry L; Tynan, Natalie S; Deshommes, Samantha L; Rather, Michael B
Cc: Ramsay, John R; Kvortek, Steven P (Steve); Hamilton, Cristina A
Subject: RE: Working Groups related to EOs

Hi, Natalie. In addition to the information that Jerry provided below, which includes NSBI coverage on the Forms WG, please note the following:

- From various WG discussions, it appears that there is a separate WG for each piece of Section 4(a) of the travel ban EO. This surprises me and I'm not sure if we have visibility into every WG at this time since that would add up to possibly 6 WGs just for that section of the EO.
- Steve and I are also participating in a WG for Interviews for that same EO.
- Nicole Rosich, a detailee for NSBI, is participating in the NTA WG.

That is all the information that I have at this time, unless Steve has any additional information to share.

Thanks!

Kevin Greeley
Adjudications Officer
DHS|USCIS
Office of Policy & Strategy (OP&S)
National Security & Benefits Integrity Division (NSBI)
[redacted] (b)(6)

From: Rigdon, Jerry L
Sent: Tuesday, February 07, 2017 12:41 PM
To: Tynan, Natalie S; Deshommes, Samantha L; Rather, Michael B
Cc: Ramsay, John R; Kvortek, Steven P (Steve); Greeley, Kevin A
Subject: RE: Working Groups related to EOs

Natalie,

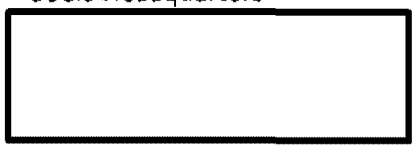
Here is the information for the EOWG John and I are on. (Steve K. and Kevin G. are also members.)

EO: Protecting the Nation from Foreign Terrorist Entry into the United States
WG Name: Executive Order Immigration Forms Working Group
WG Lead: Shayla Moulton, USCIS FDNS
Who: Representatives from: FDNS, FOD, SCOPS, RAIO, and OP&S
OP&S Reps: Jerry Rigdon, John Ramsay, Steve Kvortek, and Kevin Greeley

This WG is tasked with determining options to meet the requirement of 4(a) in the EO. ("...amended application forms that include questions aimed at identifying fraudulent answers and malicious intent.")
The first meeting was held 2/7/17. WG's first FO deadline is to develop a proposal for submission to Julie Farnam 2/17/17.

Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters



(b)(6)

From: Tynan, Natalie S
Sent: Tuesday, February 07, 2017 12:19 PM
To: Deshommes, Samantha L; Rather, Michael B
Cc: Rigdon, Jerry L; Ramsay, John R
Subject: RE: Working Groups related to EOs

Thanks so much Sam! This is very helpful.

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

(b)(6)

From: Deshommes, Samantha L
Sent: Tuesday, February 07, 2017 12:15 PM
To: Tynan, Natalie S; Rather, Michael B
Cc: Rigdon, Jerry L; Ramsay, John R; Deshommes, Samantha L
Subject: RE: Working Groups related to EOs

Hi Natalie and Mike,

So far, RCD is included on two work-groups or sub-groups. Jerry and John are participating in one, and I'm participating in the other. I'll leave it to them to describe the charter, etc. of the work/sub-group they are participating in.

Name: DHS-wide "Regulatory Efforts" IPT/Sub-working Group related to implementation of the three immigration Executive Orders
Lead: Christina McDonald, DHS OGC
Who: Regulatory Coordinators and APA-attorneys across USCIS, ICE, and CBP
OP&S Rep: Samantha Deshommes
1st task: To examine the three EOs jointly and to note (1) each regulation required by the three new immigration Executive Orders, and (2) the component responsible for each regulation
Outcome: Attached is what was provided to Joe Maher, Principal Deputy General Counsel (and Acting Chief Counsel)
Next steps: Unclear; I would imagine it depends on final policy decisions made at the Department level

Again, I'll let Jerry and/or John provide input on the other WG RCD has been pulled into.

As we discussed, until a definitive regulation or Information Collection change (i.e. "Form Change" or "PRA Change") is specified, RCD is a participant. Once a regulatory project, with a clear scope and goal, is greenlight by senior leadership, then RCD takes over in "leading" that particular project's working group. The same process holds true for PRA Actions.

Hope this helps, and please let me know if you have any questions on the above.

Thanks,
Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[redacted]

(b)(6)

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From: Tynan, Natalie S
Sent: Tuesday, February 07, 2017 11:15 AM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D
Subject: Working Groups related to EOs

Hi all – could you please send me and Mike a list of working groups and the names of OP&S POCs for those WGs related to the three executive orders? I know that we are tasked by the FO with leading two (Parole and NTA policy), but I suspect that we are being pulled into other ones.

Please let me know if you have any questions.

Thanks,
N

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

[redacted]

(b)(6)

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Tuesday, February 07, 2017 11:41 AM
To: Tynan, Natalie S; Deshommes, Samantha L; Rather, Michael B
Cc: Ramsay, John R; Kvortek, Steven P (Steve); Greeley, Kevin A
Subject: RE: Working Groups related to EOs

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WG Name: Executive Order Immigration Forms Working Group
WG Lead: Shayla Moulton, USCIS FDNS
Who: Representatives from: FDNS, FOD, SCOPS, RAIO, and OP&S
OP&S Reps: Jerry Rigdon, John Ramsay, Steve Kvortek, and Kevin Greeley

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Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

From: Tynan, Natalie S
Sent: Tuesday, February 07, 2017 12:19 PM
To: Deshommes, Samantha L; Rather, Michael B
Cc: Rigdon, Jerry L; Ramsay, John R
Subject: RE: Working Groups related to EOs

Thanks so much Sam! This is very helpful.

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Tuesday, February 07, 2017 12:15 PM
To: Tynan, Natalie S; Rather, Michael B
Cc: Rigdon, Jerry L; Ramsay, John R; Deshommes, Samantha L
Subject: RE: Working Groups related to EOs

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Hope this helps, and please let me know if you have any questions on the above.

Thanks,
Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

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Please let me know if you have any questions.

Thanks,
N

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

(b)(6)

Gillispie, Anna E

From: Greeley, Kevin A
Sent: Thursday, February 09, 2017 12:15 PM
To: Tynan, Natalie S; Rigdon, Jerry L
Cc: Hamilton, Cristina A; Rather, Michael B
Subject: RE: Section 4a
Attachments: RE: Clarification on Scope of Section 4a; RE: EO Interview Working Group

Hi, everyone.

Here is Section 4(a):

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.

Here are my primary concerns with how we are approaching section 4(a) in the working groups:

- Creating a separate WG for each item in the section seems inefficient since many of the items will overlap.
- There is no consistent understanding in how to interpret the plain language of the section and some of the language is not clearly defined.
- No one has been able to provide information on what the WH intended when the section was drafted.
- There has been no clear determination of who the section applies to.
- Without a consistent understanding of how to interpret the section, the separate products that each WG creates will not necessarily blend together cohesively.
- Depending on how the language is interpreted, some WGs may be going significantly beyond the scope of the plain language.
- The Interview WG is focusing on ways to improve the current interview process and not necessarily on answering whether or not USCIS is conducting in-person interviews for everyone covered under the EO.
- The Interview WG seems to intend to capture "wish list" items and all the things that USCIS would like to improve in the interview process, which seems to be beyond the scope of the EO.
- The section seems to specifically focus on "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."
- Emphasis in some of the WGs is on status granting forms such as the N-400, where the individual is neither seeking to enter the US nor making an admission.
- In the Forms WG, FDNS seems to contend that the EO applies to everyone, including USC petitioners, despite the wording of the EO, because the EO uses the word "individuals."
- FDNS seems to be using the Forms WG to attempt to obtain a significant amount of new and duplicative information from everyone, every time they submit a form, even though the operational ramifications of such actions would be astronomical.

- NSBI has consistently advocated to interpret the plain language of the EO relating to who it applies to and what is desired when implementing a program, which includes limiting the interpretation to individuals actually seeking to enter the US or who will make an admission as a result of the adjudication. This interpretation substantially limits the scope of this section of the EO to a much smaller universe of USCIS forms.
- The Interview and Forms WGs seem to be taking a much broader approach.

In conclusion, I think the most important thing is for USCIS leadership to make the determination of how this section of the EO should be interpreted and whether the scope of the WGs work should be limited only what is required by the EO or much broader, as if this is the opportunity to recommend all of the improvements that we think are beneficial.

I am including recent emails with the leads of the Interview and Forms WG for additional context.

Please let me know if you have any questions.

Thanks.

Kevin Greeley
Adjudications Officer
DHS|USCIS
Office of Policy & Strategy (OP&S)
National Security & Benefits Integrity Division (NSBI)

[redacted] (b)(6)

From: Tynan, Natalie S
Sent: Thursday, February 09, 2017 12:44 PM
To: Rigdon, Jerry L; Greeley, Kevin A
Cc: Hamilton, Cristina A; Rather, Michael B
Subject: Section 4a

Hi – can you both provide talking points on your concerns related to WG activity on section 4a? We can raise them at to the FO.

Thanks,
N

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

[redacted] (b)(6)

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 4:20 PM
To: Moulton, Shayla S
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: RE: Clarification on Scope of Section 4a

Hello Shayla,

Thanks for the information regarding the scope of our WG's tasking. We'll look forward to learning more about DHS coordination between the various WGs.

Have a good evening,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

From: Moulton, Shayla S
Sent: Wednesday, February 08, 2017 5:11 PM
To: Rigdon, Jerry L
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: RE: Clarification on Scope of Section 4a

Good Evening Jerry—

Thank you OP&S for that insight and analysis. We have the following understanding regarding the scope of the task:

1. There are at least three EOs;
2. One of the EOs addresses "Enhancing Public Safety in the Interior of the United States";
3. Sec. 5(d) of this Public Safety EO specifically states that aliens who "have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency" are an enforcement priority;
4. We will be more effective at identifying fraud/misrep if our forms capture more data.

The EOs are mutually reinforcing, so the working groups tasked with their implementation need to ensure outcomes are also mutually reinforcing.

Regarding our EO ("Protecting the Nation from Foreign Terrorist Entry into the United States"), Section 4(a) stipulates this:

- "The Secretary of State, the Secretary of Homeland Security...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 admission." [Italics added for emphasis]

(b)(5)

The language is general and does not reference *aliens*, so the definition of 13(A) does not appear to apply here ("The terms 'admission' and 'admitted' mean, with respect to an *alien*...").

We propose having a draft product first rather than have OCC part of the initial deliberation process. This will assist in meeting our very tight schedule. We will have further updates regarding Department coordination at tomorrow's meeting.

Shayla Moulton
Special Assistant, HQFDNS Front Office
United States Citizenship and Immigration Services

(b)(6)

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 11:01 AM
To: Moulton, Shayla S
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: Clarification on Scope of Section 4a

Good Morning, Shayla,

OP&S would like to obtain clarification on the overall scope of section 4a. If we adhere to the specific wording of the EO, the number of forms that might need to be considered will be significantly reduced. (Many thanks to Kevin Greeley for providing the following analysis.)

> Section 4(a) starts off focusing specifically on USCIS implementing "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."
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> Going back to the argument of using the plain language of the EO, to ensure that we don't go outside of the legal scope, the first part of this seems to focus on "individuals seeking to enter the United States." The second part seems to focus on individuals "who are at risk of causing harm subsequent to their admission."

(b)(5)

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(13)(A) The terms "admission" and "admitted" mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.

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(C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien-

(i) has abandoned or relinquished that status,

(ii) has been absent from the United States for a continuous period in excess of 180 days,

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(v) has committed an offense identified in section 212(a)(2), unless since such offense the alien has been granted relief under section 212(h) or 240A(a), or

(vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

The same legal question exists for the other forms already identified.

Shayla – Has this previously been discussed amongst the WG leads? If not, should we get a legal interpretation from OCC or even raise the question to Julie Farnam?

Thanks,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

Gillispie, Anna E

From: Kvortek, Lisette E
Sent: Wednesday, February 08, 2017 12:40 PM
To: Greeley, Kevin A
Cc: Kvortek, Steven P (Steve)
Subject: RE: EO Interview Working Group

Thanks Kevin. I agree with your observation on whether the WGs have a consistent understanding and interpretation of Sec 4. However, with our particular group Sec 4 is clear that we ought to look at our current interview processes in general. We have governing laws and policies in place which govern who we interview and don't, including interview waived cases. I highly recommend we don't focus on form types for the paper as it can become unwieldly and we will lose focus. How I see it, regardless if we are interpreting this section to mean those that are outside or inside the U.S., our goal is to identify interview process enhancements, which can be within any of the categories listed in the invite. These enhancements will benefit the narrow or broader interpretation of this section. I see this as an excellent opportunity for our agency as a whole to identify those short and long term goals for implementation.

To your bigger concern, perhaps your leadership may want to raise your question to the EO bi-weekly meetings. I think this will be the better audience to provide direction.

Talk soon!

Lisette Kvortek| Senior Advisor
DHS|USCIS| Field Operations Directorate|
[redacted] (b)(6)

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Greeley, Kevin A
Sent: Wednesday, February 08, 2017 1:23 PM
To: Kvortek, Lisette E
Cc: Kvortek, Steven P (Steve)
Subject: RE: EO Interview Working Group

Hi, Lisette. NSBI was wondering if the WG could readdress one of the possible decisions that was made in the last meeting. We think it was decided that, due to the short deadline, we should focus on those form types where we already conduct interviews.

As was noted in the meeting, some of those interviews are based on forms that don't seem to covered under the plain language of the EO.

The EO is specifically calling for "development of a uniform screening standard and procedure, such as in-person interviews", 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."

Therefore, after thinking about it some more, we wonder if the first order of business should be to determine if USCIS currently meets the stated suggestion of in-person interviews on all forms where an individual is seeking to "enter" the US or where they might pose a risk after their "admission"? However that is defined.

If seems like the overall intent of the EO is to close gaps and reduce risks. So shouldn't our first priority be to identify if there are any gaps/risks related to forms that do not currently require an interview, rather than first focusing on improving existing interviews? It seems like not conducting interviews, when potentially required or recommended by the EO, is more of a risk than conducting non-uniform or non-standard interviews that could benefit from improvements.

We just wanted to make sure that we had sufficiently examined the top priority in complying with this EO.

Also, OP&S raised to the Forms WG today the issue of whether all the WGs should have a consistent understanding and interpretation of what the beginning language of Section (4)(a) says. If all WGs don't have a consistent understanding, the end results with be an inconsistent analysis that is supposed to result in a uniform standard and procedure.

Thanks for considering this and sorry that this wasn't raised during the first meeting.

Kevin Greeley
Adjudications Officer
DHS|USCIS
Office of Policy & Strategy (OP&S)
National Security & Benefits Integrity Division (NSBI)
[redacted] (b)(6)

From: Kvortek, Lisette E
Sent: Wednesday, February 08, 2017 10:57 AM
To: Thomas, Ronnie D; Padilla, April Y; Cox, Sophia; Slattery, Shannon E; Connor, Alina M; Benavides, Jaime L; Schaffer, Timothy L; Rosenstock, Peter L; Goudge, Laurie A; Akinjiola, Folukemi O (Kemi); Turo, Karen M; Wilson, Lynn M; Carter, Pea Meng; Lauver, Tinnina M (Tina); Saucier, Hillary W; Dunn, Maureen A; Kvortek, Steven P (Steve); Greeley, Kevin A; Linnan, Raymond J; Short, Gina L; Hess, Ellen; Ginzburg, Roman; Sohonyay, Simon P; Miller, Richard L; Chiorazzi, Anne; Micker, Jennifer N
Subject: EO Interview Working Group

Greetings:

Attached please find:

1. Updated working group member list
2. PP deck
3. Recommendation template for submission of drafts
4. List of the various working groups

My apologies for the large emails. I hope to have an ECN page set up soon.

Best,

Lisette Kvortek| Senior Advisor
DHS|USCIS| Field Operations Directorate|
[redacted] (b)(6)

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 4:23 PM
To: Tynan, Natalie S; Rather, Michael B
Cc: Deshommes, Samantha L; Levine, Laurence D
Subject: FW: Clarification on Scope of Section 4a

Natalie and Mike,

Please see below for the response from Shayla Moulton regarding the scope of the Forms WG. It was worth a shot, but the call is that this requirement could potentially impact any Form.

Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

From: Moulton, Shayla S
Sent: Wednesday, February 08, 2017 5:11 PM
To: Rigdon, Jerry L
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: RE: Clarification on Scope of Section 4a

Good Evening Jerry—

Thank you OP&S for that insight and analysis. We have the following understanding regarding the scope of the task:

1. There are at least three EOs;
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Regarding our EO ("Protecting the Nation from Foreign Terrorist Entry into the United States"), Section 4(a) stipulates this:

- "The Secretary of State, the Secretary of Homeland Security...shall implement a program, as part of the adjudication process for *immigration benefits*, to identify *individuals* seeking to enter the United States on a

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Shayla Moulton
Special Assistant, HQFDNS Front Office
United States Citizenship and Immigration Services

[redacted]

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Sent: Wednesday, February 08, 2017 11:01 AM
To: Moulton, Shayla S
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
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Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 4:23 PM
To: Tynan, Natalie S; Rather, Michael B
Cc: Deshommes, Samantha L; Levine, Laurence D
Subject: FW: Clarification on Scope of Section 4a

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United States Citizenship and Immigration Services

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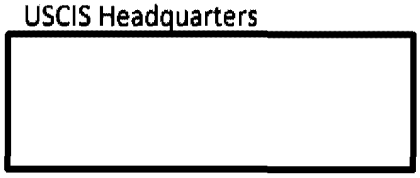

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Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: RE: Clarification on Scope of Section 4a

Hello Shayla,

Thanks for the information regarding the scope of our WG's tasking. We'll look forward to learning more about DHS coordination between the various WGs.

Have a good evening,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

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Jerry Rigdon
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USCIS Headquarters

[redacted] (b)(6)

Gillispie, Anna E

From: Farnam, Julie E
Sent: Friday, February 03, 2017 10:20 AM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Nuebel Kovarik, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States
Attachments: EO Forms List (TENTATIVE) FEB 2 2017 V3.pdf

Good morning,

Thank you for your work on the deliverables already completed. I appreciate everyone's timely responses.

The next big deliverable we have is in regards to Sec. 4a and 4b of the Protecting the Nation from Foreign Terrorist Entry EO. Proposals related to the items below are due to me by COB Friday, February 17, 2017. FDNS has the overall lead on this deliverable, but there will also be several working groups that may be co-coordinated by other directorates with FDNS. Here is the specific language from the EO:

> "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."

Because there are a lot of pieces to this section and because the pieces affect different directorates, we will likely need a few working groups to tackle this one. As discussed at the meeting yesterday, these are the proposed working groups:

- Interviews (FOD to co-lead)
- Identity Document Database
- Identity verification
- Form revisions (OP&S proposal attached)
- Immigrant integration (OoC to co-lead)

As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS
Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS
Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO	
Review of asylum referrals/credible fear determinations	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Budgetary/Staffing Needs	All EOs	N/A	MGMT	
Plan related to FY17 refugee entries	Protecting the Nation from Foreign Terrorist Entry	5d	RAIO	
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO	

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted]

(b)(6)

This communication, along with any attachments, may contain confidential information and is covered by federal laws governing electronic communications. Electronic communications may also be monitored by the Department of Homeland Security, U.S. Citizenship and Immigration Services. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this in error, please delete this message and all attachments and immediately notify the sender.

Gillispie, Anna E

From: Valverde, Michael
Sent: Friday, February 03, 2017 10:57 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Nuebel Kovarik, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Everyone—

As Julie mentions below, FOD was designated to co-lead with FDNS the **interview portion** of Section 4 (a) Implementing Uniform Screening Standards for All Immigration Programs. The relevant interview portions of Section 4(a) are as follows:

1. The development of a uniform screening standard and procedure, such as in-person interviews;
2. A mechanism to ensure that the applicant is who the applicant claims to be;
3. 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;
4. Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; and
5. A mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

I know a lot of work has been done already in various manners that impacts this goal and can be utilized for this task. We would like to convene the process for articulating how the interview process has been and/or can be enhanced (best practices, new policies, new tools/systems, resources, and/or additional questions) to ensure we are using our interviews in the best way to inform our eligibility, credibility and national security/public safety determinations.

Lisette Kvortek will serve as the FOD working group coordinator and will work with the FDNS POC to organize the work. I'd ask that folks self-identify as a responsible party and name a POC representing your office. Since work is due on the 17th, we'd like to get started asap.

Thank you.

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The next big deliverable we have is in regards to Sec. 4a and 4b of the Protecting the Nation from Foreign Terrorist Entry EO. Proposals related to the items below are due to me by COB Friday, February 17, 2017. FDNS has the overall lead on this deliverable, but there will also be several working groups that may be co-coordinated by other directorates with FDNS. Here is the specific language from the EO:

> "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."

Because there are a lot of pieces to this section and because the pieces affect different directorates, we will likely need a few working groups to tackle this one. As discussed at the meeting yesterday, these are the proposed working groups:

- Interviews (FOD to co-lead)
- Identity Document Database
- Identity verification
- Form revisions (OP&S proposal attached)
- Immigrant integration (OoC to co-lead)

As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS
Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	

Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS
Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO	
Review of asylum referrals/credible fear determinations	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Budgetary/Staffing Needs	All EOs	N/A	MGMT	
Plan related to FY17 refugee entries	Protecting the Nation from Foreign Terrorist Entry	5d	RAIO	
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO	

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted]

(b)(6)

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Gillispie, Anna E

From: Prelogar, Brandon B
Sent: Friday, February 03, 2017 12:04 PM
To: Hamilton, Cristina A; Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

It's unclear, but we're thinking it may well encompass those kinds of benefits (asylum, ref, etc.), too – or at least don't see clearly why it wouldn't. So, from our perspective, in the early phases at least and as the scope is being defined, we would like to participate, too.

From: Hamilton, Cristina A
Sent: Friday, February 03, 2017 12:07 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

NSBI should definitely participate, but I think also someone from Mark's team as it would seem to be natz and adjustment. Not sure if it goes beyond those benefit types to include asylum/refugee.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
[redacted]
(b)(6)

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From: Levine, Laurence D
Sent: Friday, February 03, 2017 12:00 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Do we have a nominee for this WG from OP&S – not sure which Division is best suited for it, so please share any responses with the entire chain here.

Thanks,
Larry

Larry Levine
Acting Chief

Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

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From: Valverde, Michael
Sent: Friday, February 03, 2017 11:57 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Everyone—

As Julie mentions below, FOD was designated to co-lead with FDNS the **interview portion** of Section 4 (a) Implementing Uniform Screening Standards for All Immigration Programs. The relevant interview portions of Section 4(a) are as follows:

1. The development of a uniform screening standard and procedure, such as in-person interviews;
2. A mechanism to ensure that the applicant is who the applicant claims to be;
3. 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;
4. Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; and
5. A mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

I know a lot of work has been done already in various manners that impacts this goal and can be utilized for this task. We would like to convene the process for articulating how the interview process has been and/or can be enhanced (best practices, new policies, new tools/systems, resources, and/or additional questions) to ensure we are using our interviews in the best way to inform our eligibility, credibility and national security/public safety determinations.

Lisette Kvortek will serve as the FOD working group coordinator and will work with the FDNS POC to organize the work. I'd ask that folks self-identify as a responsible party and name a POC representing your office. Since work is due on the 17th, we'd like to get started asap.

Thank you.

From: Farnam, Julie E
Sent: Friday, February 03, 2017 11:20 AM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron);

Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Good morning,

Thank you for your work on the deliverables already completed. I appreciate everyone's timely responses.

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As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

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Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO	

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Gillispie, Anna E

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 2:58 PM
To: Levine, Laurence D; Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order
Attachments: Executive Order - 01272017_RCD.docx

RCD's questions, timing guidance, etc. is attached.

Forms/PRA: In short, form changes can be accomplished via an emergency approval action, which in comparison with the normal process is quicker, but requires a duplicate action. OMB approval under emergency approval is only valid for 6 months so we'd have to restart the normal process (60- and 30-day Notices) immediately. The speed with which we can submit such actions to OMB depend on the speed with which legal guidance is provided to allow for firm decisions on form changes, additional form questions, etc.; the speed with which OIDP can provide the amended form instruments; and the speed with which IT and OIDP can schedule the revised forms for intake.

Regs: I think the most appropriate timeline to use is the average time it took for us to draft and publish EA-related rulemakings (approx. 12-16 months for drafting, clearing publishing the NPRM, and approx. 6-8 months to consider comments, draft, clear, and publish the final rule). Notice that I didn't opine on the effective date of the reg (which, usually is 30-60 days from the date the final rule publishes). However, the effective date is most dependent on the needs of IT and OIDP schedules.

Additional questions and comments are provided in the attached. Btw, under the assumption this will be posted on the OP&S ECN, I shortened the filename.

Larry: Just a suggestion...Many of the directives in the EO (uniform identify verification) may require new regs and/or workload for both FDNS and IRIS, and I noticed that IRIS wasn't looped in on the email chain forward from Dan. Maybe you should reach out to Tammy to give her a heads-up. Just a suggestion...

Sam

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 3:31 PM
To: Cummings, Kevin J; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I defer to you all for all counting matters - I'm glad you all picked it up; I don't know why 6 was stuck in my head.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 3:28:37 PM
To: Levine, Laurence D; Prelogar, Brandon B; Anderson, Kathryn E; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Not to be a stickler for details, but isn't it 7 countries?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

Department of Homeland Security

[redacted]

(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

[redacted]

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B;

Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

(b)(5)

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. (b)(5) [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

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.

GENERAL OBJECTIVES:

- 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.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We 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

Date conversions

Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA 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.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the 7? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) andG-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

(b)(5)

(b)(5)

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	Implement Program as part of adjudications process to include development of:	• To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission.	Initial progress report due within 60 days of Jan 27		1. Do we need to take any actions prior to the "plan" described in section four being developed and implemented? 2. Who is responsible for developing the plan? 3. Might this functionality [database to collect identity documents] already exist and be implemented? 4. Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? 5. [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?
		• Uniform screening standard and procedure, such as interviews				
		• Database	• Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants			
		• Amended Application Forms	• To add questions aimed at identifying fraudulent answers and malicious intent			
		• Mechanism	• To ensure applicant is who the applicant claims to be			
		• 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			
		• Mechanism	• To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S.			

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	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	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis 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	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					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.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies 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	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	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; • removed from the United States based on terrorism-	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons • 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 • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

(b)(5)

Page 3: [1] Comment [SLD2] Deshommes, Samantha L 1/29/2017 3:36:00 PM

Page 3: [2] Comment [SLD3] Deshommes, Samantha L 1/29/2017 3:11:00 PM

(b)(5)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Monday, January 30, 2017 6:31 AM
To: Groom, Molly M; Slattery, Shannon E; Renaud, Daniel M; Neufeld, Donald W; Walters, Jessica S; Busch, Philip B; Kleczek, Marguerite P (Ania)
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E; Elder, Phillip D; Tynan, Natalie S; Rather, Michael B; Deshommes, Samantha L
Subject: RE: Executive Order

+ Natalie, Mike and Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

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From: Groom, Molly M
Sent: Monday, January 30, 2017 7:28 AM
To: Slattery, Shannon E; Levine, Laurence D; Renaud, Daniel M; Neufeld, Donald W; Walters, Jessica S; Busch, Philip B; Kleczek, Marguerite P (Ania)
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E; Elder, Phillip D
Subject: RE: Executive Order

Plus Phil, Ania and Philip

From: Slattery, Shannon E
Sent: Sunday, January 29, 2017 11:24:08 PM
To: Levine, Laurence D; Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E
Subject: RE: Executive Order

+ Lisette Kvortek and Julie Farnam

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:52 PM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

All – I asked the regs team to give us an idea of the tie frames for doing and re-doing forms as well as regs:

For forms , if, for instance, we have to add new vetting questions, OMB approval can be accomplished relatively quickly as an emergency action (compared to the normal process).
Steps and qualifications for emergency OMB approval:
1) OP&S division, operational directorates, OCC, and RCD collaborate on the amended form and/or instructions.
2) RCD prepares the relevant PRA supporting documents (Supporting Statement, etc.) working with OIDP and Office of Privacy
3) Draft a memo justifying the emergent need (e.g., the EO), signed by USCIS CIO and DHS CIO.
4) RCD submits the package to OMB. OMB approval under emergency will only be valid for 6 months. To extend the validity of the OMB approval beyond 6 months, RCD would need to publish the 60- and 30-day Notices as normal and then resubmit the package to OMB.
As a side note, the interior enforcement EO took away the Privacy Act protections that the USG had extended to non-citizens (by policy I believe). This change may significantly impact how the Privacy Act is interpreted w/r/t USCIS forms and systems, and may or may not cause changes to our Privacy Threshold Analyses which support the PRA process. We need to get a legal opinion on whether our PTAs, etc. will change because of this, and if we can update the relevant PRA supporting documents as they come up in the queue (i.e. as RCD starts work upon expiration) or if this needs to be implemented immediately (which would be a significant workload).

For regs, the time it took to get the EA rules out from the Nov. 20, 2014 memo are good barometers of the average timeline when there is WH support and it's moving as an emergency action:
- Average of 12-16 months for drafting and publishing an NPRM (but note that there was already some work done on EA before the 11/2014 announcement)
- Average of 6-8 months to review public comments, draft final rule, and publish the final rule.

Caveats: 1) The above assumes a relatively hands-off approach of OGC staff-level attorneys and economists prior to moving to OGC FO, S1 FO, and OMB. Also assumes that the timelines for S1 FO review will be similarly expedited (i.e. a matter of hours wherein the Assistant General Counsel briefs S1 and obtains signature). 2) The "effective date" will largely depend on the speed that our computer systems can be stood up. 3) Also, of course, depends on the number and complexity of public comments received and the continued availability of monetary resources to fund contractor support of our regulatory projects (comment analysis).

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:42 AM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Ok - thanks

Larry Levine
Acting Chief

Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M

Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM

To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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From: Valverde, Michael

Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order
To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order
Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted]

From: Ruppel, Joanna (b)(6)

Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Sent: Friday, January 27, 2017 8:04:01 PM
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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

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Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

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Subject: RE: Executive Order
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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted].

[redacted] (b)(5)

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted]
We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

(b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 9:04 AM
To: Cummings, Kevin J; Parascandola, Ciro A; Levine, Laurence D
Subject: RE: Executive Order

I agree guys. The major questions that come to mind are legal and operational. We should be prepared to put some of them forward, but from a policy perspective we are gong to have to wait for that guidance before we know what direction to take.

Having said that, it is worth looking at forms because I am sure we will have to make revisions to include vetting questions such as social media. Again though, the vetting aimed at national interest and benefit to this country change the adjudication of petitions.

I appreciate your thoughts so please share as things come up! Clearly this is fluid.

N

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 9:57:36 AM
To: Parascandola, Ciro A; Levine, Laurence D
Cc: Tynan, Natalie S
Subject: RE: Executive Order

I completely agree. Legal decisions/interpretations are key at the outset.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Parascandola, Ciro A
Sent: Sunday, January 29, 2017 9:57 AM
To: Levine, Laurence D
Cc: Cummings, Kevin J; Tynan, Natalie S
Subject: RE: Executive Order

Nat,

Kevin and I will might send you a few follow on notes on this, but my question from the EB side is that, while they want to suspend entry of these individuals for the time being, do they also intend for us to hold onto any requests for extensions of stay until the enhanced vetting procedures are in place? The text says "entry" but it's in the section explaining the need to review procedures prior to any benefit being granted. We will send you

anything else we can come up with. There is nothing really to state from a strict policy sense, but obviously OCC, SCOPS, the FO et al will like have the same questions regarding exactly what these provisions mean. We have these political advisors on board. They should reach out through their people to the WH to get clarification.

Kevin, you agree?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
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US Citizenship & Immigration Services
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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

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Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

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Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
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Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

Gillispie, Anna E

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Subject: RE: Executive Order

Nat,

Kevin and I will might send you a few follow on notes on this, but my question from the EB side is that, while they want to suspend entry of these individuals for the time being, do they also intend for us to hold onto any requests for extensions of stay until the enhanced vetting procedures are in place? The text says "entry" but it's in the section explaining the need to review procedures prior to any benefit being granted. We will send you anything else we can come up with. There is nothing really to state from a strict policy sense, but obviously OCC, SCOPS, the FO et al will like have the same questions regarding exactly what these provisions mean. We have these political advisors on board. They should reach out through their people to the WH to get clarification.

Kevin, you agree?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar,

Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

Department of Homeland Security

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted]

(b)(6)

Gillispie, Anna E

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 1:43 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Ok, the way I plan to proceed, which I think is consistent with what you want, Larry, is that I will be going through the very helpful chart that Shannon provided, and filling in questions I have on the provisions in the column for Questions. So it's clear which division is raising the question I am going to edit the column to label it NSBI Questions. I'll send that to the entire group for visibility when completed—sometime this evening.

I'm assuming Natalie will then roll-up all the questions each of us submits-- weeding out duplicative questions-- into a master chart for OP&S. Larry, I recommend that you send to Jess for the use of D1/D2, (consistent with D1s request for consolidated questions from components—we weren't asked but they should be made aware of our questions). My understanding/recommendation is that our master chart will be posted to the OP&S ECN (and presumably regularly updated as needed), and used by us for discussions: internal to OP&S; with other components and USCIS or DHS leadership; and for inter-agency discussions.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
[redacted] (b)(6)

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Subject: FW: Executive Order

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Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[redacted]

(b)(6)

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Cc: Farnam, Julie E; Slattery, Shannon E
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Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
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Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

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Lori

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Cc: Renaud, Tracy L; McCament, James W
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Cc: Renaud, Tracy L
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Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of

nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted]

(b)(5)

(b)(5)

[redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted]

(b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 12:19 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order
Attachments: StayOrder.pdf

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen

A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

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Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

(b)(5)

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. (b)(5) [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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

Petitioners,

DECISION AND ORDER

- against -

17 Civ. 480 (AMD)

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.

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

Gillispie, Anna E

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 12:11 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

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To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

(b)(5)

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

[redacted]

(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).

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Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

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Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

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Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

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Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
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Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
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Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 10:47 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks K - an N-400 and N-600 ceremony went forward yesterday and they are working to clear guidance about allowing citizenship cases to proceed, but of course I don't really know the details of what that means or who it applies to.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 11:37:37 AM
To: Levine, Laurence D; Cummings, Kevin J; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Guidance FOD sent out below:

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition

or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:26 AM
To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 11:19:35 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made. NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L;

Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

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Subject: FW: Executive Order

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

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I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

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5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

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Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

Department of Homeland Security

[redacted] (b)(6)

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Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Sclalabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Sclalabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Sclalabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

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Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

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Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
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Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:38 AM
To: Levine, Laurence D; Cummings, Kevin J; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Guidance FOD sent out below:

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:26 AM
To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y.
Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 11:19:35 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made.

NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon,

Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division

USCIS, Office of Policy & Strategy

[redacted]

(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted]

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
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For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

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Subject: RE: Executive Order

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Thanks for sending this, Lori.

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Subject: RE: Executive Order

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Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 10:19 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I haven't seen anything else Kathryn

N

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48:25 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made. NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine

Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more

urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
202-272-1739 (desk)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted]

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications (b)(5)

on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D; Rather, Michael B
Subject: FW: Two Questions
Attachments: 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx

Hi All – attached is the executive order signed early this evening by the President. Please let me, Mike and Larry know if any questions or immediate impacts to policy come to mind. Next week, we may want to consider pulling relevant policy guidance and start thinking about new guidance that will have to be issued. Hopefully we will have more information.

In the meantime, please send any questions!

Thanks,
Natalie

Here is a quick summary (please read the entire document – I tried to hit the "highlights"):

1. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. There are review and reporting requirements that shall be completed within 30 days and additional follow up reporting requirements. While the review is conducted, 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), is suspended for 90 days. The Secretary shall provide a list of countries that do not provided necessary information to adjudicate and additional countries may be added. Visas may be issued to nationals of "blocked" countries in the national interest.
2. Implementing Uniform Screening Standards for All Immigration Programs 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 will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; 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.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of 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. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. 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 will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.

4. 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.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to 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.
7. 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.

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

[redacted] (b)(6)

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release January 27, 2017

EXECUTIVE ORDER

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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.

# # #

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 7:58 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not

forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief

Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:22 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D; Rather, Michael B
Subject: RE: Two Questions

I forgot to note - #2 below includes a directive 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. (b)(5)

[redacted]

N

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

[redacted] (b)(6)

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 8:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D (Laurence.D.Levine@uscis.dhs.gov); Rather, Michael B
Subject: FW: Two Questions

Hi All – attached is the executive order signed early this evening by the President. Please let me, Mike and Larry know if any questions or immediate impacts to policy come to mind. Next week, we may want to consider pulling relevant policy guidance and start thinking about new guidance that will have to be issued. Hopefully we will have more information.

In the meantime, please send any questions!

Thanks,
Natalie

Here is a quick summary (please read the entire document – I tried to hit the "highlights"):

1. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. There are review and reporting requirements that shall be completed within 30 days and additional follow up reporting requirements. While the review is conducted, 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), is suspended for 90 days. The Secretary shall provide a list of countries that do not provided necessary information to adjudicate and additional countries may be added. Visas may be issued to nationals of "blocked" countries in the national interest.
2. Implementing Uniform Screening Standards for All Immigration Programs 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 will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; 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.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of 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. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. 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 will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.
4. 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.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to 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.
7. 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.

Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

(b)(6)

Shirk, Georgette L

From: Zengotitabengoa, Colleen R
Sent: Monday, January 30, 2017 9:24 AM
To: RALDGroup
Subject: FW: EO update
Attachments: E.O. Protecting the Nation from Foreign Terrorist Entry in the U.S. 1.27.17.docx

Hi all,
There was a lot in the news this weekend about Friday's Executive Order. Attached is the EO and below is a message that Molly sent out to Chiefs and Deputies on Saturday. We expect to get more guidance this week on how to implement the three Eos, but can't predict when anything will come through. The majority of decisions are being made at the DHS or WH level. So while I don't have many details or answers to share, I would ask that you all be ready to jump in to issues when they come up. As I get any new information, I will share with the team.

Thanks,
Colleen

From: Groom, Molly M
Sent: Saturday, January 28, 2017 8:47 AM
To: #CIS OCC CHIEFS ALL; #CIS OCC DEPUTIES ALL
Cc: Carpenter, Dea D; Hinds, Ian G; Miles, John D; Martinez, Janette M; Gentry, Anthony E; Muhletaler, Catherine
Subject: EO update

With the issuance of yesterday's EO, see attached, I wanted to reach out. It has been a busy week with many changes in the immigration world and I expect there is more to come. As you are likely aware, refugee circuit rides were put on hold for those leaving through February 15 even before the EO was signed. There should be more information coming on what is expected now thaht we have the language of the EO. IO is pausing pick-ups for 730s overseas next week, until we sort out what the EO means. Most of the immediate focus from the most recent EO has been on how to interpret the 212(f) suspension of entry provisions as CBP began implementing last night.

For the two prior EOs, I expect we will see some implementing guidance next week and some direction on how DHS will coordinate and prioritize implementing those orders. There will be a large effort across the Department and the whole Executive Branch focused on implementing these significant changes. Once I understand better how DHS is handling, I will have more of a sense of how we can leverage all of the expertise at OCC to help with this effort. I expect that Phil and I will have a discussion with OGC early next week. So I hope we can have a good discussion once I have a few more facts. Please don't hesitate to reach out if you have any specific questions. Interpretations of the latest EO are being coordinated at high levels over the weekend and I believe there will be implementing guidance sometime next week.

As this all develops, we will need everyone's help, creativity and expertise. Flexible and agile really is the most appropriate mantra and I know how much it actually applies to how you all approach your work. Thanks for your commitment.

Shirk, Georgette L

From: Groom, Molly M
Sent: Monday, January 30, 2017 1:32 PM
To: #CIS OCC ALL
Subject: FW: EO update
Attachments: QA for EO on Protecting the Nation FINAL.DOCX

Please see the below email from Ian.

From: Hinds, Ian G
Sent: Monday, January 30, 2017 1:19:07 PM
To: Groom, Molly M; #CIS OCC CHIEFS ALL; #CIS OCC DEPUTIES ALL
Cc: Carpenter, Dea D; Miles, John D; Martinez, Janette M; Gentry, Anthony E; Muhletaler, Catherine
Subject: EO update

All,

Attached see the DHS OPA-cleared Q/As regarding the EO that was issued on Friday. They are not for distribution to the public. For now, please be advised that if an OCC attorney is asked by the client to provide guidance on how to apply the EO, the matter should be raised through his/her chain of command to OCC leadership for coordination before responding to the client. Other inquiries should be sent to OCOMM or OLA as appropriate.

Thanks,
Ian

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Shirk, Georgette L

From: Ahmedani, Mariam
Sent: Tuesday, January 31, 2017 3:26 PM
To: RALDGroup
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

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From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12:16 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Shirk, Georgette L

From: Groom, Molly M
Sent: Monday, February 06, 2017 7:53 PM
To: #CIS OCC ATTORNEY ALL
Subject: Litigation update on EO
Attachments: Reply in support of stay motion FINAL --as filed.pdf

Please find attached the government's reply filed this evening in Washington v. Trump. Shortly after this filing, we learned that the 9th Circuit scheduled oral argument tomorrow at 3 pm PST. There is a link for live streaming available which I can forward tomorrow.

Shirk, Georgette L

From: Groom, Molly M
Sent: Monday, February 06, 2017 1:38 PM
To: Parikh, Reena; Zengotitabengoa, Colleen R; Whitney, Ronald W
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: RE: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Your understanding is correct—NACARA adjudications for persons in the US should proceed. Thanks

---

From: Parikh, Reena
Sent: Monday, February 06, 2017 2:31 PM
To: Zengotitabengoa, Colleen R; Whitney, Ronald W; Groom, Molly M
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: RE: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Dear Colleen, Ron, Molly:

We received the inquiry below from the asylum HQ NACARA POC. I'm not sure if RAIO previously advised the asylum offices (for that brief period) to hold off on all I-881 adjudications or something (which would be odd because the applicants typically aren't from the affected countries in the EO). Regardless, per Lori's attached guidance on the EO, it seems as if the adjudication of NACARA 203 applications should continue as per usual as the I-881 is an application and NACARA applicants are "individuals in the United States" per the language in the 1st paragraph of Lori's guidance.

Please advise at your earliest convenience.

Thanks so much,
Reena

From: Picciotto, Giacomo A
Sent: Monday, February 06, 2017 2:16 PM
To: Parikh, Reena
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Reena,
Can you please advise me if based on this attached memo asylum offices can continue to adjudicate applications filed for suspension of deportation and cancellation of removal under NACARA 203?

In the first enumerated paragraph, the first sentence indicates that the E.O. "does not affect USCIS adjudications of applications and petitions filed for or on behalf of individuals in the United States [...]"

As the I-881 if filed by persons who claim eligibility for NACARA 203, I'm not sure that it falls under the category of "applications [...] filed for or on behalf of individuals in the United States."

The last sentence of first paragraph ("this includes, but is not limited to [...]") does not clarify the question as it isn't clear to what "this" refers.

I need to advise all offices as soon as possible. Thank you for your help.

Giacomo A. Picciotto

HQ-Asylum Division – Operations
[redacted] Mondays, Wednesdays, Fridays)
Tuesdays and Thursdays: by email or Skype only (b)(6)

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Shirk, Georgette L

From: Mura, Elizabeth E
Sent: Monday, February 06, 2017 1:53 PM
To: Picciotto, Giacomo A; Parikh, Reena
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: RE: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Giacomo,

I also confirmed I-881 adjudications should proceed.

Thanks,
Beth

Elizabeth E. Mura
Operations Branch Chief - Asylum Division
Refugee, Asylum and International Operations Directorate
Dept. of Homeland Security/U.S. Citizenship & Immigration Services
Des [redacted] (b)(6)

From: Picciotto, Giacomo A
Sent: Monday, February 06, 2017 2:42 PM
To: Parikh, Reena
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R; Mura, Elizabeth E
Subject: RE: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Thank you, Reena!

From: Parikh, Reena
Sent: Monday, February 06, 2017 2:40 PM
To: Picciotto, Giacomo A
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: RE: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Hi Giacomo,

NACARA 203 adjudications for persons in the U.S. should proceed.

Thanks,
Reena

From: Parikh, Reena
Sent: Monday, February 06, 2017 2:17 PM
To: Picciotto, Giacomo A
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: RE: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Giacomo,

We'll confirm with our leadership and get back to you asap.

Thanks,
Reena

From: Picciotto, Giacomo A
Sent: Monday, February 06, 2017 2:16 PM
To: Parikh, Reena
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Reena,
Can you please advise me if based on this attached memo asylum offices can continue to adjudicate applications filed for suspension of deportation and cancellation of removal under NACARA 203?

In the first enumerated paragraph, the first sentence indicates that the E.O. "does not affect USCIS adjudications of applications and petitions filed for or on behalf of individuals in the United States [...]"

As the I-881 if filed by persons who claim eligibility for NACARA 203, I'm not sure that it falls under the category of "applications [...] filed for or on behalf of individuals in the United States."

The last sentence of first paragraph ("this includes, but is not limited to [...]") does not clarify the question as it isn't clear to what "this" refers.

I need to advise all offices as soon as possible. Thank you for your help.

Giacomo A. Picciotto
HQ-Asylum Division – Operations
[redacted] Mondays, Wednesdays, Fridays)
Tuesdays and Thursdays: by email or Skype only (b)(6)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

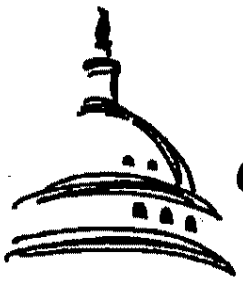
Shirk, Georgette L

From: RALD
Sent: Monday, January 30, 2017 10:04 AM
To: RALDGroup
Subject: FW: CRS report
Attachments: Congressional research service report January 2017 on 212(f).pdf

Follow Up Flag: Follow up
Flag Status: Completed

From: Schwartz, Claudia R
Sent: Monday, January 30, 2017 10:34 AM
To: RALD
Subject: CRS report

Hi all – We've seen this shared by some (about 212(f) authority). CRS report issued last week. Haven't yet read to confirm if accurate. Thought you all may be interested.



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Executive Authority to Exclude Aliens: In Brief

Kate M. Manuel
Acting Section Research Manager

January 23, 2017

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CRS REPORT
Prepared for Members and
Committees of Congress

Summary

The Immigration and Nationality Act (INA) provides that individual aliens outside the United States are "inadmissible"—or barred from admission to the country—on health, criminal, security, and other grounds set forth in the INA. However, the INA also grants the Executive several broader authorities that could be used to exclude certain individual aliens or classes of aliens for reasons that are not specifically prescribed in the INA.

Section 212(f) of the INA is arguably the broadest and best known of these authorities. It provides, in relevant part, that

> Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.

Over the years, Presidents have relied upon Section 212(f) to suspend or otherwise restrict the entry of individual aliens and classes of aliens, often (although not always) in conjunction with the imposition of financial sanctions upon these aliens. Among those so excluded have been aliens whose actions "threaten the peace, security, or stability of Libya"; officials of the North Korean government; and aliens responsible for "serious human rights violations."

Neither the text of Section 212(f) nor the case law to date suggests any firm legal limits upon the President's exercise of his authority to exclude aliens under this provision. The central statutory constraint imposed on Section 212(f)'s exclusionary power is that the President must have found that the entry of any alien or class of aliens would be "detrimental to the interests of the United States." The statute does not address (1) what factors should be considered in determining whether aliens' entry is "detrimental" to U.S. interests; (2) when and how proclamations suspending or restricting entry should be issued; (3) what factors are to be considered in determining whether particular restrictions are "appropriate"; or (4) how long any restrictions should last. The limited case law addressing exercises of presidential authority under Section 212(f) also supports the view that this provision confers broad authority to bar or impose conditions upon the entry of aliens. Key among these cases is the Supreme Court's 1993 decision in *Sale v. Haitian Centers Council, Inc.*, which held that the U.S. practice of interdicting persons fleeing Haiti outside U.S. territorial waters and returning them to their home country without allowing them to raise claims for asylum or withholding of removal did not violate the INA or the United Nations Convention Relating to the Status of Refugees. The U.S. practice had been established by Executive Order 12807, which was issued, in part, under the authority of Section 212(f) and "suspend[ed] the entry of aliens coming by sea to the United States without necessary documentation." However, depending on their scope, future executive actions under Section 212(f) could potentially be seen to raise legal issues that have not been prompted by the Executive's prior exercises of this authority.

Beyond Section 212(f), other provisions of the INA can also be seen to authorize the Executive to restrict aliens' entry to the United States. Most notably, Section 214(a)(1) prescribes that the "admission of any alien to the United States as a nonimmigrant shall be for such time and under such conditions as [the Executive] may by regulations prescribe." Section 215(a)(1) similarly provides that "it shall be unlawful for any alien" to enter or depart the United States "except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe." For example, President Carter cited Section 215(a)—rather than Section 212(f)—when authorizing the revocation of immigrant and nonimmigrant visas issued to Iranian citizens during the Iran Hostage Crisis.

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The Immigration and Nationality Act (INA) provides that individual aliens outside the United States are "inadmissible"—or generally barred from admission to the country[1]—on health, criminal, security, and other grounds set forth in the INA.[2] However, the INA also grants the Executive several broad authorities that could be used to exclude certain individual aliens or classes of aliens for reasons that are not specifically set forth in the INA. Section 212(f) of the INA is arguably the broadest and best known of these provisions,[3] but Sections 214(a)(1) and 215(a)(1) can also be seen to authorize the Executive to restrict aliens' entry or admission to the United States.[4]

This report provides a brief overview of the Executive's authority under these provisions of the INA. It begins with and focuses primarily on Section 212(f). It also briefly notes other provisions.

Section 212(f) of the INA

The provisions currently in Section 212(f)—which have been part of the INA since its enactment in 1952[5]—state, in relevant part, that

> Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate.[6]

Legislative history materials from the time of the INA's enactment suggest that these provisions were seen to grant the President broad authority to bar or impose conditions upon the entry of aliens,[7] and Presidents over the years have relied upon Section 212(f) to suspend or restrict the entry of various groups of aliens, often (although not always) in conjunction with the imposition of financial sanctions upon them. Among those so excluded have been aliens whose actions

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[1] The INA defines "admission" to mean "the lawful entry of an alien into the United States after inspection and authorization by an immigration officer." INA § 101(a)(13)(A), 8 U.S.C. § 1101(a)(13)(A). The INA is codified in Title 8 of the United States Code, and references to the INA in this report also include references to the corresponding sections of Title 8.

[2] *See* INA § 212(a), 8 U.S.C. § 1182(a) (prescribing the inadmissibility of, among others, aliens who have a communicable disease of public health significance; have been convicted of two or more criminal offenses; have engaged in a terrorist activity; are permanently ineligible for citizenship; or have previously voted in violation of any federal, state, or local law). Certain of these grounds of inadmissibility may be waived. *See, e.g.*, INA § 212(a)(9)(B)(v), 8 U.S.C. § 1182(a)(9)(B)(v) (authorizing the Executive to waive the 3- and 10-year bars upon the admission of aliens who have been unlawfully present in the United States for more than 180 days if the refusal of admission to the alien would result in "extreme hardship" to a parent or spouse who is a U.S. citizen or lawful permanent resident (LPR)).

[3] 8 U.S.C. § 1182(f).

[4] 8 U.S.C. §§ 1184(a)(1), 1185(a)(1). As is discussed later in this report, the term "entry" is no longer defined for purposes of the INA. *See* Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA), P.L. 104-208, § 301(a), 110 Stat. 3009-575 (Sept. 30, 1996) (amending INA § 101(a)(13) so that it defines "admission," instead of "entry"). However, at one time, the INA defined the term "entry" to mean "any coming of an alien into the United States, from any foreign port or place or from an outlying possession, whether voluntarily or otherwise." INA § 101(a)(13), 8 U.S.C. § 1101(a)(13) (1994). *See infra* notes 26-27 and accompanying text.

[5] 8 U.S.C. § 1182(f).

[6] *See* P.L. 82-414, § 212(e), 66 Stat. 188 (June 27, 1952).

[7] *See, e.g.*, H.R. RPT. 1365, 82d Cong., 2d Sess., at 53 (Feb. 14, 1952) ("The bill vests in the President the authority to suspend the entry of all aliens if he finds that their entry would be detrimental to the interests of the United States, for such period as he shall deem necessary.").

"threaten the peace, security, or stability of Libya";[8] officials of the North Korean government or the Workers' Party of North Korea;[9] aliens who have participated in "serious human rights violations";[10] and others noted in **Table 1** below.

Neither the text of Section 212(f) nor the case law to date suggests any firm legal constraints upon the President's exercise of his authority under Section 212(f), as is explained below. However, future executive actions under INA § 212(f) could potentially be seen to raise legal issues that have not been prompted by the Executive's prior exercise of this authority.[11]

Statutory Language and Executive Branch Interpretations

On its face, Section 212(f) would appear to give the President broad authority to preclude or otherwise restrict the entry into the United States of individual aliens or classes of aliens who are outside the United States and lack recognized ties to the country.[12] The central statutory constraint imposed on Section 212(f)'s exclusionary power is that the President must have found that the entry of any aliens or class of aliens would be "detrimental to the interests of the United States" in order to exclude the alien or class of aliens.[13] The statute does not address (1) what factors should be considered in determining whether aliens' entry is "detrimental" to U.S. interests; (2) when and how proclamations suspending or restricting entry should be issued; (3) what factors are to be considered in determining whether particular restrictions are "appropriate"; or (4) how long any restrictions should last. There also do not appear to be any regulations addressing the exercise of presidential authority under Section 212(f).

The Department of State's *Foreign Affairs Manual* (FAM) seemingly provides the only publicly available executive branch guidance on the President's Section 212(f) authority. In relevant part, the FAM notes that Section 212(f) proclamations "typically" grant the Secretary of State authority to identify individuals covered by the proclamation and to waive its application for foreign policy

[8] *See* Executive Order 13726, Blocking Property and Suspending Entry Into the United States of Persons Contributing to the Situation in Libya, 81 Fed. Reg. 23559 (Apr. 21, 2016).

[9] *See* Executive Order 13687, Imposing Additional Sanctions With Respect To North Korea, 80 Fed. Reg. 819 (Jan. 6, 2015).

[10] *See* Suspension of Entry as Immigrants and Nonimmigrants of Persons Who Participate in Serious Human Rights and Humanitarian Law Violations and Other Abuses, 76 Fed. Reg. 49277 (Aug. 9, 2011).

[11] Not knowing the form that future restrictions might take, or the grounds upon which such restrictions might be subject to legal challenges, it would be premature to assess whether specific restrictions might be within the Executive's authority. However, it is important to note that aliens outside the United States who have no ties to the country generally have limited ability to challenge the denial of visas or admission to them. *See, e.g.*, Shaughnessy v. Mezei, 345 U.S. 206, 216 (1953) ("Whatever our individual estimate of that policy and the fears on which it rests, respondent's right to enter the United States depends on the congressional will, and courts cannot substitute their judgment for the legislative mandate."); United States *ex rel.* Knauff v. Shaughnessy, 338 U.S. 537, 542 (1950) ("[A]n alien who seeks admission to this country may not do so under any claim of right. Admission of aliens to the United States is a privilege granted by the sovereign United States Government. Such privilege is granted to an alien only upon such terms as the United States shall prescribe."). *But see* Kleindienst v. Mandel, 408 U.S. 753, 762-63 (1972) (recognizing that U.S. persons adversely affected by the denial of a visa waiver to an alien outside the United States may have a right to challenge the denial under certain circumstances).

[12] LPRs who leave the United States for a brief period of time are distinguishable from, for example, refugees seeking to be admitted to the United States. *See, e.g.*, Landon v. Plasencia, 459 U.S. 21, 32 (1982) (discussing due process concerns raised by the application to an LPR of a statute which provided for the exclusion of any alien who "at any time shall have, knowingly and for gain, encouraged, induced, assisted, abetted, or aided any other alien to enter or to try to enter the United States in violation of law").

[13] INA § 212(f), 8 U.S.C. § 1182(f).

or other national interests.[14] The FAM also notes that such proclamations may bar entry based on either affiliation or "objectionable" conduct. In addition, it provides that Section 212(f) may reach persons who are inadmissible under other provisions of law, in which case, the "statutory inadmissibilities are to be considered prior to determining whether a Presidential Proclamation applies."[15] However, the FAM is generally not seen as having the force of law to bind the executive branch.[16] Thus, the Executive would not need to engage in notice-and-comment rulemaking in order to alter particular practices contained in the FAM that have historically been associated with exercises of Section 212(f) authority (e.g., not relying on a 212(f) proclamation to bar the admission of aliens who are inadmissible on other grounds).[17]

Judicial Constructions of Section 212(f)

The limited case law addressing exercises of presidential authority under Section 212(f) also supports the view that this provision of the INA confers broad authority to suspend or restrict the entry of aliens. Key among these cases is the Supreme Court's 1993 decision in *Sale v. Haitian Centers Council, Inc.*, which held that the U.S. practice of interdicting persons fleeing Haiti outside U.S. territorial waters and returning them to their home country without allowing them to raise claims for asylum and withholding of removal did not violate either the INA or the United Nations Convention Relating to the Status of Refugees.[18] The U.S. practice had been established by Executive Order 12807, which was issued, in part, under the authority of Section 212(f) of the INA[19] and "suspend[ed] the entry of aliens coming by sea to the United States without necessary documentation."[20] Although the *Sale* Court was primarily concerned with whether the INA and UN Convention provisions regarding withholding of removal applied extraterritorially,[21] it is arguably important for understanding the scope of the President's Section 212(f) authority. In particular, the *Sale* decision arguably helped clarify the relationship between exercises of the authority granted by Section 212(f) and those granted by other provisions of the INA, as well as the meaning of *entry* for purposes of Section 212(f).

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[14] 9 FAM § 302.11-3(B)(1), *available at* h https://fam.state.gov/Fam/FAM.aspx (last accessed: Jan. 3, 2017).

[15] *Id.*

[16] *See, e.g.*, Patel v. U.S. Dep't of State, No. 11-cv-6-wmc, 2013 U.S. Dist. LEXIS 108592, at *13 (W.D. Wis. Aug. 2, 2013) ("[T]he Foreign Affairs Manual is an internal guideline that sets forth agency practice and procedures. Because internal guidelines and agency manuals like the Foreign Affairs Manual are not subject to [Administrative Procedure Act] APA rulemaking procedures, they lack the force of law and do not bind agency discretion.").

[17] For more on the constraints of the rulemaking process, see generally CRS Report R41546, *A Brief Overview of Rulemaking and Judicial Review*, by Todd Garvey and Daniel T. Shedd; CRS Report RL32240, *The Federal Rulemaking Process: An Overview*, coordinated by Maeve P. Carey.

[18] 509 U.S. 155, 158-59 (1993). Specifically at issue in *Sale* were the provisions currently in INA § 241(b)(3)(B) and Article 33 of the Convention, which both bar the return of aliens to countries where their life or freedom would be threatened because of their race, religion, nationality, political opinion, or membership in a particular social group. The United States is technically a party to the 1967 UN Protocol Relating to the Status of Refugees, not the 1951 Convention Relating to the Status of Refugees. However, the Protocol incorporated articles 2 to 34 of the Convention, and it is customary for commentators to refer to the Convention, not the Protocol, when discussing these articles.

[19] Executive Order 12,807 also cited INA § 215(a)(1), which provides that "[u]nless otherwise ordered by the President, it shall be unlawful for any alien to depart from or enter ... the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe." 8 U.S.C. § 1185(a)(1). For further discussion of this provision, see *infra* "Other Provisions of the INA".

[20] *See* Interdiction of Illegal Aliens, 57 Fed. Reg. 23133 (June 1, 1992). President George H.W. Bush initially issued this order, but President Clinton left the order in place without modifications when he took office. It remained in effect at the time of the Court's decision in *Sale*. *See generally* 509 U.S. at 165.

[21] *Sale*, 509 U.S. at 173-88.

In particular, the Court rejected the view of the U.S. Court of Appeals for the Second Circuit ("Second Circuit") that interdiction was prohibited because of the INA's prohibition upon the then-Attorney General returning an alien to a country where he or she would be persecuted.[22] The Second Circuit had reached this conclusion by noting that the Attorney General was the President's "agent" in matters of immigration.[23] Therefore, it found that INA's prohibition on the Attorney General returning aliens to countries where the alien's life or freedom would be threatened because of the alien's race, religion, nationality, political opinion, or membership in a particular social group should be imputed to the rest of the executive branch.[24] The Supreme Court disagreed, however, holding that the interdiction program created by the President did not "usurp[] authority that Congress has delegated to, or implicate[] responsibilities that it has imposed on, the Attorney General alone."[25] The Court reached this conclusion, in part, because it viewed the INA as restricting only the then-Attorney General's immigration-related responsibilities under the act. It did not view the INA as restricting the President's actions in geographic areas outside of where Congress had authorized the Attorney General to act in the immigration context (i.e., outside the United States).[26] The upshot of this reasoning was that the Court declined to find that the interdiction program implemented under the authority of Section 212(f) ran afoul of statutory or treaty-based restrictions.

The *Sale* decision also helped define what is meant by the term *entry* as that term is used in Section 212(f). At the time when *Sale* was decided, the INA explicitly defined *entry* to encompass "any coming of an alien into the United States, from any foreign port or place or from an outlying possession, whether voluntarily or otherwise."[27] Therefore, consistent with this definition, the Court distinguished between (1) aliens who are "on our shores seeking admission" or "on the threshold of initial entry," and (2) aliens who are within the United States after entry, regardless of the legality of that entry.[28] While the statutory definition of *entry* that the Court relied upon was deleted from the INA as part of the amendments made by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (P.L. 104-208),[29] the *Sale* Court's construction of *entry* has persisted in discussions of Section 212(f) and in other contexts.[30]

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[22] *Id.* at 171-72. For several decades, the authority to interpret, implement, and enforce the provisions of the INA was primarily vested in the Attorney General. The Attorney General, in turn, delegated this authority to the Immigration and Naturalization Service (INS) within the Department of Justice. Following the establishment of the Department of Homeland Security (DHS) pursuant to the Homeland Security Act of 2002 (P.L. 107-296), the INS was abolished and its functions were generally transferred to DHS. *See* 6 U.S.C. § 251. Although the INA still refers to the Attorney General in multiple places, such references are generally (although not universally) taken to mean the Secretary of Homeland Security. *See generally* CRS Legal Sidebar WSLG553, *Does It Matter Whether the INA Says DOJ or DHS?: An Example Involving Revocation of Asylum*, by Kate M. Manuel.

[23] Haitian Centers Council, Inc. v. McNary, 969 F.2d 1350, 1360 (2d Cir. 1992).

[24] *Id.* ("[W]e reject the government's suggestion that since [the relevant provision of the INA] restricts actions of only the attorney general, the President might in any event assign the same "return" function to some other government official. Congress understood that the President's agent for dealing with immigration matters is the attorney general, and we would find it difficult to believe that the proscription of [the INA]—returning an alien to his persecutors—was forbidden if done by the attorney general but permitted if done by some other arm of the executive branch.").

[25] *Sale*, 509 U.S. at 172.

[26] *Id.* at 173. *See also* INA § 103(a)(1), 8 U.S.C. § 1103(a)(1) ("The Secretary of Homeland Security shall be charged with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens, except insofar as this chapter or such laws relate to the powers, functions, and duties conferred upon the President.... ").

[27] INA § 101(a)(13), 8 U.S.C. § 1101(a)(13) (1994).

[28] *Sale*, 509 U.S. at 174.

[29] P.L. 104-208, § 301(a), 110 Stat. 3009-575 (amending Section 101(a)(13) of the INA to define *admission*, instead of (continued...)

Lower court decisions provide some further discussion of exercises of 212(f) authority that would seem to be consistent with *Sale*. The most recent of these, an unpublished 2003 decision by the Second Circuit in *Sesay v. Immigration and Naturalization Service [INS]*, granted deference to the Board of Immigration Appeals' (BIA's) determination that the alien petitioner was ineligible for asylum because a grant of asylum necessarily requires entry, and the petitioner's entry was barred by Presidential Proclamation 7062.[31] Previously, in its 1992 decision in *Haitian Refugee Center, Inc. v. Baker*, the U.S. Court of Appeals for the Eleventh Circuit had noted various precedents characterizing the power to exclude aliens from the country as an "inherent executive power" when opining that Section 212(f) "clearly grants the President broad discretionary authority to control the entry of aliens into the United States."[32] A lower court, the U.S. District Court for the Northern District of California, similarly emphasized the breadth of the executive's power over entry in conjunction with its discussion of Section 212(f) in its 1996 decision in *Encuentro del Canto Popular v. Christopher*, stating,

> The exclusion of aliens is a fundamental act of sovereignty. The right to do so stems not alone from legislative power but is inherent in the executive power to control the foreign affairs of the nation. When Congress prescribes a procedure concerning the admissibility of aliens, it is not dealing alone with a legislative power. It is implementing an inherent executive power.[33]

Collectively, *Sale* and these other decisions suggest that Section 212(f) gives the Executive significant power to bar or impose conditions upon the entry of aliens "on our shores seeking admission" or "on the threshold of initial entry."[34] None of these decisions note any limitations upon the President's power under Section 212(f). This silence could, however, be seen, in part, to reflect the arguably limited nature of the Executive's use of its Section 212(f) authority to date. As **Table 1** below illustrates, prior exercises of presidential authority under Section 212(f) have

(...continued)

entry). *See supra* note 5.

[30] *See, e.g.*, Sesay v. INS, 74 Fed. App'x 84, 86 (2d Cir. 2003) (considering the meaning of "entry" in the course of addressing whether a grant of asylum requires entry into the United States); *Matter of* Rosas-Ramirez, 22 I. & N. Dec. 616, 617 (BIA 1999) (discussing whether adjustment of status while within the United States constitutes an "admission" for purposes of INA § 237(a)(2)(A)(iii), and noting that admission is defined, in part, in terms of "entry").

[31] 74 Fed. App'x at 86. The BIA is the highest administrative tribunal for interpreting and applying immigration law. The Second Circuit noted, but did not address, arguments as to the relationship between Sections 212(d) and 212(f) in its decision. The Secretary of Homeland Security's authority to parole aliens into the United States under Section 212(d), however, could be seen as a counterpart to the President's authority under Section 212(f) in that the President may "parole"—or permit the entry into the United States—almost any alien, regardless of whether the alien is subject to one or more of the grounds of inadmissibility set forth in Section 212(a). *See* INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A) ("The Attorney General [later, Secretary of Homeland Security] may [subject to certain restrictions involving refugees and alien laborers] in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States.... ").

[32] 953 F.2d 1498, 1506-08 (11th Cir. 1992).

[33] 930 F. Supp. 1360, 1365 (N.D. Cal. 1996) (quoting Knauff v. Shaughnessy, 338 U.S. 537 (1949) (upholding the executive branch's determination to exclude the alien wife of a former U.S. servicemember, who was eligible for admission under the War Brides Act of 1945, because of concerns that her admission would endanger public safety)). The *Christopher* case arose from a challenge to the denial or revocation of visas to certain Cubans pursuant to Presidential Proclamation 5377, which suspended the entry of individuals whom the Secretary of State (or a designee) considered to be officers or employees of the Cuban government or Cuban Communist Party. As the district court noted, although the plaintiffs at times seem to have suggested that Section 212(f) itself is invalid, their argument was best construed as being that Presidential Proclamation 5377 was invalid because it conflicted with Section 901 of the Foreign Relations Authorization Act for FY1988-1989. *Id.* at 1363.

[34] *Sale*, 509 U.S. at 174.

differed in terms of which and how many aliens are subject to exclusion. In no case to date, though, has the Executive purported to take certain types of action, such as barring all aliens from entering the United States for an extended period of time or explicitly distinguishing between categories of aliens based on their religion. Any such restrictions could potentially be seen to raise legal issues that were not raised by prior exclusions. For example, if the Executive were to seek to bar the entry of all aliens, as immigrants or nonimmigrants, for an extended time, questions could be raised about whether the President's action was consistent with Congress's intent in enacting statutes which prescribe criteria for the issuance of family- and employment-based immigrant and nonimmigrant visas and authorize the issuance of certain numbers of such visas each year.[35] Similarly, if the President were to purport to exclude aliens based on their religion, an argument could potentially be made that this action is in tension with U.S. treaty obligations[36] or the First Amendment.[37] (Distinctions between aliens based on nationality, in contrast, have historically been viewed as a routine feature of immigration legislation and subjected to deferential "rational basis" review by the courts.[38])

Table 1. Categories of Aliens Excluded under INA § 212(f)

Arranged Chronologically, from the Most to the Least Recent, by the Date of Their Publication in the *Federal Register*

Date & President	Nature of the Exclusion
2016, Apr. 21 – Obama *Executive Order 13726, 81 Fed. Reg. 23559*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have "contributed to the situation in Libya" in specified ways (e.g., engaging in "actions or policies that threaten the peace, security, or stability" of that country or may lead to or result in the

[35] For example, Section 203(a)(1) provides that "[q]ualified immigrants who are the unmarried sons or daughters of citizens of the United States *shall* be allocated visas in a number not to exceed 23,400" (with some additions possible) each year. *See* 8 U.S.C. § 1153(a)(1). "Shall" has been construed to indicate mandatory agency action when used in other contexts. *See, e.g.*, Kirtsaeng v. John Wiley & Sons, Inc., 136 S. Ct. 1979, 1983 (2016); Kingdomware Techs., Inc. v. United States, 136 S. Ct. 1969, 1977 (2016); Halo Elecs., Inc. v. Pulse Elecs., Inc., 136 S. Ct. 1923, 1931 (2016).

[36] For example, Article 2 of the International Covenant on Civil and Political Rights provides that "[e]ach State Party ... undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind" based on religion, among other things. United Nations, Human Rights, Office of the High Commissioner, International Covenant on Civil and Political Rights, http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx (last accessed: Jan. 14, 2017). The United States ratified this Convention in 1992, with certain reservations, understandings, and declarations. *See, e.g.*, Kristina Ash, *U.S. Reservations to the International Covenant on Civil and Political Rights: Credibility Maximization and Global Influence*, 3 NW. J. INT'L HUM. RTS. 1, 2 (2005). However, "Congress has not made the treaty enforceable in U.S. courts," and commentators have disagreed as to whether it or other provisions of law (e.g., the First Amendment) could serve as basis for invalidating the exclusion of certain aliens because of their religion. *See, e.g.*, Debra Cassens Weiss, *Would SCOTUS Uphold Trump's Plan to Bar Muslim Immigrants*, ABA J., Dec. 9, 2015, http://www.abajournal.com/news/article/would_scotus_uphold_trumps_plan_to_bar_muslim_immigrants.

[37] Aliens outside the United States without recognized ties to the country might have difficulty in maintaining such a challenge. *See id.* However, in certain cases, a ban on the entry of persons based on religion could potentially be seen to impinge upon the First Amendment rights of U.S. citizens by, for example, excluding officers and teachers of that religion. *Cf.* Kleindienst v. Mandel, 408 U.S. 753, 762-63 (1972) (recognizing that U.S. persons whose constitutional rights are adversely affected by the denial of a visa way to an alien outside the United States may have the right to challenge the denial in certain circumstances).

[38] *See, e.g.*, Rajah v. Mukasey, 544 F.3d 427, 435-36 (2d Cir. 2008) (quoting an earlier decision to the effect that the "most exacting level of scrutiny that we will impose on immigration legislation is rational basis review"); Narenji v. Civiletti, 617 F.2d 745, 748 (D.C. Cir. 1980) ("[C]lassifications among aliens based upon nationality are consistent with due process and equal protection if supported by a rational basis.... ").

Date & President	Nature of the Exclusion
	misappropriation of Libyan state assets)
2016, Mar. 18 – Obama *Executive Order 13722, 81 Fed. Reg. 14943*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain transactions involving North Korea (e.g., selling or purchasing metal, graphite, coal, or software directly or indirectly to or from North Korea, or to persons acting for or on behalf of the North Korean government or the Workers' Party of Korea)
2015, Nov. 25 – Obama *Executive Order 13712, 80 Fed. Reg. 73633*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have "contributed to the situation in Burundi" in specified ways (e.g., engaging in "actions or policies that threaten the peace, security, or stability of Burundi," or "undermine democratic processes or institutions" in that country)
2015, Apr. 2 – Obama *Executive Order 13694, 80 Fed. Reg. 18077 (later amended by Executive Order 13757, 82 Fed. Reg. 1 (Jan. 3, 2017))*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in "significant malicious cyber-enabled activities" (e.g., harming or significantly compromising the provision of services by a computer or computer network that supports an entity in a critical infrastructure sector)
2015, Mar. 11 – Obama *Executive Order 13692, 80 Fed. Reg. 12747*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have "contributed to the situation in Venezuela" in specified ways (e.g., engaging in actions or policies that undermine democratic processes or institutions, significant acts of violence or conduct that constitutes a serious abuse or violation of human rights)
2015, Jan. 6 – Obama *Executive Order 13687, 80 Fed. Reg. 819*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens with specified connections to North Korea (e.g., officials of the North Korean government or the Workers' Party of Korea)
2014, Dec. 24 – Obama *Executive Order 13685, 79 Fed. Reg. 77357*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain transactions involving the Crimea region of Ukraine (e.g., materially assisting, sponsoring, or providing financial, material, or technological support for, or goods or services to or in support of, persons whose property or interests are blocked pursuant to the order)
2014, May 15 – Obama *Executive Order 13667, 79 Fed. Reg. 28387*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have contributed to the conflict in the Central African Republic in specified ways (e.g., engaging in actions or policies that threaten the peace, security, or stability of that country, or that threaten transitional agreements or the political transition process)
2014, Apr. 7 – Obama *Executive Order 13664, 79 Fed. Reg. 19283*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain conduct as to South Sudan (e.g., actions or policies that "have the purpose or effect of expanding or extending the conflict" in that country, or obstructing reconciliation or peace talks or processes)
2014, Mar. 24 – Obama *Executive Order 13662, 79 Fed. Reg. 16169*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have contributed to the situation in Ukraine in specified ways (e.g., operating in the financial services, energy, metals and mining, engineering, or defense and related materiel sectors of the Russian Federation economy)
2014, Mar. 19 – Obama *Executive Order 13661, 79 Fed. Reg. 15535*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens determined to have contributed to the situation in Ukraine in specified ways (e.g., officials of the government of the Russian Federation, or persons who operate in the arms or related materiel sector)
2014, Mar. 10 – Obama *Executive Order 13660, 79 Fed.*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens determined to have contributed to the situation in Ukraine in specified ways (e.g., engagement in or responsibility for misappropriation of state assets of

Date & President	Nature of the Exclusion
Reg. 13493	Ukraine or of economically significant entities in that country)
2013, June 5 – Obama *Executive Order 13645, 78 Fed. Reg. 33945*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who have engaged in certain conduct related to Iran (e.g., materially assisting, sponsoring, or providing support for, or goods or services to or in support of, any Iranian person included on the list of Specially Designated Nationals and Blocked Persons)
2012, Oct. 12 – Obama *Executive Order 13628, 77 Fed. Reg. 62139*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain actions involving Iran (e.g., knowingly transferring or facilitating the transfer of goods or technologies to Iran, to entities organized under Iranian law or subject to Iranian jurisdiction, or to Iranian nationals, that are likely to be used by the Iranian government to commit serious human rights abuses against the Iranian people)
2012, July 13 – Obama *Executive Order 13619, 77 Fed. Reg. 41243*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to threaten the peace, security, or stability of Burma in specified ways (e.g., participation in the commission of human rights abuses, or importing or exporting arms or related materiel to or from North Korea)
2012, May 3 – Obama *Executive Order 13608, 77 Fed. Reg. 26409*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who are determined to have engaged in certain conduct as to Iran and Syria (e.g., facilitating deceptive transactions for or on behalf of any person subject to U.S. sanctions concerning Iran and Syria)
2012, Apr. 24 – Obama *Executive Order 13606, 77 Fed. Reg. 24571*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens determined to have engaged in specified conduct involving "grave human rights abuses by the governments of Iran and Syria via information technology" (e.g., operating or directing the operation of communications technology that facilitates computer or network disruption, monitoring, or tracking that could assist or enable serious human rights abuses by or on behalf of these governments)
2011, Aug. 9 – Obama *Proclamation 8697, 76 Fed. Reg. 49277*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who participate in serious human rights and humanitarian law violations and other abuses (e.g., planning, ordering, assisting, aiding and abetting, committing, or otherwise participating in "widespread or systemic violence against any civilian population" based, in whole or in part, on race, color, descent, sex, disability, language, religion, ethnicity, birth, political opinion, national origin, membership in a particular social group, membership in an indigenous group, or sexual orientation or gender identity)
2011, July 27 – Obama *Proclamation 8693, 76 Fed. Reg. 44751*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens subject to U.N. Security Council travel bans and International Emergency Economic Powers Act sanctions
2009, Jan. 22 – Bush *Proclamation 8342, 74 Fed. Reg. 4093*	Suspending the entry into the United States, as immigrants or nonimmigrants, of foreign government officials responsible for failing to combat trafficking in persons
2007, July 3 – Bush *Proclamation 8158, 72 Fed. Reg. 36587*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for policies or actions that threaten Lebanon's sovereignty and democracy (e.g., current or former Lebanese government officials and private persons who "deliberately undermine or harm Lebanon's sovereignty")
2006, May 16 – Bush *Proclamation 8015, 71 Fed. Reg. 28541*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for policies or actions that threaten the transition to democracy in Belarus (e.g., Members of the government of Alyaksandr Lukashenka and other persons involved in policies or actions that "undermine or injure democratic institutions or impede the transition to democracy in Belarus")
2004, Jan. 14 – Bush *Proclamation 7750, 69 Fed. Reg.*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who have engaged in or benefitted from corruption in specified ways (e.g., current or former public officials whose solicitation or acceptance of articles of

Date & President	Nature of the Exclusion
2287	monetary value or other benefits has or had "serious adverse effects on the national interests of the United States")
2002, Feb. 26 – Bush *Proclamation 7524, 67 Fed. Reg. 8857*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for actions that threaten Zimbabwe's democratic institutions and transition to a multi-party democracy (e.g., Senior members of the government of Robert Mugabe, persons who through their business dealings with Zimbabwe government officials derive significant financial benefit from policies that undermine or injure Zimbabwe's democratic institutions)
2001, June 29 – Bush *Proclamation 7452, 66 Fed. Reg. 34775*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons responsible for actions that threaten international stabilization efforts in the Western Balkans, or are responsible for wartime atrocities in that region
2000, Oct. 13 – Clinton *Proclamation 7359, 65 Fed. Reg. 60831*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who plan, engage in, or benefit from activities that support the Revolutionary United Front or otherwise impede the peace process in Sierra Leone
1999, Nov. 17 – Clinton *Proclamation 7249, 64 Fed. Reg. 62561*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens responsible for repression of the civilian population in Kosovo or policies that obstruct democracy in the Federal Republic of Yugoslavia (FRY) or otherwise lend support to the government of the FRY and the Republic of Serbia
1998, Jan. 16 – Clinton *Proclamation 7062, 63 Fed. Reg. 2871*	Suspending the entry into the United States, as immigrants or nonimmigrants, of members of the military junta in Sierra Leone and their family
1997, Dec. 16 – Clinton *Proclamation 7060, 62 Fed. Reg. 65987*	Suspending the entry into the United States, as immigrants or nonimmigrants, of senior officials of the National Union for the Total Independence of Angola (UNITA) and adult members of their immediate families
1996, Nov. 26 – Clinton *Proclamation 6958, 61 Fed. Reg. 60007*	Suspending the entry into the United States, as immigrants or nonimmigrants, of members of the government of Sudan, officials of that country, and members of the Sudanese armed forces
1996, Oct. 7 – Clinton *Proclamation 6925, 61 Fed. Reg. 52233*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who "formulate, implement, or benefit from policies that impede Burma's transition to democracy" and their immediate family members
1994, Oct. 27 – Clinton *Proclamation 6749, 59 Fed. Reg. 54117*	Suspending the entry into the United States, as immigrants or nonimmigrants, of certain aliens described in U.N. Security Council Resolution 942 (e.g., officers of the Bosnian Serb military and paramilitary forces and those acting on their behalf, or persons found to have provided financial, material, logistical, military, or other tangible support to Bosnian Serb forces in violation of relevant U.S. Security Council resolutions)
1994, Oct. 5 – Clinton *Proclamation 6730, 59 Fed. Reg. 50683*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who formulate, implement, or benefit from policies that impede Liberia's transition to democracy and their immediate family
1994, May 10 – Clinton *Proclamation 6685, 59 Fed. Reg. 24337*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens described in U.N. Security Council Resolution 917 (e.g., officers of the Haitian military, including the police, and their immediate families; major participants in the 1991 Haitian coup d'etat)
1993, Dec. 14 – Clinton *Proclamation 6636, 58 Fed. Reg. 65525*	Suspending the entry into the United States, as immigrants or nonimmigrants, of aliens who formulate, implement, or benefit from policies that impede Nigeria's transition to democracy and their immediate family
1993, June 23 – Clinton *Proclamation 6574, 58 Fed. Reg.*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who formulate or benefit from policies that impede Zaire's transition to democracy and their immediate family

Date & President	Nature of the Exclusion
34209	
1993, June 7 – Clinton *Proclamation 6569, 58 Fed. Reg. 31897*	Suspending the entry into the United States, as immigrants or nonimmigrants, of persons who formulate, implement, or benefit from policies that impede the progress of negotiations to restore a constitutional government to Haiti and their immediate family
1992, June 1 – Bush *Executive Order 12807, 57 Fed. Reg. 23133*	Making provisions to enforce the suspension of the entry of undocumented aliens by sea and the interdiction of any covered vessel carrying such aliens
1988, Oct. 26 – Reagan *Proclamation 5887, 53 Fed. Reg. 43184*	Suspending the entry of specified Nicaraguan nationals into the United States as nonimmigrants (e.g., officers of the Nicaraguan government or the Sandinista National Liberation Front holding diplomatic or official passports)
1988, June 14 – Reagan *Proclamation 5829, 53 Fed. Reg. 22289*	Suspending the entry into the United States, as immigrants or nonimmigrants, of certain Panamanian nationals who formulate or implement the policies Manuel Antonio Noriega and Manuel Solis Palma, and their immediate families
1986, Aug. 26 – Reagan *Proclamation 5517, 51 Fed. Reg. 30470*	Suspending the entry of Cuban nationals as immigrants with certain specified exceptions (e.g., Cuban nationals applying for admission as immediate relatives under INA § 201(b))
1985, Oct. 10 – Reagan *Proclamation 5377, 50 Fed. Reg. 41329*	Suspending the entry of specified classes of Cuban nationals as nonimmigrants (e.g., officers or employees of the Cuban government or the Communist Party of Cuba holding diplomatic or official passports)
1981, Oct. 1 – Reagan *Proclamation 4865, 46 Fed. Reg. 48107*	Suspending the entry of undocumented aliens from the high seas, and directing the interdiction of certain vessels carrying such aliens

Source: Congressional Research Service, based on various sources cited in **Table 1**.

Note: In a number of cases, the exclusions listed in **Table 1** were expressly said to be waivable, in the Executive's discretion, when the entry of a particular alien otherwise subject to exclusion "would not be contrary to the interests of the United States." See, e.g., 50 Fed. Reg. 41329, at § 2 (Oct. 10, 1985).

Other Provisions of the INA

Beyond Section 212(f), other provisions of the INA can also be seen to authorize the Executive to restrict aliens' entry to the United States.[39] Most notably, Section 214(a)(1) prescribes that the "admission of any alien to the United States as a nonimmigrant shall be for such time and under such conditions as [the Executive] may by regulations prescribe."[40] (Nonimmigrants are aliens admitted to the United States for a specific period of time and purpose pursuant to one of the

[39] In addition, yet other provisions of the INA could be seen to give the Executive discretion as to whether certain categories of aliens are admitted. For example, Section 207(a)(2) of the INA could be seen to give the Executive broad discretion in determining how many aliens are admitted to the United States as refugees each year. *See* 8 U.S.C. § 1157(a)(2). Other provisions outside immigration law could also apply. *See* National Defense Authorization Act for FY2017, P.L. 114-328, §§ 1261-1265.—Stat.—(Dec. 23, 2016) (sanctions for human rights abusers); Consolidated Appropriations Act, P.L. 114-113, § 7031(c), 129 Stat. 2755 (Dec. 18, 2015) (providing that certain foreign officials involved in "significant corruption" and their immediate family are ineligible for entry to the United States); Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012, P.L. 112-208, §§ 404-406, 126 Stat. 1505-1509 (Dec. 14, 2012) (excluding certain aliens involved in human rights abuses).

[40] 8 U.S.C. § 1184(a)(1).

"lettered" visas set forth in Section 101(a)(15) of the INA.[41]) Section 215(a)(1) similarly provides that "it shall be unlawful for any alien" to enter or depart the United States "except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President may prescribe."[42] In the past, the Executive has relied upon Section 215(a)(1), in particular, to exclude certain aliens. For example, President Carter cited to Section 215(a) when authorizing the revocation of immigrant and nonimmigrant visas issued to Iranians during the Iran Hostage Crisis.[43]

The current Section 215(a) was enacted as part of the INA in 1952.[44] However, similar language appeared in earlier immigration-related statutes.[45] Both the earlier language and the initial version of Section 215(a) granted the President the power to impose additional restrictions upon aliens' entry into and departure from the United States during times of war and, in some cases, "national emergency."[46] The President's exclusion of certain aliens under this authority[47] was upheld in several court cases, the most notable of which was arguably the Supreme Court's 1950 decision in *United States* ex rel. *Knauff v. Shaughnessy*.[48] There, the Court rejected a challenge to the exclusion of a German "war bride" under regulations promulgated pursuant to Presidential Proclamation 2523, which was itself issued under the authority of a predecessor of Section 215(a).[49] In so doing, the Court rejected the excluded bride's argument that both the regulations and the underlying statute constituted an impermissible delegation of legislative power, reasoning that "[t]he exclusion of aliens is a fundamental act of sovereignty. The right to do so stems not

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[41] *Id.* § 1101(a)(15) (defining an "immigrant" to mean "every alien *except* an alien who is within one of the following classes of nonimmigrant aliens.... ") (emphasis added).

[42] *Id.* § 1184(a)(1).

[43] *See* Executive Order 12172, Delegation of Authority With Respect to Entry of Certain Aliens Into the United States, 44 Fed. Reg. 67947, 67947 (Nov. 28, 1979) (authorizing the Secretary of State and the Attorney General to exercise "in respect of Iranians holding *nonimmigrant visas*, the authority conferred upon the President by section 215(a)(1) of the Act of June 27, 1952 (8 USC 1185).... ") (emphasis added); Executive Order 12206, Amendment of Delegation of Authority with Respect to Entry of Certain Aliens Into the United States," 45 Fed. Reg. 24101, 24201 (Apr. 7, 1980) (amending Executive Order 12172 to cover *immigrant*, as well as nonimmigrant visas). The exclusion addressed in *Sale* was also effectuated, in part, under the authority of Section 215(a). *See supra* note 19.

[44] *See* P.L. 82-414, § 212(e), 66 Stat. 190 (June 27, 1952).

[45] *See* P.L. 65-164, 40 Stat. 559 (May 22, 1918) ("[W]hen the United States is at war, if the President shall find that public safety requires that restrictions and prohibitions ... be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful [f]or any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe."); P.L. 77-113, 55 Stat. 252 (June 20, 1941) (similar).

[46] *See* 66 Stat. 190 (war and national emergency); 55 Stat. 252 (war); 40 Stat. 559 (war).

[47] *See, e.g.*, Proclamation 3.004, Control of Persons Leaving or Entering the United States, 18 Fed. Reg. 489 (Jan. 17, 1953) (President Truman relying, in part, on a predecessor to Section 215(a) to impose restrictions on the entry of aliens into the Panama Canal Zone and American Samoa); Proclamation 2,850, 14 Fed. Reg. 5173 (Aug. 19, 1949) (President Truman relying, in part, on a predecessor to Section 215(a) in excluding aliens whose entry executive officials deem "would be prejudicial to the interests of the United States"); Proclamation 2,523, Control of Persons Entering and Leaving the United States, 6 Fed. Reg. 2617 (Nov. 18, 1941) (similar, President Roosevelt).

[48] 338 U.S. 537 (1950). *See also* Shaughnessy v. United States *ex rel.* Mezei, 345 U.S. 206 (1953) (noting the President's power to exclude aliens in the course of finding that an alien who was so excluded, but whom no other country would accept, was not entitled to release into the United States). The *Mezei* Court, in particular, cited a number of precedents for the proposition that "the power to expel or exclude aliens [is] a fundamental sovereign attribute exercised by the Government's political departments largely immune from judicial control." 345 U.S. at 210 (citing Harisiades v. Shaughnessy, 342 U.S. 580 (1952); The *Chinese Exclusion Case*, 130 U.S. 581 (1889); and Fong Yue Ting v. United States, 149 U.S. 698 (1893)).

[49] *Knauff*, 338 U.S. at 540-42.

from legislative power but is inherent in the executive power to control the foreign affairs of the nation."[50] Therefore, in the Court's view, Congress could not have run afoul of the non-delegation doctrine by authorizing the President to exercise this power "for the best interests of the country" during wartime because the President already possessed such authority.[51] The *Knauff* Court similarly rejected the argument that the regulations in question were not "reasonable," as required by the statutory authority under which they were issued—which in relevant part, made it unlawful for an alien to enter the United States "except under such reasonable rules ... as the President may prescribe."[52] The Court did so because it viewed the regulations excluding aliens whose entry was "deemed prejudicial to the public interest" as "reasonable in the circumstances of the period for which they were authorized, namely, the national emergency of World War II."[53]

The statutory language regarding war and national emergency—which arguably factored into the Court's decision in *Knauff*—was deleted from Section 215(a) in 1978.[54] However, it seems unlikely that this deletion would serve as a basis for overruling the *Knauff* Court's conclusions about whether the power in question was impermissibly delegated to the Executive,[55] or about what constitutes a "reasonable" regulation for purposes of Section 215(a).[56] *Knauff's* statements about the inherent power of nations to exclude aliens outside the United States with no recognized ties to the country would also generally seem to remain good law.[57]

Author Contact Information

Kate M. Manuel
Acting Section Research Manager
kmanuel@crs.loc.gov, 7-4477

[50] *Id.* at 542.

[51] *Id.* at 542-43 ("[T]here is no question of inappropriate delegation of legislative power involved here."). The non-delegation doctrine precludes Congress from handing over its legislative powers to other branches of the federal government. However, Congress may "confer[] decisionmaking authority upon agencies, so long as it "lays down by legislative act an intelligible principle to which the person or body authorized to [act] is directed to conform." See Whitman v. Am. Trucking Ass'ns, 531 U.S. 457, 472 (2001) (internal quotations omitted).

[52] 338 U.S. at 544.

[53] *Id.*

[54] P.L. 95-426, § 707(a), 92 Stat. 992-93 (Oct. 7, 1978).

[55] *Cf.* Cass R. Sunstein, *Nondelegation Canons*, 67 U. CHI. L. REV. 315, 315 (2000) ("Since 1935, the Supreme Court has not struck down an act of Congress on nondelegation grounds.... ").

[56] There does not appear to be any court cases establishing what is meant by the term "reasonable regulations" for purposes of Section 215(a) and its predecessors. However, courts may grant considerable deference to the Executive's determinations in this area, given the "plenary power" that the political branches are generally seen to have over immigration. *See, e.g.*, Mathews v. Diaz, 426 U.S. 67, 81 (1976) ("For reasons long recognized as valid, the responsibility for regulating the relationship between the United States and our alien visitors has been committed to the political branches of the Federal Government.").

[57] *See, e.g.*, Jean v. Nelson, 472 U.S. 847, 875 (1985) ("It is in the area of entry] that the Government's interest in protecting our sovereignty is at its strongest and that individual claims to constitutional entitlement are the least compelling."); Fiallo v. Bell, 430 U.S. 787, 792 (1977) (citing cases finding that the power to exclude is a "fundamental sovereign attribute"); Kleindeinst v. Mandel, 408 U.S. 753, 765 (similar) (1972). Certain limits to this power have, however, been recognized, particularly as to aliens with recognized ties to the United States or who would need to be detained in the United States to effectuate their exclusion. *See, e.g.*, CRS Legal Sidebar WSLG1695, *Supreme Court to Hear Challenge to Aliens' Detention Pending Removal Proceedings*, by Kate M. Manuel.

From: Franke, Evan R
To: Lay, Dorothea B (Thea); Lonegan, Bryan K; Groom, Molly M; Miles, John D; Roll, Annemarie E; Busch, Philip B; Zengotitabengoa, Colleen R; Whitney, Ronald W
Subject: RE: URGENT: Border patrol refusing to comply with court order at Dulles
Date: Sunday, January 29, 2017 10:32:30 AM

[redacted] (b)(5)

Evan

From: Lay, Dorothea B (Thea)
Sent: Sunday, January 29, 2017 10:13:58 AM
To: Lonegan, Bryan K; Groom, Molly M; Franke, Evan R; Miles, John D; Roll, Annemarie E; Busch, Philip B; Zengotitabengoa, Colleen R; Whitney, Ronald W
Subject: RE: URGENT: Border patrol refusing to comply with court order at Dulles

[redacted] (b)(5)

From: Lonegan, Bryan K
Sent: Sunday, January 29, 2017 10:06 AM
To: Groom, Molly M; Franke, Evan R; Miles, John D; Roll, Annemarie E; Busch, Philip B; Zengotitabengoa, Colleen R; Whitney, Ronald W; Lay, Dorothea B (Thea)
Subject: RE: URGENT: Border patrol refusing to comply with court order at Dulles

[redacted] (b)(5)

From: Groom, Molly M
Sent: Sunday, January 29, 2017 9:28:39 AM
To: Franke, Evan R; Miles, John D; Roll, Annemarie E; Busch, Philip B; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Whitney, Ronald W; Lay, Dorothea B (Thea)
Subject: RE: URGENT: Border patrol refusing to comply with court order at Dulles

[redacted] (b)(5)

From: Groom, Molly M
Sent: Sunday, January 29, 2017 9:26:44 AM
To: Franke, Evan R; Miles, John D; Roll, Annemarie E; Busch, Philip B; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Whitney, Ronald W; Lay, Dorothea B (Thea)
Subject: FW: URGENT: Border patrol refusing to comply with court order at Dulles

Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

Katz, Jonathan E

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 12:02 PM
To: RAIO - ALL1
Subject: Executive Order and Refugee Processing

RAIO Colleagues,

As you know, last week we made the decision to temporarily suspend departures for both the Refugee Affairs Division (RAD) and International Operations (IO) circuit rides until February 15. We also temporarily suspended refugee interviews at all international field offices. Following further consultations with the Department of State Bureau for Population, Refugees and Migration (PRM), we have jointly decided that the remaining 2nd quarter circuit ride and USCIS international field office interview schedule will be completely revised. PRM is instructing the Refugee Support Centers to cancel this quarter's USCIS circuit rides and field office interviews at this time.

RAIO will be working with PRM in coming weeks and months to discuss when circuit rides and field office interviews will resume and to identify any interviews that will be needed to reach this year's revised goal of 50,000 admissions, as well as the FY18 ceiling, which has not yet been determined. At this time, we do not have any information to share on 3rd and 4th quarter circuit rides or field office processing, but we will continue to share additional information as it becomes available.

I would like to encourage you to review the RAIO ECN site that we have begun building to share information with you, as well as to provide a space for questions and collaboration:

2017 Executive Orders

You will find there a place where you may submit questions anonymously. Or, you can identify yourself in case we want to get back to you with any follow up questions to clarify your question. While the site tracks number of "responses," that actually means number of questions. It may take a bit of time, but once we have a number of questions, we will work on posting the questions and responses. Also, something to watch for in the coming weeks is that we will be seeking your views on certain implementation issues through the feedback section of that ECN site (such as additional information it would be helpful to know when processing a benefit request).

Thank you for your support, flexibility and patience.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

Katz, Jonathan E

From: Radel, David M
Sent: Thursday, February 02, 2017 2:54 PM
To: #ZLA All Employees
Subject: FW: EO Guidance
Attachments: EO 1-27 implementation guidance signed and dated.pdf

Hello Everyone,

Great news – we can proceed with our normal processing of cases from the seven countries implicated in the recent Executive Order. Please remove the holds from the cases that we recently placed on hold and resume case processing, to include decision issuance. It's back to business as usual!

If you have any questions or concerns, just let me know.

All the best,
David

From: Kim, Ted H
Sent: Thursday, February 02, 2017 2:40 PM
To: Aguilar, Kimberly M; Bardini, Emilia M; Boyle, Meghann W; Bundy, Kelsey D; Daum, Robert L; Flanagan, Lisa M; Gadson, Irvin C; Ho, Cheri L; Hong, Marianne X; Hussey, Jedidah M; Kline, Jennifer M; Madsen, Kenneth S; Menges, Patricia A; Papazian, Varsenik L; Radel, David M; Raufer, Susan; Rellis, Jennifer L; Varghese, Mathew C; Varghese, Sunil R
Cc: Caudill-Mirillo, Ashley B; Kirkland, Brooke A; Lafferty, John L; Mura, Elizabeth E; Pilotti, David A; Potts-Hansen, Stephanie N; Roberts, Rhonda J; Schaper, Michael C; Tanner, Rebecca S
Subject: FW: EO Guidance

Attached is the written formal USCIS guidance that we have been waiting for that allows us to resume adjudicating affirmative asylum cases as normal.

I also checked with CSPED, and if you are asked by members of the public if we are operating "business as usual," we can respond affirmatively. If the inquiries are more complicated than that or relate to other aspects of the Executive Orders, please continue to forward those to me for response by HQ CSPED.

Thanks,
Ted

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:32 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

Signed and dated copy attached. Have a good evening!

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:20 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [redacted] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: RE: EO Guidance

Please hold off on disseminating just yet. The copy was not dated. I'll send an updated version in just a minute.

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:13 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [redacted] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: EO Guidance

Attached please find the EO implementation guidance. OCOMM will also be sending this out to a larger audience and I will post it on the ECN.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

This communication, along with any attachments, may contain confidential information and is covered by federal laws governing electronic communications. Electronic communications may also be monitored by the Department of Homeland Security, U.S. Citizenship and Immigration Services. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this in error, please delete this message and all attachments and immediately notify the sender.

Referred to U.S. Customs and Border Protection

(b)(6

(b)(6

Cc: [redacted] (b)(6)
Subject: RE: CBP Sworn Statements

What time?
Can you get the actual document?
The provisions on LPS appear to have been amended by the Secretary already.

From: Mekjian, Gerard J
Sent: Monday, January 30, 2017 11:12 AM
To: Lonegan, Bryan K
Cc: Katz, Jonathan E; Lay, Dorothea B (Thea); Ooi, Maura M
Subject: RE: CBP Sworn Statements

Saturday

Gerard J. Mekjian
Supervisory Asylum Officer / Anti-Human Trafficking Program Coordinator
Refugee, Asylum & International Operations
DHS/CIS
Newark Asylum Office
1200 Wall Street West, 4th Floor
Lyndhurst, NJ 07071
[redacted] (b)(6)

From: Lonegan, Bryan K
Sent: Monday, January 30, 2017 11:09 AM
To: Mekjian, Gerard J
Cc: Katz, Jonathan E; Lay, Dorothea B (Thea); Ooi, Maura M
Subject: RE: CBP Sworn Statements

When was this issued? Things have been fast moving and this directive may no longer be valid, but maybe it is.

From: Mekjian, Gerard J
Sent: Monday, January 30, 2017 10:57 AM
To: Lonegan, Bryan K
Cc: Katz, Jonathan E; Lay, Dorothea B (Thea); Ooi, Maura M
Subject: FW: CBP Sworn Statements

You probably have this already, but thought I'd send it to you all any way. Sunil forwarded my email to Lafferty so I don't think HQ was aware of the below.

Gerard J. Mekjian
Supervisory Asylum Officer / Anti-Human Trafficking Program Coordinator
Refugee, Asylum & International Operations
DHS/CIS
Newark Asylum Office
1200 Wall Street West, 4th Floor
Lyndhurst, NJ 07071
[redacted]
(b)(6)

From: Mekjian, Gerard J
Sent: Monday, January 30, 2017 10:03 AM
To: Varghese, Sunil R; Raufer, Susan
Subject: CBP Sworn Statements

Below is what was sent out to ERO Field Operations. You may have this already, but thought it worth sending out. Troublesome (among a lot of troublesome things) is that a sworn statement is not being taken for those who withdraw their applications through From I-275.

To: **Assistant Directors, Field Office Directors, and Deputy Field Office Directors**

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.

U.S. Customs and Border Protection has provided the following and attached guidance to its employees. Furthermore, the Department to State provided CBP with a letter provisionally revoking all immigrant and non-immigrant visas for nationals of Iran, Iran, Libya, Somalia, Sudan, and Yemen; however, these revocations may not yet be annotated in the system. Please ensure that this memorandum and attached information are immediately disseminated to all ERO employees within your respective area of responsibility.

Further guidance is forthcoming, however if you have any immediate questions, please contact HQ Domestic Operations (A) Deputy Assistant Director (DAD)/East Ricardo Wong at [redacted] or (A) DAD/West Paul Capicchioni a[redacted]

(b)(6)

CBP guidance is as follows:

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

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

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

(1) All case processing will be recorded in Secure Integrated Government Mainframe Access (SIGMA) 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 TTRT/CTR examination 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 TTRT/CTR exam should be notated in CSIS 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 TTRT/CTR examination 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.

Gerard J. Mekjian
Supervisory Asylum Officer / Anti-Human Trafficking Program Coordinator
Refugee, Asylum & International Operations
DHS/CIS
Newark Asylum Office
1200 Wall Street West, 4th Floor
Lyndhurst, NJ 07071
[redacted] (b)(6)

[redacted]

(b)(6)

Katz, Jonathan E

From: Radel, David M
Sent: Monday, January 30, 2017 7:06 AM
To: #ZLA All Employees
Subject: RE: Recent Executive Order

Importance: High

One new instruction for APSO: If any individual is referred for us for CF/RF processing who was denied admission as a result of the EO, please notify me, Marianne, and Lisa ASAP (so that we can then notify HQASM). We may proceed with CF/RF processing in these cases unless instructed otherwise. Thank you, David

---

From: Radel, David M
Sent: Sunday, January 29, 2017 12:48 PM
To: #ZLA All Employees
Subject: Recent Executive Order

Hello All:

Effective immediately, we have been instructed to prevent any asylum decision document from being issued in person or by mail to a national of any of the following countries unless or until we are instructed otherwise:

Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya

Please ensure that until further notice, no applicant from the countries above is served as asylum decision document in person or by mail. Any cases PUSHing should get mail-out notices and the cases will remain pending with out office until further notice.

You and your team members should continue to process these cases up to the point of decision service, but may not serve the decision documents at this time.

At this time, we may continue to serve APSO decision documents on individuals from these countries, just not asylum decision documents.

If you have any questions, please let me know.

Thank you,
David.

Lonegan, Bryan K

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 3:02 PM
To: RAIO - ALL1
Subject: Executive Order and Refugee Processing

RAIO Colleagues,

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Thank you for your support, flexibility and patience.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

(b)(6

(b)(6

To: [redacted] (b)(6)
Cc:
Subject: RE: CBP Sworn Statements

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Sent: Monday, January 30, 2017 11:12 AM
To: Lonegan, Bryan K
Cc: Katz, Jonathan E; Lay, Dorothea B (Thea); Ooi, Maura M
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Gerard J. Mekjian
Supervisory Asylum Officer / Anti-Human Trafficking Program Coordinator
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[redacted] (b)(6)

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To: Mekjian, Gerard J
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To: **Assistant Directors, Field Office Directors, and Deputy Field Office Directors**

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.

U.S. Customs and Border Protection has provided the following and attached guidance to its employees. Furthermore, the Department to State provided CBP with a letter provisionally revoking all immigrant and non-immigrant visas for nationals of Iran, Iran, Libya, Somalia, Sudan, and Yemen; however, these revocations may not yet be annotated in the system. Please ensure that this memorandum and attached information are immediately disseminated to all ERO employees within your respective area of responsibility.

Further guidance is forthcoming, however if you have any immediate questions, please contact HQ Domestic Operations (A) Deputy Assistant Director (DAD)/East Ricardo Wong at [redacted] or (A) DAD/West Paul Capicchioni at [redacted]

(b)(6)

CBP guidance is as follows:

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

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

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

(1) All case processing will be recorded in Secure Integrated Government Mainframe Access (SIGMA) 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 TTRT/CTR examination 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 TTRT/CTR exam should be notated in CSIS 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:

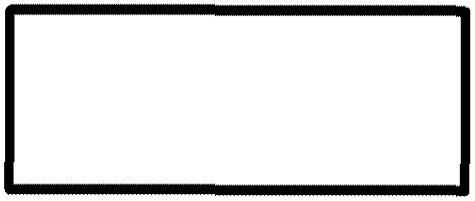
(1) Aliens from the above group who are prevented from entry solely as a result of the Executive Order, should be referred for TTRT/CTR examination and held at the port of entry until such time as an exemption to the Executive Order can be obtained. This exemption falls to the Secretary of State and 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.

Gerard J. Mekjian
Supervisory Asylum Officer / Anti-Human Trafficking Program Coordinator
Refugee, Asylum & International Operations
DHS/CIS
Newark Asylum Office
1200 Wall Street West, 4th Floor
Lyndhurst, NJ 07071



(b)(6)

Referred to U.S. Department of State

(b)(6

Referred to U.S. Department of State

(b)(6

Shirk, Georgette L

From: Groom, Molly M
Sent: Saturday, January 28, 2017 11:41 AM
To: Busch, Philip B; Zengotitabengoa, Colleen R; Lay, Dorothea B (Thea); Whitney, Ronald W
Subject: FW: Executive Order
Attachments: Executive Order PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - 01272017.docx

We could add on or develop our own.

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
Office [redacted]
(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J;

Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]*desk)* (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

Don't know if you can get any clarification but DHS HQ needs to know what's going on.

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Worley, Jordan P

From: Borgen, Michael R
Sent: Saturday, January 28, 2017 10:34 AM
To: Bausman, Kathleen A; Beale, John P; Bogucki, Edward; Browndeis, Philip; Catalano, Michael A; Dawson, Tara; Day, Robert A; Emhof, Richard J; Johnson, Faith; McCall, Sharee A; McKeever, Lynda T; Ortiz, Yolanda; Parker, Bryan M; Roby, Melvin; Scott, Thomas J (TJ); Spaulding, David; St Preux, Nadege; Underkofler, Michael; Williams, David J; Fine, Todd; Hogan, Pamela R; Horvath, Michael
Cc: Carrington, John E
Subject: FW: Additional Note: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

I want to make sure that everyone knows about this right away. Especially in light of that fact that we may have overtime today.

Please hold all cases from the below listed countries and do not adjudicate them.

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHS/USCIS

From: Goodwin, Shelley M
Sent: Saturday, January 28, 2017 11:29:54 AM
To: #NER-DD-FOD-COS
Cc: #NER-OPS; Haag, Andrew P; Fontanez, Andrew V; Richard, Wendy T; Pietropaoli, Lori A
Subject: Additional Note: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Field Leadership

As noted below, it will be critical for field offices to ensure that staff members are aware of the need to hold all pending cases for individuals who were born or who are nationals of these countries. We will be providing the standard NFTS code to which offices must place these cases while pending additional guidance. It is important that all field offices uses the code provided to facilitate national tracking. I will provide you with that code Monday. Additionally, NER is in the process of creating a report for all field offices in USCIS what will identify the cases and NFTS file locations within your respective offices to facilitate the segregation of the cases. We should have that also early next week.

Please let us know if you have questions or concerns. Thanks

Shelley M. Goodwin
Northeast Region I Associate Regional Director, Operations I USCIS [redacted] (b)(6)

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dissemination, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank You.

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Worley, Jordan P

From: Borgen, Michael R
Sent: Friday, January 27, 2017 7:54 PM
To: Carrington, John E; Bausman, Kathleen A; Beale, John P; Browndeis, Philip; Catalano, Michael A; Horvath, Michael; Spaulding, David; Underkofler, Michael; Williams, David J
Subject: FW: Anticipating executive orders

FYI.

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHS/USCIS

From: Pietropaoli, Lori A
Sent: Friday, January 27, 2017 4:55:55 PM
To: Borgen, Michael R; Collett, Greg L; Coven, Phyllis A; Furlong, John M; Gray, Tamika S; Houghton, Timothy J; Newman, Edward A; Riordan, Denis C; Taylor, Sarah T; Thompson, John E
Cc: Goodwin, Shelley M; Kern, Suzanne C
Subject: Anticipating executive orders

DDs and DDDs

Please be aware that we may have a request come in either over the weekend or very early on Monday to hold a number of cases for 30 days based on an executive order. You may want to monitor your email – we will provide the information as soon as we have it.

Thanks, Lori

Lori Pietropaoli | Regional Director | Northeast Region | USCIS
Phone [redacted]

(b)(6)

Worley, Jordan P

From: Borgen, Michael R
Sent: Monday, January 30, 2017 7:01 AM
To: Renaud, Daniel M; Valverde, Michael
Cc: Kerns, Kevin J; DeStefano, Ernest
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Dan and Michael,

Per the below e-mail chain, OIDP is asking what effect the EO will have on card production for I-551s and for EADs. For grants of LPR status prior to 1/27/17, it would appear that we could proceed with card production, but we want to confirm before moving forward with card production. In the chance that I-485s were granted after the hold, those cards should not be produced and the cases identified, correct?

Is there any guidance on the issuance of EADs?

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHD/USCIS

From: DeStefano, Ernest
Sent: Monday, January 30, 2017 7:36:24 AM
To: Borgen, Michael R; Kerns, Kevin J
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Yes.....most of the card orders we have would be from before the EO, but there are always a small number in the queue that comes in over the weekend. We do first in first out of all card orders, so sometime later today or tomorrow morning we will be hitting the weekend work.

Ernie
Ernest DeStefano
Chief OIDP
[redacted] (b)(6)

From: Borgen, Michael R
Sent: Monday, January 30, 2017 7:34 AM
To: DeStefano, Ernest; Kerns, Kevin J
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

From: DeStefano, Ernest
Sent: Monday, January 30, 2017 7:14:58 AM
To: Kerns, Kevin J; Borgen, Michael R
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Sorry, I hit send before I could enter a message.....

FOD has suspended approvals on any application coming from a listed country in the Presidents EO. We will undoubtedly have cards in the production queue from these countries. The ban began on January 27th so I am presuming that anything in the queue would predate the EO.

Should we go ahead and produce the cards and mail them?

My recommendation is we produce and mail cards. These individuals are already in the US and have presumably been properly vetted. We will, however, do whatever instructed.

Ernie
Ernest DeStefano
Chief OIDP
[redacted] (b)(6)

From: DeStefano, Ernest
Sent: Monday, January 30, 2017 7:07 AM
To: Kerns, Kevin J; Borgen, Michael R
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Ernie
Ernest DeStefano
Chief OIDP
[redacted] (b)(6)

From: Goodwin, Jared X
Sent: Monday, January 30, 2017 7:04 AM
To: DeStefano, Ernest
Cc: Anderson, Erik C; Manahan, Lisa F
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Ernie,

FYI...what do we do with cards in the production queue from these countries?

Jared

Jared X. Goodwin
Chief, Document Management Division

U.S. Citizenship & Immigration Services
Office of Intake & Document Production
Suite 250, 633 3rd St NW, Washington DC, 20529
[redacted] (b)(6)
Connect Site: http://connect.uscis.dhs.gov/org/MGMT/IDP/Pages/default.aspx
ECN Site: http://ecn.uscis.dhs.gov/team/mgmt/Offices/OIDP/IDP/default.aspx

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From: Stimac, Melissa L
Sent: Sunday, January 29, 2017 3:08 PM
To: Goodwin, Jared X; Manahan, Lisa F
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

FYI...
Melissa Stimac
Production Operations Branch Chief
[redacted] (b)(6)

From: Cowan, Robert M
Sent: Saturday, January 28, 2017 11:07:09 AM
To: #NBC CIS Broadcast
Cc: Renaud, Daniel M; Valverde, Michael
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Colleagues,

Please see the message below from AD Daniel Renaud. Per his instructions please cease taking final action on those petitions and applications where the applicant or beneficiary is a citizen or national from any of the listed countries. If you encounter a case that falls into this category please set it aside for the time being. We'll issue further guidance early next week. Thanks for your help in this matter.

Robert Cowan
Center Director/National Benefits Center
[redacted] (b)(6)

Sent from a mobile device

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12:16 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L

Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Worley, Jordan P

From: Borgen, Michael R
Sent: Sunday, January 29, 2017 3:02 PM
To: Kerns, Kevin J
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

FYI.

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHS/USCIS

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 4:00:29 PM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Field Offices may continue to adjudicate N-400 and N-600 applications and administer the oath of citizenship for approved candidates who remain eligible. This message lifts the hold on citizenship applications and petitions.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12:16 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

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Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Worley, Jordan P

From: Borgen, Michael R
Sent: Saturday, January 28, 2017 10:56 AM
To: Kerns, Kevin J
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

In case you have not seen this.

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHS/USCIS

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12:16 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Worley, Jordan P

From: Borgen, Michael R
Sent: Monday, January 30, 2017 7:25 AM
To: Kerns, Kevin J
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Kevin,

Do you want me to send this to Tracy for front office guidance?

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHS/USCIS

From: Renaud, Daniel M
Sent: Monday, January 30, 2017 8:17:24 AM
To: Borgen, Michael R; Valverde, Michael
Cc: Kerns, Kevin J; DeStefano, Ernest
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

There has been nothing specific guidance on that issue. I think if the EAD has been approved, we are obligated to issue the card, but that's not my call.

From: Borgen, Michael R
Sent: Monday, January 30, 2017 8:01:27 AM
To: Renaud, Daniel M; Valverde, Michael
Cc: Kerns, Kevin J; DeStefano, Ernest
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Dan and Michael,

Per the below e-mail chain, OIDP is asking what effect the EO will have on card production for I-551s and for EADs. For grants of LPR status prior to 1/27/17, it would appear that we could proceed with card production, but we want to confirm before moving forward with card production. In the chance that I-485s were granted after the hold, those cards should not be produced and the cases identified, correct?

Is there any guidance on the issuance of EADs?

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHD/USCIS

From: DeStefano, Ernest
Sent: Monday, January 30, 2017 7:36:24 AM
To: Borgen, Michael R; Kerns, Kevin J
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Yes.....most of the card orders we have would be from before the EO, but there are always a small number in the queue that comes in over the weekend. We do first in first out of all card orders, so sometime later today or tomorrow morning we will be hitting the weekend work.

Ernie
Ernest DeStefano
Chief OIDP
[redacted] (b)(6)

From: Borgen, Michael R
Sent: Monday, January 30, 2017 7:34 AM
To: DeStefano, Ernest; Kerns, Kevin J
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

So, the question is regarding both LPR and EAD cards?

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHS/USCIS

From: DeStefano, Ernest
Sent: Monday, January 30, 2017 7:32:20 AM
To: Borgen, Michael R; Kerns, Kevin J
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Sure, that would be great. I just don't want to be producing cards and then someone makes a decision we shouldn't, which means we have to manually pull them which is a lot of work, or we get them out and are then told to retrieve them, which is another issue.

But I agree with you, these folks are already here and have been properly vetted, (I presume) and the EO prohibits entry, not the grant of LPR or EAD benefit.

Thanks Mike.....

Ernie
Ernest DeStefano
Chief OIDP
[redacted] (b)(6)

From: Borgen, Michael R
Sent: Monday, January 30, 2017 7:29 AM
To: DeStefano, Ernest; Kerns, Kevin J
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

My two cents worth is that, since they are already LPRs and we only issuing a card that gives them proof of the benefit they have already been granted, that we should continue to issue the cards.

If you want, I can reach out to Field Ops for their take on it.

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHS/USCIS

From: DeStefano, Ernest
Sent: Monday, January 30, 2017 7:14:58 AM
To: Kerns, Kevin J; Borgen, Michael R
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Sorry, I hit send before I could enter a message.....

FOD has suspended approvals on any application coming from a listed country in the Presidents EO. We will undoubtedly have cards in the production queue from these countries. The ban began on January 27th so I am presuming that anything in the queue would predate the EO.

Should we go ahead and produce the cards and mail them?

My recommendation is we produce and mail cards. These individuals are already in the US and have presumably been properly vetted. We will, however, do whatever instructed.

Ernie
Ernest DeStefano
Chief OIDP
[redacted] (b)(6)

[redacted] (b)(6)

From: DeStefano, Ernest
Sent: Monday, January 30, 2017 7:07 AM
To: Kerns, Kevin J; Borgen, Michael R
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Ernie
Ernest DeStefano
Chief OIDP
[redacted] (b)(6)

From: Goodwin, Jared X
Sent: Monday, January 30, 2017 7:04 AM
To: DeStefano, Ernest
Cc: Anderson, Erik C; Manahan, Lisa F
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Ernie,

FYI...what do we do with cards in the production queue from these countries?

Jared

Jared X. Goodwin
Chief, Document Management Division
U.S. Citizenship & Immigration Services
Office of Intake & Document Production
Suite 250, 633 3rd St NW, Washington DC, 20529
[redacted] (b)(6)
Connect Site: http://connect.uscis.dhs.gov/org/MGMT/IDP/Pages/default.aspx
ECN Site: http://ecn.uscis.dhs.gov/team/mgmt/Offices/OIDP/IDP/default.aspx

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From: Stimac, Melissa L
Sent: Sunday, January 29, 2017 3:08 PM
To: Goodwin, Jared X; Manahan, Lisa F
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

FYI...
Melissa Stimac
Production Operations Branch Chief
[redacted] (b)(6)

So, the question is regarding both LPR and EAD cards?

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHS/USCIS

From: DeStefano, Ernest
Sent: Monday, January 30, 2017 7:32:20 AM
To: Borgen, Michael R; Kerns, Kevin J
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Sure, that would be great. I just don't want to be producing cards and then someone makes a decision we shouldn't, which means we have to manually pull them which is a lot of work, or we get them out and are then told to retrieve them, which is another issue.

But I agree with you, these folks are already here and have been properly vetted, (I presume) and the EO prohibits entry, not the grant of LPR or EAD benefit.

Thanks Mike.....

Ernie
Ernest DeStefano
Chief OIDP
[redacted] (b)(6)

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Sent: Monday, January 30, 2017 7:29 AM
To: DeStefano, Ernest; Kerns, Kevin J
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

My two cents worth is that, since they are already LPRs and we only issuing a card that gives them proof of the benefit they have already been granted, that we should continue to issue the cards.

If you want, I can reach out to Field Ops for their take on it.

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHS/USCIS

From: Cowan, Robert M
Sent: Saturday, January 28, 2017 11:07:09 AM
To: #NBC CIS Broadcast
Cc: Renaud, Daniel M; Valverde, Michael
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Colleagues,

Please see the message below from AD Daniel Renaud. Per his instructions please cease taking final action on those petitions and applications where the applicant or beneficiary is a citizen or national from any of the listed countries. If you encounter a case that falls into this category please set it aside for the time being. We'll issue further guidance early next week. Thanks for your help in this matter.

Robert Cowan
Center Director/National Benefits Center

[redacted] (b)(6)

Sent from a mobile device

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12:16 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

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Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests

for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Worley, Jordan P

From: Borgen, Michael R
Sent: Saturday, January 28, 2017 10:52 AM
To: Goodwin, Shelley M
Subject: RE: Additional Note: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Shelley,

I know that I am not in PHI right now, but I spoke to the FODs and they are making sure that those working OT today know about this.

Have a great weekend.

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHS/USCIS

From: Goodwin, Shelley M
Sent: Saturday, January 28, 2017 11:29:54 AM
To: #NER-DD-FOD-COS
Cc: #NER-OPS; Haag, Andrew P; Fontanez, Andrew V; Richard, Wendy T; Pietropaoli, Lori A
Subject: Additional Note: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Field Leadership

As noted below, it will be critical for field offices to ensure that staff members are aware of the need to hold all pending cases for individuals who were born or who are nationals of these countries. We will be providing the standard NFTS code to which offices must place these cases while pending additional guidance. It is important that all field offices uses the code provided to facilitate national tracking. I will provide you with that code Monday. Additionally, NER is in the process of creating a report for all field offices in USCIS what will identify the cases and NFTS file locations within your respective offices to facilitate the segregation of the cases. We should have that also early next week.

Please let us know if you have questions or concerns. Thanks

Shelley M. Goodwin
Northeast Region I Associate Regional Director, Operations I USCIS [redacted] (b)(6)

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Worley, Jordan P

From: Borgen, Michael R
Sent: Saturday, January 28, 2017 11:12 AM
To: Bausman, Kathleen A; Carrington, John E
Cc: Underkofler, Michael
Subject: RE: Additional Note: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Great. Thanks.

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHS/USCIS

From: Bausman, Kathleen A
Sent: Saturday, January 28, 2017 12:10:57 PM
To: Borgen, Michael R; Carrington, John E
Cc: Underkofler, Michael
Subject: RE: Additional Note: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Good Morning Michael/John,

I have sent the below message to all ISOs approved to work OT today and asked for them to confirm that they received my message.

I also contacted Richard Emhof who is the SISO on duty in the office and he confirmed that all ISOs in the office have been made aware of this directive.

I have instructed all Section Chiefs/SISOs to ensure that all ISOs are aware of and follow this directive. We will segregate these cases and await guidance from NER regarding the new NFTS RPCs to store them in.

Kathy

From: Borgen, Michael R
Sent: Saturday, January 28, 2017 11:34 AM
To: Bausman, Kathleen A; Beale, John P; Bogucki, Edward; Browndeis, Philip; Catalano, Michael A; Dawson, Tara; Day, Robert A; Emhof, Richard J; Johnson, Faith; McCall, Sharee A; McKeever, Lynda T; Ortiz, Yolanda; Parker, Bryan M; Roby, Melvin; Scott, Thomas J (TJ); Spaulding, David; St Preux, Nadege; Underkofler, Michael; Williams, David J; Fine, Todd; Hogan, Pamela R; Horvath, Michael
Cc: Carrington, John E
Subject: FW: Additional Note: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

I want to make sure that everyone knows about this right away. Especially in light of that fact that we may have overtime today.

Please hold all cases from the below listed countries and do not adjudicate them.

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHS/USCIS

From: Goodwin, Shelley M
Sent: Saturday, January 28, 2017 11:29:54 AM
To: #NER-DD-FOD-COS
Cc: #NER-OPS; Haag, Andrew P; Fontanez, Andrew V; Richard, Wendy T; Pietropaoli, Lori A
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Shelley M. Goodwin
Northeast Region I Associate Regional Director, Operations [redacted] (b)(6)

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Worley, Jordan P

From: Borgen, Michael R
Sent: Monday, January 30, 2017 6:29 AM
To: DeStefano, Ernest; Kerns, Kevin J
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

My two cents worth is that, since they are already LPRs and we only issuing a card that gives them proof of the benefit they have already been granted, that we should continue to issue the cards.

If you want, I can reach out to Field Ops for their take on it.

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHS/USCIS

From: DeStefano, Ernest
Sent: Monday, January 30, 2017 7:14:58 AM
To: Kerns, Kevin J; Borgen, Michael R
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

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FOD has suspended approvals on any application coming from a listed country in the Presidents EO. We will undoubtedly have cards in the production queue from these countries. The ban began on January 27th so I am presuming that anything in the queue would predate the EO.

Should we go ahead and produce the cards and mail them?

My recommendation is we produce and mail cards. These individuals are already in the US and have presumably been properly vetted. We will, however, do whatever instructed.

Ernie
Ernest DeStefano
Chief OIDP
[redacted] (b)(6)

From: DeStefano, Ernest
Sent: Monday, January 30, 2017 7:07 AM
To: Kerns, Kevin J; Borgen, Michael R
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Ernie
Ernest DeStefano
Chief OIDP
[redacted] (b)(6)

From: Goodwin, Jared X
Sent: Monday, January 30, 2017 7:04 AM
To: DeStefano, Ernest
Cc: Anderson, Erik C; Manahan, Lisa F
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Ernie,

FYI...what do we do with cards in the production queue from these countries?

Jared

Jared X. Goodwin
Chief, Document Management Division
U.S. Citizenship & Immigration Services
Office of Intake & Document Production
Suite 250, 633 3rd St NW, Washington DC, 20529
[redacted] (b)(6)
Connect Site: http://connect.uscis.dhs.gov/org/MGMT/IDP/Pages/default.aspx
ECN Site: http://ecn.uscis.dhs.gov/team/mgmt/Offices/OIDP/IDP/default.aspx

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From: Stimac, Melissa L
Sent: Sunday, January 29, 2017 3:08 PM
To: Goodwin, Jared X; Manahan, Lisa F
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

FYI...
Melissa Stimac
Production Operations Branch Chief
[redacted] (b)(6)

From: Cowan, Robert M
Sent: Saturday, January 28, 2017 11:07:09 AM
To: #NBC CIS Broadcast
Cc: Renaud, Daniel M; Valverde, Michael
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Colleagues,

Please see the message below from AD Daniel Renaud. Per his instructions please cease taking final action on those petitions and applications where the applicant or beneficiary is a citizen or national from any of the listed countries. If you encounter a case that falls into this category please set it aside for the time being. We'll issue further guidance early next week. Thanks for your help in this matter.

Robert Cowan
Center Director/National Benefits Center

[redacted] (b)(6)

Sent from a mobile device

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12:16 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
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Daniel M. Renaud
Associate Director | Field Operations Directorate

Worley, Jordan P

From: Borgen, Michael R
Sent: Monday, January 30, 2017 6:34 AM
To: DeStefano, Ernest; Kerns, Kevin J
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

So, the question is regarding both LPR and EAD cards?

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHS/USCIS

From: DeStefano, Ernest
Sent: Monday, January 30, 2017 7:32:20 AM
To: Borgen, Michael R; Kerns, Kevin J
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Sure, that would be great. I just don't want to be producing cards and then someone makes a decision we shouldn't, which means we have to manually pull them which is a lot of work, or we get them out and are then told to retrieve them, which is another issue.

But I agree with you, these folks are already here and have been properly vetted, (I presume) and the EO prohibits entry, not the grant of LPR or EAD benefit.

Thanks Mike.....

Ernie
Ernest DeStefano
Chief OIDP
[redacted] (b)(6)

From: Borgen, Michael R
Sent: Monday, January 30, 2017 7:29 AM
To: DeStefano, Ernest; Kerns, Kevin J
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

My two cents worth is that, since they are already LPRs and we only issuing a card that gives them proof of the benefit they have already been granted, that we should continue to issue the cards.

If you want, I can reach out to Field Ops for their take on it.

Michael Borgen
Acting Deputy Associate Director
Management Directorate
DHS/USCIS

From: DeStefano, Ernest
Sent: Monday, January 30, 2017 7:14:58 AM
To: Kerns, Kevin J; Borgen, Michael R
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

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Should we go ahead and produce the cards and mail them?

My recommendation is we produce and mail cards. These individuals are already in the US and have presumably been properly vetted. We will, however, do whatever instructed.

Ernie
Ernest DeStefano
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[redacted] (b)(6)

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Ernest DeStefano
Chief OIDP
[redacted] (b)(6)

From: Goodwin, Jared X
Sent: Monday, January 30, 2017 7:04 AM
To: DeStefano, Ernest
Cc: Anderson, Erik C; Manahan, Lisa F

Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Ernie,

FYI...what do we do with cards in the production queue from these countries?

Jared

Jared X. Goodwin
Chief, Document Management Division
U.S. Citizenship & Immigration Services
Office of Intake & Document Production
Suite 250, 633 3rd St NW, Washington DC, 20529
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Connect Site: http://connect.uscis.dhs.gov/org/MGMT/IDP/Pages/default.aspx
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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Campagnolo, Donna P
To: McCament, James W; Neufeld, Donald W; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192
Date: Tuesday, February 07, 2017 1:10:48 PM

Hi all. Just talked with Julie and got the first set of responses back in. Looks like FOD agrees that the 192 is the way to go. With that said, we will start working to incorporate feedback. It sounds like a meeting may be scheduled for tomorrow morning with Lori to solidify this. I'll be sure to keep you posted as new information is available.

Thanks again.

Donna Campagnolo
HQ Service Center Operations

From: McCament, James W
Sent: Tuesday, February 07, 2017 12:38 PM
To: Neufeld, Donald W; Campagnolo, Donna P; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Thanks Don. Yes we should be meeting but its not set. But we all wholly agree with your hope-and Lori expressed the same point to DHS on yesterdays call (robustly and enthusiastically I might add).

James W. McCament
Deputy Associate Director,
Service Center Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security
Washington, DC 20529-2150

(b)(6) [redacted]

This email (including any attachments) is intended solely for the use of the addressee(s) and may contain information that is sensitive or otherwise protected by applicable law. If you are not the intended recipient, your disclosure, copying, distribution or other use of (or reliance upon) the information contained in this email is strictly prohibited. If you are not the intended recipient, please notify the sender immediately and delete or destroy all copies. Thank You.

From: Neufeld, Donald W
Sent: Tuesday, February 07, 2017 12:23:17 PM
To: Campagnolo, Donna P; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Thanks Donna. I'm assuming at some point there will be a meeting with Lori and others to

discuss. You all have done a great job outlining options and it will be good to get the perspective of others. Among all of us, I'm hoping it all goes no where and we dodge this bullet.

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 12:02:53 PM
To: Neufeld, Donald W; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Thanks Don. I'll take a look at that portion to ensure its all aligned with the I-192 recommendation. We have since removed the reference to VSC as well.

Donna Campagnolo
HQ Service Center Operations

From: Neufeld, Donald W
Sent: Tuesday, February 07, 2017 11:38 AM
To: Moran, Karla; Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

I guess I'm ambivalent on the E-verify piece. I think the checks we do on the beneficiaries are most important and unless we think an employer may be complicit in any intended misdeeds, I don't know that it makes a difference that Microsoft vouches for someone or a mom and pop operation without e-verify. Neither would necessarily know what's in the head of their employees.

I don't think this will be our call either way so as long as we don't have operational concerns we should just flag as a policy call.

There is a part in the doc where we say we think the I-131 is better. If we don't, we should fix that and also explain why we think the I-192 is preferable.

Again, thanks to everyone.

From: Moran, Karla
Sent: Tuesday, February 07, 2017 10:52:02 AM
To: Neufeld, Donald W; Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

We (SCOPS) voted for the I-192. It's cleaner for us to implement and CBP will not have issues if they need to ER the person. The I-192 will provide them with an I-797 that is a Transportation Letter (draft language attached). They would need to provide a valid passport and visa to enter and be inspected. On the other hand, if we issue a parole – CBP is worried that if issues arise, they may try to say they have a parole.

Also, while e-verify isn't related to admission, we added it because the Fortune 500 companies are asking to vouch for their employees (e.g. Microsoft, Amazon, Google, etc.). This would ensure that we are only accepting letters from legitimate businesses that have been vetted. We thought it would be good to leave in but completely understand if it's taken out somewhere along the process, as many are reviewing.

From: Neufeld, Donald W
Sent: Tuesday, February 07, 2017 10:46 AM
To: Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Overall the paper looks very good. Thanks to everyone for pulling it together so quickly.

The everify requirement would purely be a policy call. I don't see the nexus between e-verify use and a national interest determination related to admission so I would advocate for removing it.

I agree that adding work to VSC is problematic so if we could do I-192s elsewhere that would be better. We also need to validate the 18000 volume estimate as I don't know who provided it or how it was calculated.

If we believe the I-131 is better we should explain why.

From: Cox, Sophia
Sent: Tuesday, February 07, 2017 9:30:03 AM
To: Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Cc: Neufeld, Donald W
Subject: RE: I-192

Adding Ron.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Cox, Sophia
Sent: Tuesday, February 07, 2017 8:39 AM
To: Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M
Cc: Neufeld, Donald W
Subject: RE: I-192
Importance: High

Hi. Here are my concerns in the attached. Look forward to discussing.

- Why are we requiring E-Verify? Are we being told it is a requirement from the FO/Dept. or are we imposing it on ourselves? [redacted] (b)(5)
- If the I-192 is denied, what would be the legal basis for the removal charge be?
- I know VSC already does the I-192s for the victims relate work, but this will coincide with cap where the contractors will already be knee deep in data entry. Recommend moving this elsewhere.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 7:56 AM
To: Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Good morning Pam. Thanks so much for the feedback. It's for folks inside the US. We can certainly make that more clear.

Regarding the timeframe, as I understand it from Leslie, the major piece for start up is around the system updates. Leslie- please confirm. I don't know that those can be cut down.

All- If the system update timeframe ends up being too long, does the team have any ideas on what we can do without those in place for this? Also, if not 30 days for a processing time, what would you recommend?

Thanks again.
Donna

From: Hutchings, Pamela G
Sent: Tuesday, February 07, 2017 7:49:49 AM
To: Campagnolo, Donna P; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Good morning, All,

The opening paragraph seems to imply this form/process may be used for those visa holders currently "stuck" outside the U.S., is that correct? Otherwise the process proposed is manageable for USCIS to implement – in the long term. If this is simply a short term fix, required for a small number of affected individuals during this 80 day period, then a 45 day startup and 30 day processing time doesn't seem to meet their immediate needs.

Pam

From: Campagnolo, Donna P
Sent: Monday, February 06, 2017 9:13 PM
To: Moran, Karla; McCament, James W; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Hi all and thanks so much Karla. The I-192 version looks great.

I have been working on the 131 version, and because so much of that is similar to what we note about the I-192 processing, I decided to merge both options into one document and added some background to give some context. Take a look and let me know what you think about that approach.

Bottom line is it looks like we could implement either option in about 45 days as the system updates to notices and filing look minimal and simple web updates. Can you verify those timelines? Also, do we want to go as far as to make a recommendation on which we think is the right one to implement or simply present both?

Thanks again. Looking forward to your feedback. Have a good night and looking forward to meeting in the morning.

Donna Campagnolo
HQ Service Center Operations

From: Moran, Karla
Sent: Monday, February 06, 2017 5:44 PM
To: McCament, James W; Campagnolo, Donna P; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Subject: I-192

All,

This is the latest draft version, we've updated with "business" and "student" criteria. Please feel free to edit.
Donna is working on a separate draft for paroles. We will discuss in the morning as these are both due by noon tomorrow.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
(b)(6) [redacted]

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Subject: RE: I-192
Date: Tuesday, February 07, 2017 1:24:08 PM

Great, thanks Donna. Hopefully we'll know more after the court hearing tonight.

James W. McCament
Deputy Associate Director, Service Center Operations
U.S. Citizenship and Immigration Services
Department of Homeland Security
Washington, DC 20529-2150
(b)(6) [redacted]

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From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 2:11 PM
To: McCament, James W; Neufeld, Donald W; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Hi all. Just talked with Julie and got the first set of responses back in. Looks like FOD agrees that the 192 is the way to go. With that said, we will start working to incorporate feedback. It sounds like a meeting may be scheduled for tomorrow morning with Lori to solidify this. I'll be sure to keep you posted as new information is available.

Thanks again.

Donna Campagnolo
HQ Service Center Operations

From: McCament, James W
Sent: Tuesday, February 07, 2017 12:38 PM
To: Neufeld, Donald W; Campagnolo, Donna P; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Thanks Don. Yes we should be meeting but its not set. But we all wholly agree with your hope-and Lori expressed the same point to DHS on yesterdays call (robustly and enthusiastically I might add).

James W. McCament
Deputy Associate Director,
Service Center Operations Directorate

U.S. Citizenship and Immigration Services
Department of Homeland Security
Washington, DC 20529-2150

(b)(6) [redacted]

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From: Neufeld, Donald W
Sent: Tuesday, February 07, 2017 12:23:17 PM
To: Campagnolo, Donna P; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Thanks Donna. I'm assuming at some point there will be a meeting with Lori and others to discuss. You all have done a great job outlining options and it will be good to get the perspective of others. Among all of us, I'm hoping it all goes no where and we dodge this bullet.

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 12:02:53 PM
To: Neufeld, Donald W; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Thanks Don. I'll take a look at that portion to ensure its all aligned with the I-192 recommendation. We have since removed the reference to VSC as well.

Donna Campagnolo
HQ Service Center Operations

From: Neufeld, Donald W
Sent: Tuesday, February 07, 2017 11:38 AM
To: Moran, Karla; Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

I guess I'm ambivalent on the E-verify piece. I think the checks we do on the beneficiaries are most important and unless we think an employer may be complicit in any intended misdeeds, I don't know that it makes a difference that Microsoft vouches for someone or a mom and pop operation without e-verify. Neither would necessarily know what's in the head of their employees.

I don't think this will be our call either way so as long as we don't have operational concerns we should just flag as a policy call.

There is a part in the doc where we say we think the I-131 is better. If we don't, we should fix that and also explain why we think the I-192 is preferable.

Again, thanks to everyone.

From: Moran, Karla
Sent: Tuesday, February 07, 2017 10:52:02 AM
To: Neufeld, Donald W; Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

We (SCOPS) voted for the I-192. It's cleaner for us to implement and CBP will not have issues if they need to ER the person. The I-192 will provide them with an I-797 that is a Transportation Letter (draft language attached). They would need to provide a valid passport and visa to enter and be inspected. On the other hand, if we issue a parole – CBP is worried that if issues arise, they may try to say they have a parole.

Also, while e-verify isn't related to admission, we added it because the Fortune 500 companies are asking to vouch for their employees (e.g. Microsoft, Amazon, Google, etc.). This would ensure that we are only accepting letters from legitimate businesses that have been vetted. We thought it would be good to leave in but completely understand if it's taken out somewhere along the process, as many are reviewing.

From: Neufeld, Donald W
Sent: Tuesday, February 07, 2017 10:46 AM
To: Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Overall the paper looks very good. Thanks to everyone for pulling it together so quickly.

The everify requirement would purely be a policy call. I don't see the nexus between e-verify use and a national interest determination related to admission so I would advocate for removing it.

I agree that adding work to VSC is problematic so if we could do I-192s elsewhere that would be better. We also need to validate the 18000 volume estimate as I don't know who provided it or how it was calculated.

If we believe the I-131 is better we should explain why.

From: Cox, Sophia
Sent: Tuesday, February 07, 2017 9:30:03 AM
To: Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D

Cc: Neufeld, Donald W
Subject: RE: I-192

Adding Ron.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Cox, Sophia
Sent: Tuesday, February 07, 2017 8:39 AM
To: Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M
Cc: Neufeld, Donald W
Subject: RE: I-192
Importance: High

Hi. Here are my concerns in the attached. Look forward to discussing.

- Why are we requiring E-Verify? Are we being told it is a requirement from the EO/Dept. or are we imposing it on ourselves? [redacted] (b)(5)
- If the I-192 is denied, what would be the legal basis for the removal charge be?
- I know VSC already does the I-192s for the victims relate work, but this will coincide with cap where the contractors will already be knee deep in data entry. Recommend moving this elsewhere.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
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Washington, D.C. 20529
(b)(6) [redacted]

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 7:56 AM
To: Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Good morning Pam. Thanks so much for the feedback. It's for folks inside the US. We can certainly make that more clear.

Regarding the timeframe, as I understand it from Leslie, the major piece for start up is around the system updates. Leslie- please confirm. I don't know that those can be cut down.

All- If the system update timeframe ends up being too long, does the team have any ideas on what we can do without those in place for this? Also, if not 30 days for a processing time, what would you recommend?

Thanks again.
Donna

From: Hutchings, Pamela G
Sent: Tuesday, February 07, 2017 7:49:49 AM
To: Campagnolo, Donna P; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Good morning, All,

The opening paragraph seems to imply this form/process may be used for those visa holders currently "stuck" outside the U.S., is that correct? Otherwise the process proposed is manageable for USCIS to implement – in the long term. If this is simply a short term fix, required for a small number of affected individuals during this 80 day period, then a 45 day startup and 30 day processing time doesn't seem to meet their immediate needs.

Pam

From: Campagnolo, Donna P
Sent: Monday, February 06, 2017 9:13 PM
To: Moran, Karla; McCament, James W; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Hi all and thanks so much Karla. The I-192 version looks great.

I have been working on the 131 version, and because so much of that is similar to what we note about the I-192 processing, I decided to merge both options into one document and added some

background to give some context. Take a look and let me know what you think about that approach.

Bottom line is it looks like we could implement either option in about 45 days as the system updates to notices and filing look minimal and simple web updates. Can you verify those timelines? Also, do we want to go as far as to make a recommendation on which we think is the right one to implement or simply present both?

Thanks again. Looking forward to your feedback. Have a good night and looking forward to meeting in the morning.

Donna Campagnolo
HQ Service Center Operations

From: Moran, Karla
Sent: Monday, February 06, 2017 5:44 PM
To: McCament, James W; Campagnolo, Donna P; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Subject: I-192

All,
This is the latest draft version, we've updated with "business" and "student" criteria. Please feel free to edit.
Donna is working on a separate draft for paroles. We will discuss in the morning as these are both due by noon tomorrow.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
(b)(6) [redacted]

From: Doumani, Stephanie M
To: Hutchings, Pamela G
Subject: EO Hold/ EDMS
Date: Tuesday, January 31, 2017 9:13:31 PM

Hi Pam,

I had a call with Lynn this afternoon and she had a few scenarios she ran by me regarding the hold on cases with nationals from the 7 countries listed in the EO. Please note these questions relate to 4 PP cases. (I know busting the clock isn't a concern, but just wanted to flag that piece for you.)

1.) Case was updated as an RFE in the system prior to EO, but was not schedule to be sent out until Monday (likely because of telework). This case is being held and VSC wants to know if they should continue to hold or if this case can be released.
2.) Case requires modification due to service error and a re-issuance of a notices, but was previously approved.

My thought process: Hold it all until further notice. (but I definitely defer to you.)

Also she mentioned the call with TSC and NSC regarding EDMS left her more concerned because the workaround for PP cases was labor intensive and while they've worked so far, the PP rate will be double at CSC and VSC and may be a strain for all. She say there are some IT releases in the mix that may help but isn't sure when they will be implemented. (No one on today's call was able to answer this question.) I'm thinking it might be helpful to schedule a call with Leslie and VSC/CSC since today's call didn't help a great deal. Would you be alright with that? I'm a little out of my element with this subject matter.

Thanks,
Stephanie

From: Neufeld, Donald W
To: Campagnolo, Donna P; Cox, Sophia; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Tuesday, January 31, 2017 11:36:18 AM
Attachments: RE EO Hold.msg

Here's the list of questions Sophia compiled.

From: Campagnolo, Donna P
Sent: Tuesday, January 31, 2017 11:59 AM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

All: Good morning. I just wanted to check back in to see if I could get a copy of the consolidated list of questions that we ended up sending in last night for SCOPS.

Also, who has the lead to ensure that we advise the centers of this? Or, do we want to continue to hold for now? Just wanted to be sure I understood next steps.

Thanks again.

Donna Campagnolo
HQ Service Center Operations

From: Cox, Sophia
Sent: Monday, January 30, 2017 11:13 AM
To: Neufeld, Donald W; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

No it wouldn't. That is the only exception I could find in the regulations so the EO would not give us coverage from refund.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 11:09 AM
To: Cox, Sophia; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W

Subject: RE: Friday's EO

Thanks, but that clearly wouldn't apply here.

From: Cox, Sophia
Sent: Monday, January 30, 2017 11:07 AM
To: Neufeld, Donald W; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Yes. In my eagerness to respond quickly, I neglected to mention 8 CFR 103.7(e)(2)(ii). USCIS may retain the PP fee and not reach a conclusion on the request within 15 days, and not notify the person who filed the request, if USCIS opens an investigation for fraud or misrepresentation relating the to benefit request. So we do get to keep the fee if we go beyond 15 days if we are investigating for fraud or misrep.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
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20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted]
(b)(6)

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 10:41 AM
To: Cox, Sophia; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

I believe there is an exception where a matter is under investigation – I don't think that will apply here but it would be good to track down and review the language just in case.

From: Cox, Sophia
Sent: Monday, January 30, 2017 10:36 AM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Sure thing. I am pretty sure we have to refund if we do not take action in 15 days. The PP regs are at 8 CFR 103.7(e). It's 15 calendar days. Per 103.7(e)(2)(i) the 15 day processing period begins when USCIS

receives the request for PP accompanied by an eligible employment-based immigration benefit request. Also per 103.7(e)(2)(i), if USCIS cannot reach a final decision on the request for which PP was requested, as evidenced by an approval, denial, NOID, or RFE, we will refund the PP fee but continue to process the case. I don't see anything in the PP regs that provide for any type of exception. Hope this helps. Let me know if you need anything else.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Campagnolo, Donna P
Sent: Monday, January 30, 2017 9:54 AM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Good morning Sophia. Can you please take a look at the premium reg for us? Discussion this morning was if we have premium cases that will go beyond 15 days because they are part of this hold, do we refund? Looks like some of the centers already have some cases that are getting close to this situation between the 140s and 129s. It isn't that we can't adjudicate them in the timeframe, it's that we have an EO that may not allow for this…

Thanks in advance.
Donna Campagnolo
HQ Service Center Operations

From: Cox, Sophia
Sent: Saturday, January 28, 2017 9:01 PM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi. I just finished reading the whole EO. Section 3c, which suspends the immigrant and nonimmigrant entry, refers to those described in INA 217(a)(2). As far as I can tell, only Iraq and Syria are mentioned in this statutory provision. Are other countries affected or just Iraq and Syria? I couldn't find reference to any other countries anywhere else, so

wanted to be sure I wasn't missing anything.

Regarding EAD categories that would include those in INA 217(a)(2), we have:

- (c)(1) For the dependents of A-1 and A-2 government officials.
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement;
  - DOS sends only the favorably endorsed applications to NSC.
- (c)(4) For the dependents of G-1, G-3, or G-4 (I think this includes NATO and at the US Mission to the UN, too).
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement.
  - DOS sends only the favorably endorsed applications to NSC.

There are some special immigrant categories applicable to As, Gs, and NATO. The I-360 is filed with Dallas and Phoenix LB and the I-485 is filed with Phoenix LB. I am thinking that NSC adjudicates these, but it would be best to confirm.

- I Special Immigrants (INA 101(a)(27)(I) who meet certain residence and physical presence requirements. Includes:
  - Unmarried sons/daughters of an officer or employee, or a former officer or employee of an international organization described in INA 101(a)(15)(G)(i).
  - Surviving spouses of deceased officers or employees of international organizations described in INA 101(a)(15)(G)(i).
  - Retired officers and employees of international organizations.
  - Following to join/accompanying spouse of a retired officer or employee who was granted special immigrant status as a retired officer or employee of an international organization.
- L Special Immigrants (INA 101(a)(27)(L) who meet certain residence and physical presence requirements. Looks like this covers NATO and the same categories of persons described in 101(a)(27)(I).

This is all I can think of for now. If I come up with anything else, I will send it forward.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 1:18 PM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi Sophia. I think you may be right about the As and Gs. I'll check and confirm.

Thanks all.

Donna

From: Cox, Sophia
Sent: Saturday, January 28, 2017 11:29:44 AM
To: Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W
Subject: RE: Friday's EO

I think the A and Gs might be done at the Washington district office but I am not 100% sure. Donna might remember?? There might be some 765 related to their dependents who are students. I'll check the 765 instructions.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:12:43 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

One more thing, the suspension does not apply to This suspension of entry does not apply to those foreign nationals traveling on A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2 or diplomatic type visas, or to issuance of visas in those categories. Do we adjudicate anything related to those visa categories at

the centers?

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:07 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: Friday's EO

Sorry to bother you over the weekend. The President signed an executive order on Friday titled "Protecting the Nation from Foreign Terrorist Entry into the United States". Among other things, it prevents the entry of citizens or nationals from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for a 90 day period. I am working with Dan, Andrew, Tracy and Lori on a message to send out this weekend that would suspend certain adjudications while we seek guidance/clarity on how this will specifically apply to our workloads.

Most likely, on Monday we will want to identify any potentially impacted cases in C3 and ELIS. I assume it will be possible to run reports identifying cases with applicants, requestors or beneficiaries from these countries sorted by form type. Does anyone know if we could somehow flag them for hold? Ideally we'd be able to prevent accidental approval, but even if we can't stop approval it would be good to flag them for adjudicators. Also, this isn't an indefinite hold so whatever we do it needs to allow normal processing to proceed fairly easily at some point in the future.

At this point, I'm just looking for thoughts and ideas on how to identify what will be a changing universe of cases and flag them for possible special handling. I'd prefer to keep this among ourselves for now so please check with me before sharing with anyone. Any thoughts or concerns are appreciated.

Thanks,

Don

From: Cox, Sophia
To: Neufeld, Donald W; Arroyo, Susan K; Hope, Leslie K; Hutchings, Pamela G; McCament, James W; McConnell, James E; Moran, Karla; Sabga, George M
Subject: RE: EO Hold
Date: Monday, January 30, 2017 2:34:52 PM
Importance: High

Hi. Per our conversation a little bit ago, here are some high level questions I got from folks for the Department to answer. I hope this is along the lines of what you are looking for. I didn't include the questions I sent you yesterday but if any of them need to be included let me know and I will put them back in.

1. Part of the uniform screening standard is to include "Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent"

    a. Does this mean that all applications and petitions will need to be revised or standardized? We note that many of the forms have already be revised to include the questions related to criminality and national security.

    b. If the answer to one of these questions reveals potential issues, what bearing will this have on benefit types that do not accord status and where the issue is not grounds for denial?

2. As part of the uniform screening standard the EO includes a directive to develop "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"

    a. Is this process/determination a discretionary call or will there be defined areas?

3. Information is to be collected on "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"

    a. What is the definition of "major offenses" as it relates to this section? How is it different from the term "aggravated felony" as defined in the INA 101(a)(43)?

4. Can we accept/adjudicate/approved (if eligible) I-730s for following to join family members of individuals granted asylum (FTJ-A) and I-730s for following to join family members of refugees? Is there any distinction between the processing of I-730s for asylees and refugees?

5. For those outside the US currently in T (victims of trafficking) or U (victims of severe form of crime) nonimmigrant status from the seven countries, will they be allowed re-entry? If waivers can be granted case by case, how will those requests be handled?

6. How does the EO impact TRIG exemptions?

7. What is expected of us in terms of reporting?

a. Data to be collected
b. Frequency
c. Transmission

FYI and in case you find this helpful, Pam sent me the numbers of FB/EB visas that were allocated to applicants from the applicable countries for FY-2017.

Iran	703 visa
Iraq	21 visas
Libya	47 visas
Somalia	7 visas
Sudan	9 visas
Syria	102 visas
Yemen	17 visas

I will go through all the EOs in more detail to see if there are other things that might impact us.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 12:29 PM
To: Arroyo, Susan K; Cox, Sophia; Hope, Leslie K; Hutchings, Pamela G; McCament, James W; McConnell, James E; Moran, Karla; Sabga, George M
Subject: EO Hold

At the recently concluded leadership meeting we learned that the processing hold we put in place over the weekend will be lifted. All messaging must now be cleared through the Department, so we cannot communicate this in writing to the troops. However, I wanted you to know that so we don't waste time formulating questions about the hold or working on strategies to ensure compliance. I

expect that the final guidance may be more nuanced on the processing of parole requests, but otherwise we are expecting to lift the hold on adjustments and other form types. Please do not share this further in light of the messaging restrictions. We hope to have formal cleared language later today or tomorrow.

Donald Neufeld
Associate Director
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Ave NE, Suite 2125
Washington, DC 20002

From: Campagnolo, Donna P
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Tuesday, January 31, 2017 10:58:59 AM

All: Good morning. I just wanted to check back in to see if I could get a copy of the consolidated list of questions that we ended up sending in last night for SCOPS.

Also, who has the lead to ensure that we advise the centers of this? Or, do we want to continue to hold for now? Just wanted to be sure I understood next steps.

Thanks again.

Donna Campagnolo
HQ Service Center Operations

From: Cox, Sophia
Sent: Monday, January 30, 2017 11:13 AM
To: Neufeld, Donald W; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

No it wouldn't. That is the only exception I could find in the regulations so the EO would not give us coverage from refund.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 11:09 AM
To: Cox, Sophia; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Thanks, but that clearly wouldn't apply here.

From: Cox, Sophia
Sent: Monday, January 30, 2017 11:07 AM
To: Neufeld, Donald W; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Yes. In my eagerness to respond quickly, I neglected to mention 8 CFR 103.7(e)(2)(ii). USCIS may retain the PP fee and not reach a conclusion on the request within 15 days, and not notify the person who filed the request, if USCIS opens an investigation for fraud or misrepresentation relating the to benefit request. So we do get to keep the fee if we go beyond 15 days if we are investigating for fraud or misrep.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 10:41 AM
To: Cox, Sophia; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

I believe there is an exception where a matter is under investigation – I don't think that will apply here but it would be good to track down and review the language just in case.

From: Cox, Sophia
Sent: Monday, January 30, 2017 10:36 AM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Sure thing. I am pretty sure we have to refund if we do not take action in 15 days. The PP regs are at 8 CFR 103.7(e). It's 15 calendar days. Per 103.7(e)(2)(i) the 15 day processing period begins when USCIS receives the request for PP accompanied by an eligible employment-based immigration benefit request. Also per 103.7(e)(2)(i), if USCIS cannot reach a final decision on the request for which PP was requested, as evidenced by an approval, denial, NOID, or RFE, we will refund the PP fee but continue to process the case. I don't see anything in the PP regs that provide for any type of exception. Hope this helps. Let me know if you need anything else.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529

(b)(6) [redacted]

From: Campagnolo, Donna P
Sent: Monday, January 30, 2017 9:54 AM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Good morning Sophia. Can you please take a look at the premium reg for us? Discussion this morning was if we have premium cases that will go beyond 15 days because they are part of this hold, do we refund? Looks like some of the centers already have some cases that are getting close to this situation between the 140s and 129s. It isn't that we can't adjudicate them in the timeframe, it's that we have an EO that may not allow for this…

Thanks in advance.
Donna Campagnolo
HQ Service Center Operations

From: Cox, Sophia
Sent: Saturday, January 28, 2017 9:01 PM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi. I just finished reading the whole EO. Section 3c, which suspends the immigrant and nonimmigrant entry, refers to those described in INA 217(a)(2). As far as I can tell, only Iraq and Syria are mentioned in this statutory provision. Are other countries affected or just Iraq and Syria? I couldn't find reference to any other countries anywhere else, so wanted to be sure I wasn't missing anything.

Regarding EAD categories that would include those in INA 217(a)(2), we have:

- (c)(1) For the dependents of A-1 and A-2 government officials.
  - These are adjudicated at the NSC.

- Requires favorable DOS endorsement;
- DOS sends only the favorably endorsed applications to NSC.

- (c)(4) For the dependents of G-1, G-3, or G-4 (I think this includes NATO and at the US Mission to the UN, too).
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement.
  - DOS sends only the favorably endorsed applications to NSC.

There are some special immigrant categories applicable to As, Gs, and NATO. The I-360 is filed with Dallas and Phoenix LB and the I-485 is filed with Phoenix LB. I am thinking that NSC adjudicates these, but it would be best to confirm.

- I Special Immigrants (INA 101(a)(27)(I) who meet certain residence and physical presence requirements. Includes:
  - Unmarried sons/daughters of an officer or employee, or a former officer or employee of an international organization described in INA 101(a)(15)(G)(i).
  - Surviving spouses of deceased officers or employees of international organizations described in INA 101(a)(15)(G)(i).
  - Retired officers and employees of international organizations.
  - Following to join/accompanying spouse of a retired officer or employee who was granted special immigrant status as a retired officer or employee of an international organization.
- L Special Immigrants (INA 101(a)(27)(L) who meet certain residence and physical presence requirements. Looks like this covers NATO and the same categories of persons described in 101(a)(27)(I).

This is all I can think of for now. If I come up with anything else, I will send it forward.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations

U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529

(b)(6) [redacted]

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 1:18 PM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi Sophia. I think you may be right about the As and Gs. I'll check and confirm.

Thanks all.

Donna

From: Cox, Sophia
Sent: Saturday, January 28, 2017 11:29:44 AM
To: Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W
Subject: RE: Friday's EO

I think the A and Gs might be done at the Washington district office but I am not 100% sure. Donna might remember?? There might be some 765 related to their dependents who are students. I'll check the 765 instructions.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:12:43 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

One more thing, the suspension does not apply to This suspension of entry does not apply to those foreign nationals traveling on A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2 or diplomatic type visas, or to issuance of visas in those categories. Do we adjudicate anything related to those visa categories at the centers?

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:07 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: Friday's EO

Sorry to bother you over the weekend. The President signed an executive order on Friday titled

"Protecting the Nation from Foreign Terrorist Entry into the United States". Among other things, it prevents the entry of citizens or nationals from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for a 90 day period. I am working with Dan, Andrew, Tracy and Lori on a message to send out this weekend that would suspend certain adjudications while we seek guidance/clarity on how this will specifically apply to our workloads.

Most likely, on Monday we will want to identify any potentially impacted cases in C3 and ELIS. I assume it will be possible to run reports identifying cases with applicants, requestors or beneficiaries from these countries sorted by form type. Does anyone know if we could somehow flag them for hold? Ideally we'd be able to prevent accidental approval, but even if we can't stop approval it would be good to flag them for adjudicators. Also, this isn't an indefinite hold so whatever we do it needs to allow normal processing to proceed fairly easily at some point in the future.

At this point, I'm just looking for thoughts and ideas on how to identify what will be a changing universe of cases and flag them for possible special handling. I'd prefer to keep this among ourselves for now so please check with me before sharing with anyone. Any thoughts or concerns are appreciated.

Thanks,

Don

From: Tomlyanovich, William J (Bill)
To: Dougherty, Linda M; Hutchings, Pamela G
Cc: O"Connor, Natalie A
Subject: FW: EO with TRIG Section
Date: Monday, January 30, 2017 3:47:55 PM

Linda and Pam,

Karen sent out this msg to members of the trig wg this afternoon. Joanna called her and told her not to say anything more about section 6 of the EO (Trig exemptions). Karen's email is accurate, but she is to hold off on giving any additional information/guidance related to the EO. Bill

---

From: Sohrakoff, Karen A
Sent: Monday, January 30, 2017 3:21:41 PM
To: Akinjiola, Folukemi O (Kemi); Anderson, Kathryn E; Busenkell, Kathleen R (Katie); Chiorazzi, Anne; Cho, Jeannette S; Clough, Chelsea M; Croizat, Jessika S; Digby, Lauren A; Dougherty, Linda M; Frank, Kathryn M (Katy); Greeley, Kevin A; Hall, Joshua K; Hamilton, Cristina A; Hicks, Celia F; Howard, Frank E; Hutchings, Pamela G; Jayasanker, Lara J; Jimenez, Rolando R; Katz, Jonathan E; Kirkland, Brooke A; Leigh, Jessica K; Mathew, Ajai; Metzger, Evelyn S; Perry-Elby, Diana D; Prelogar, Brandon B; Salidzik, Christina E (Christy); Schwartz, Claudia R; Sohrakoff, Karen A; Tarr, David S; Tomlyanovich, William J (Bill); Whalen, Ellen A; Whitney, Ronald W; Zengotitabengoa, Colleen R; Zill, Katherine F
Subject: EO with TRIG Section

TRIG WG Colleagues,

As many of might already be aware, the EO signed on January 27, 2017 entitled Protecting the Nation from Foreign Terrorist Entry into the United States, contains a paragraph on TRIG.

Specifically, Section 6, Recission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility, states: 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 USC 1182, relating to terrorism grounds of Inadmissibility, as well as any related implementing memoranda.

We have no further information on Section 6 at this time. As our POCs in OCC and OP&S work with their counterparts at the Department, we will share any new information with the Working Group. Existing exercises of authority (exemptions) remain valid at this time.

Thank you,
Karen

From: Sohrakoff, Karen A

To: Akinijola, Folukemi O (Kemi); Anderson, Kathryn E; Busenkell, Kathleen R (Katie); Chiorazzi, Anne; Cho, Jeannette S; Clough, Chelsea M; Croizat, Jessika S; Digby, Lauren A; Dougherty, Linda M; Frank, Kathryn M (Katy); Greeley, Kevin A; Hall, Joshua K; Hamilton, Cristina A; Hicks, Celia F; Howard, Frank E; Hutchings, Pamela G; Jayasanker, Lara J; Jimenez, Rolando R; Katz, Jonathan E; Kirkland, Brooke A; Leigh, Jessica K; Mathew, Ajai; Metzger, Evelyn S; Perry-Elby, Diana D; Prelogar, Brandon B; Salidzik, Christina E (Christy); Schwartz, Claudia R; Sohrakoff, Karen A; Tarr, David S; Tomlyanovich, William J (Bill); Whalen, Ellen A; Whitney, Ronald W; Zengotitabengoa, Colleen R; Zill, Katherine F

Subject: EO with TRIG Section

Date: Monday, January 30, 2017 2:21:43 PM

TRIG WG Colleagues,

As many of might already be aware, the EO signed on January 27, 2017 entitled Protecting the Nation from Foreign Terrorist Entry into the United States, contains a paragraph on TRIG.

Specifically, Section 6, Recission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility, states: 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 USC 1182, relating to terrorism grounds of Inadmissibility, as well as any related implementing memoranda.

We have no further information on Section 6 at this time. As our POCs in OCC and OP&S work with their counterparts at the Department, we will share any new information with the Working Group. Existing exercises of authority (exemptions) remain valid at this time.

Thank you,
Karen

From: Dougherty, Linda M
To: Hutchings, Pamela G
Subject: RE: Friday's EO
Date: Monday, January 30, 2017 12:28:23 PM
Attachments: image001.png

Good thought. I did read that over the weekend. Thanks, Linda

From: Hutchings, Pamela G
Sent: Monday, January 30, 2017 1:28 PM
To: Dougherty, Linda M
Subject: RE: Friday's EO

You might want to inform Natalie that these countries are already identified as countries that require additional vetting per established regs under the last administration.

From: Dougherty, Linda M
Sent: Monday, January 30, 2017 1:24 PM
To: Hutchings, Pamela G
Subject: FW: Friday's EO

FYI

From: Dougherty, Linda M
Sent: Monday, January 30, 2017 1:18 PM
To: Lekhram, Rishiram; McDonald, Andrea K; O'Connor, Natalie A; Tomlyanovich, William J (Bill); Whelan, Scott P
Subject: RE: Friday's EO

Natalie, I don't think that question is going further than Pam since it is out of our lane, but I appreciate your concern. Linda

From: O'Connor, Natalie A
Sent: Monday, January 30, 2017 1:11 PM
To: Dougherty, Linda M; Lekhram, Rishiram; Tomlyanovich, William J (Bill); McDonald, Andrea K; Whelan, Scott P
Subject: RE: Friday's EO

Or maybe I do have a question or two that is not specific to any form type. What is the underlying basis for this executive order? Is the Agency/White House taking the stance that everyone from the identified countries are threats to national security? Is there intel out there identifying or suspecting individuals from these countries as threats to national security? If there is no such intel, how is this justifiable?

Best,

Natalie O'Connor
Adjudications Officer
SCOPS
20 Massachusetts Ave
Washington, D.C. 20529
(b)(6) [redacted]
U.S. Citizenship and Immigration Services

From: O'Connor, Natalie A
Sent: Monday, January 30, 2017 12:52 PM
To: Dougherty, Linda M; Lekhram, Rishiram; McDonald, Andrea K; Tomlyanovich, William J (Bill); Whelan, Scott P
Subject: RE: Friday's EO

Hi Linda.

I don't have any questions since Don's email this morning was clear in stating that there is a temporary suspension of adjudication on all applications, petitions, and requests involving citizens and nationals of the outlined countries.

Best,

Natalie O'Connor
Adjudications Officer
SCOPS
20 Massachusetts Ave
Washington, D.C. 20529
(b)(6) [redacted]

(b)(6) [redacted]

T: Mon-Wed and every 1st Friday of the pay period

U.S. Citizenship and Immigration Services

From: Dougherty, Linda M
Sent: Monday, January 30, 2017 12:16 PM
To: Lekhram, Rishiram; McDonald, Andrea K; O'Connor, Natalie A; Tomlyanovich, William J (Bill); Whelan, Scott P
Subject: FW: Friday's EO
Importance: High

Do you have any questions about the new Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States" that need to be considered by DHS? Is there an impact to your portfolio that needs to be clarified? Operational questions will be directed to Karla for consideration, but the push now is for clarifying questions that need to be sent up. If yes, please forward in the next hour. Thanks! Linda

---

From: Hutchings, Pamela G
Sent: Monday, January 30, 2017 11:43 AM
To: Bjorndahl, Jami A; Dougherty, Linda M; Doumani, Stephanie M; Fortes, Michael J; Kane, Daniel J; King, Alexander R
Subject: FW: Friday's EO
Importance: High

Please send me questions by 1 PM. Thanks

From: Cox, Sophia
Sent: Monday, January 30, 2017 11:33 AM
To: Hutchings, Pamela G; McConnell, James E; Sabga, George M; Hope, Leslie K; Thomas, Ronnie D; Padilla, April Y
Subject: RE: Friday's EO
Importance: High

Hi. Just checking to make sure We are not duplicating efforts. You already asked the BCs to give you the questions on the EO for me to compile for the FO. Correct? Please confirm ASAP. Thanks!

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529

(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 10:30 AM
To: Cox, Sophia
Cc: McCament, James W; Hutchings, Pamela G; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Subject: RE: Friday's EO

Sophia – The front office has asked that we provide them with a consolidated list of questions by COB today. I would like you to have the lead on that and we have told the Division Chiefs to funnel anything they come up with to you for consolidation. Since the deadline is COB, I think we should plan to have a cutoff by 2:00 so you can have time to consolidate and James and I can have time to review/edit before sending them up. We should do our best to identify them all but I'm sure we will be able to add questions later if we miss any. I'd really like to focus on questions that need to be elevated to the Department for guidance, not operational/logistical questions that we need to address within USCIS! Those are important too but they should go to Karla who will be our POC on operational issues. Our questions for the front office should focus on understanding and clarifying the EO itself, not the broader hold that was instituted over the weekend pending further guidance.

Please let me know if you have any questions.

Thanks,

Don

From: Hutchings, Pamela G
Sent: Saturday, January 28, 2017 5:35 PM
To: Campagnolo, Donna P; Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

My comments and questions:

There is a large population of I-730s from the effected countries and smaller population of I-130s. Adjudication of these petitions does not admit a person, therefore if the Bene is overseas the EO would apply to the visa issuance at our office or DOS not our SCs. However, if the bene is in the US and adjusting stateside would that be seen as an entry? FOD would handle these cases.

Will this EO prevent USCIS from adjudicating EOS and/or COS requests filed by nationals from the effected countries?

Would 765s be effected? Would there be an instance where CBP would accept an EAD doc as evidence for admission? Canadian and Mexicans perhaps?

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Sent: Saturday, January 28, 2017 9:57:03 PM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Perfect. Thanks so much Sophia. Greatly appreciate it.

Donna

From: Cox, Sophia
Sent: Saturday, January 28, 2017 2:08:28 PM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

No worries , Donna. I will be home in about 90 min and can pull a quick write up together. I also have several questions that I can send for consideration.

--Sophia

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 1:18:26 PM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
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Thanks all.

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From: Doumani, Stephanie M
To: Hutchings, Pamela G
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 12:08:31 PM

Hi Pam,

Our questions (which I'm sure have already been asked) are:

For COS/EOS requests, how do we go about adjudicating those? Of particular concern are the cases already included in our existing backlog. Is there a distinction between cases filed in the past versus now or in the future?

For Cap cases, do we reject cases with beneficiaries from the listed countries or do accept the cases and hold them?

Thanks,
Stephanie

From: Hutchings, Pamela G
Sent: Monday, January 30, 2017 11:43 AM
To: Bjorndahl, Jami A; Dougherty, Linda M; Doumani, Stephanie M; Fortes, Michael J; Kane, Daniel J; King, Alexander R
Subject: FW: Friday's EO
Importance: High

Please send me questions by 1 PM. Thanks

From: Cox, Sophia
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To: Hutchings, Pamela G; McConnell, James E; Sabga, George M; Hope, Leslie K; Thomas, Ronnie D; Padilla, April Y
Subject: RE: Friday's EO
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Hi. Just checking to make sure We are not duplicating efforts. You already asked the BCs to give you the questions on the EO for me to compile for the FO. Correct? Please confirm ASAP. Thanks!

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Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6)

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Cc: McCament, James W; Hutchings, Pamela G; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
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Please let me know if you have any questions.

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Don

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To: Hutchings, Pamela G; Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi. It ended up being more questions than what I initially thought. Since I had a number of questions, I put them in the attached Word document so they can be more easily be combined with Pam's questions and questions anyone else may have. There is a potential AC21 impact regarding renewals filed under the eligible categories. I am also attaching a list of those categories so you have it handy as you read through the document.

Let me know if you have any questions.

--Sophia
Sophia Cox

Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529

(b)(6) [redacted]

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To: Hutchings, Pamela G; Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
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Hi. I came up with a few questions, which I will send you in the am

--Sophia

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Sent: Saturday, January 28, 2017 10:12:43 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

One more thing, the suspension does not apply to This suspension of entry does not apply to those foreign nationals traveling on A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2 or diplomatic type visas, or to issuance of visas in those categories. Do we adjudicate anything related to those visa categories at the centers?

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:07 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: Friday's EO

Sorry to bother you over the weekend. The President signed an executive order on Friday titled "Protecting the Nation from Foreign Terrorist Entry into the United States". Among other things, it prevents the entry of citizens or nationals from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for a 90 day period. I am working with Dan, Andrew, Tracy and Lori on a message to send out this weekend that would suspend certain adjudications while we seek guidance/clarity on how this will specifically apply to our workloads.

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Thanks,

Don

From:	Neufeld, Donald W
To:	Arroyo, Susan K; Cox, Sophia; Hope, Leslie K; Hutchings, Pamela G; McCament, James W; McConnell, James E; Moran, Karla; Sabga, George M
Subject:	EO Hold
Date:	Monday, January 30, 2017 11:29:17 AM

At the recently concluded leadership meeting we learned that the processing hold we put in place over the weekend will be lifted. All messaging must now be cleared through the Department, so we cannot communicate this in writing to the troops. However, I wanted you to know that so we don't waste time formulating questions about the hold or working on strategies to ensure compliance. I expect that the final guidance may be more nuanced on the processing of parole requests, but otherwise we are expecting to lift the hold on adjustments and other form types. Please do not share this further in light of the messaging restrictions. We hope to have formal cleared language later today or tomorrow.

Donald Neufeld
Associate Director
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Ave NE, Suite 2125
Washington, DC 20002

From: Cox, Sophia
To: Hutchings, Pamela G
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 10:56:38 AM

Thanks!

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Hutchings, Pamela G
Sent: Monday, January 30, 2017 11:43 AM
To: Cox, Sophia; McConnell, James E; Sabga, George M; Hope, Leslie K; Thomas, Ronnie D; Padilla, April Y
Subject: RE: Friday's EO

confirm

From: Cox, Sophia
Sent: Monday, January 30, 2017 11:33 AM
To: Hutchings, Pamela G; McConnell, James E; Sabga, George M; Hope, Leslie K; Thomas, Ronnie D; Padilla, April Y
Subject: RE: Friday's EO
Importance: High

Hi. Just checking to make sure We are not duplicating efforts. You already asked the BCs to give you the questions on the EO for me to compile for the FO. Correct? Please confirm ASAP. Thanks!

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 10:30 AM
To: Cox, Sophia
Cc: McCament, James W; Hutchings, Pamela G; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D

Subject: RE: Friday's EO

Sophia – The front office has asked that we provide them with a consolidated list of questions by COB today. I would like you to have the lead on that and we have told the Division Chiefs to funnel anything they come up with to you for consolidation. Since the deadline is COB, I think we should plan to have a cutoff by 2:00 so you can have time to consolidate and James and I can have time to review/edit before sending them up. We should do our best to identify them all but I'm sure we will be able to add questions later if we miss any. I'd really like to focus on questions that need to be elevated to the Department for guidance, not operational/logistical questions that we need to address within USCIS. Those are important too but they should go to Karla who will be our POC on operational issues. Our questions for the front office should focus on understanding and clarifying the EO itself, not the broader hold that was instituted over the weekend pending further guidance.

Please let me know if you have any questions.

Thanks,

Don

From: Cox, Sophia
Sent: Sunday, January 29, 2017 7:53 PM
To: Hutchings, Pamela G; Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi. It ended up being more questions than what I initially thought. Since I had a number of questions, I put them in the attached Word document so they can be more easily be combined with Pam's questions and questions anyone else may have. There is a potential AC21 impact regarding renewals filed under the eligible categories. I am also attaching a list of those categories so you have it handy as you read through the document.

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Cc: McCament, James W
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Subject: RE: Friday's EO

Perfect. Thanks so much Sophia. Greatly appreciate it.

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To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
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No worries , Donna. I will be home in about 90 min and can pull a quick write up together. I also have several questions that I can send for consideration.

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Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 6:53:49 AM

Hi. One of the questions I flagged is whether/how the EO impacts the 180-day auto extension under AC21 for timely filed renewal applications under the eligible categories, which includes those admitted as refugees, granted asylum, and pending asylum, among others, which could impact folks from affected countries. We had been working with Magteld and her team all last week to resolve the plain language issues and also fine tune and I believe the web page is with the FO. I also believe that the ETA from OCOMM for posting was today or tomorrow. Until we have a better handle on the EO and how it affects us, would you like to me to reach out to OCOMM or ask Magteld to reach out to OCOMM to put a hold on that web page?

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

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Sent: Sunday, January 29, 2017 7:53 PM
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Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Sunday, January 29, 2017 7:02:08 PM

Thanks so much Sophia. We will be finalizing our list of questions on Monday and this will be very helpful.

From: Cox, Sophia
Sent: Sunday, January 29, 2017 7:53:28 PM
To: Hutchings, Pamela G; Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
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Cc:	McCament, James W; Cox, Sophia
Subject:	RE: Friday"s EO
Date:	Saturday, January 28, 2017 9:12:45 AM

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Don

From: USCIS Broadcast
Subject: Nationwide Injuction on Executive Order
Date: Friday, February 03, 2017 9:51:48 PM

U.S. Citizenship and Immigration Services

Nationwide Injunction on Executive Order

A federal district court in Washington state has issued a nationwide injunction of each one of the following provisions of the January 27, 2017 Executive Order on Protecting the Nation from Foreign Terrorist Entry into the United States:

- Section 3(c)
- Section 5(a)
- Section 5(b)
- Section 5(c)
- Section 5(e) to the extent that it purports to prioritize refugee claims of certain religious minorities

All enforcement of the above-listed sections of the Executive Order must halt immediately. The judge's written order is available here. To be clear, **the injunction is effective right now and compliance with the ruling must begin immediately**.

Accordingly, effective immediately U.S. Citizenship and Immigration Services will suspend any and all actions implementing the affected sections of the Executive Order entitled, *"Protecting the Nation from Foreign Terrorist Entry into the United States"* (January 27, 2017). Additionally, USCIS shall not proceed with any action that prioritizes refugee claims of certain religious minorities. Further, suspension of the U.S. Refugee Admission Program is no longer in effect. Suspension of the entry of Syrian nationals as refugees is also no longer in effect.

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

From: Office of the Secretary
Subject: Message from Secretary Kelly on the Executive Order on Protecting the Homeland
Date: Monday, January 30, 2017 1:53:08 PM

Homeland Security

January 30, 2017

Implementing President Trump's Executive Order on Protecting the Homeland

To all Department of Homeland Security personnel:

As you have likely seen in the news, it's been a busy weekend for DHS personnel. On Friday, President Trump signed an Executive Order to provide further guidance to DHS on enforcing our immigration laws and to suspend entry into the United States certain classes of foreign nationals in order to ensure our immigration system is working in a way that best protects the safety and security of the American public.

As we worked to implement this Executive Order, a number of court orders were issued based on lawsuits filed in the wake of the order. Upon issuance of the court orders, U.S. Customs and Border Protection (CBP) immediately began taking steps to comply with the orders and did so with professionalism.

Concurrently, the Department of Homeland Security continues to work with our partners in the Departments of Justice and State to implement President Trump's Executive Order to protect the Nation from foreign terrorist entry into the United States.

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

As I said over the weekend, in applying the provisions of the President's Executive Order, the entry of lawful permanent residents is in the national interest. Accordingly, absent 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.

We are and will continue enforcing President Trump's Executive Order humanely and with professionalism. We are and will remain in compliance with judicial orders. DHS will continue to protect the homeland.

Thank you to all the men and women on the front lines who worked to implement the President's guidance. You are a credit to your agencies and this Department.

Sincerely,

John F. Kelly
Secretary of Homeland Security

With honor and integrity, we will safeguard the American people, our homeland, and our values.

From: Bacote, Robert R (Bob)
To: Sturgeon, Paul S
Subject: FW: Friday"s EO
Date: Monday, January 30, 2017 6:32:00 AM

Paul,

Please read Don's initial message and determine if we can run a query in SMART to identify the seven countries where we have open cases?

Thanks,

Robert R. Bacote
Branch Chief, Business Analysis Branch
Center Operations & Resources Division (CORD)
USCIS, Service Center Operations

(b)(6) [redacted]

From: McConnell, James E
Sent: Saturday, January 28, 2017 11:06 PM
To: Bacote, Robert R (Bob)
Subject: FW: Friday's EO

Hi Bob,

Need to figure out if we can put a system hold on these cases on Monday. Please let me know what and how we can do.

Thanks,
Jim

From: Moran, Karla
Sent: Saturday, January 28, 2017 10:19:20 AM
To: Campagnolo, Donna P; Neufeld, Donald W; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

Good morning All.

We can help with Donna's idea by providing a list of all cases. We can start with all open cases with those country parameters and manually remove those to whom the hold would not apply.

We will have Kevin start on it first thing Monday morning. I'll send the message now.

Karla

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 10:13:34 AM
To: Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

Hi Don. Good morning. My first thought is yes, we can run for the countries in the system to identity the cases. I think the only way to have a flag in the system is to manually put a supervisory hold on each of them in Claims. I'll brainstorm some more as well...hope this helps.

Thanks.
Donna

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:07:23 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: Friday's EO

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Most likely, on Monday we will want to identify any potentially impacted cases in C3 and ELIS. I assume it will be possible to run reports identifying cases with applicants, requestors or beneficiaries from these countries sorted by form type. Does anyone know if we could somehow flag them for hold? Ideally we'd be able to prevent accidental approval, but even if we can't stop approval it would be good to flag them for adjudicators. Also, this isn't an indefinite hold so whatever we do it needs to allow normal processing to proceed fairly easily at some point in the future.

At this point, I'm just looking for thoughts and ideas on how to identify what will be a changing universe of cases and flag them for possible special handling. I'd prefer to keep this among ourselves for now so please check with me before sharing with anyone. Any thoughts or concerns are appreciated.

Thanks,

Don

From: Kane, Daniel J
To: Bacote, Robert R (Bob)
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions
Date: Sunday, January 29, 2017 12:07:23 PM

Would it be difficult to run a scrape for all pending petitions/ applications where the beneficiary/applicant COB is Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya? I am particularly interested in the following form types?

I-130 volume by category IR1, F41,.etc
I-765 volume by category (for example c8, C3, etc.)
I-539 volume by category

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54 PM
To: Thompson, Kirt; Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McConnell, James E; Moran, Karla; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Thanks!

From: Thompson, Kirt
Sent: Saturday, January 28, 2017 12:43:09 PM
To: Neufeld, Donald W; Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
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Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Got it Don.

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Kirt

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Center Directors and Deputies,

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We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

From:	Velarde, Barbara Q
To:	Thompson, Kirt; Neufeld, Donald W; Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Zuchowski, Laura B; Tamanaha, Emisa T
Cc:	Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McConnell, James E; Moran, Karla; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject:	RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions
Date:	Saturday, January 28, 2017 12:30:16 PM

Per earlier message sent to smaller distro list PSC has notified senior field managers

Sent with Good (www.good.com)

From: Thompson, Kirt
Sent: Saturday, January 28, 2017 12:43:09 PM
To: Neufeld, Donald W; Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
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Subject:	RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions
Date:	Saturday, January 28, 2017 12:25:20 PM

Hi Don,
Got it and CSC is working to distribute this guidance now.
Wr,
Kathy

Kathy A. Baran
Director
California Service Center
U.S. Citizenship and Immigration Services
24000 Avila Road
Laguna Niguel, CA 92677
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 8:34:34 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
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Don

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Subject:	RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions
Date:	Saturday, January 28, 2017 11:53:36 AM

Thanks!

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Sent: Saturday, January 28, 2017 12:43:09 PM
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To:	Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc:	McCament, James W; Cox, Sophia
Subject:	Friday"s EO
Date:	Saturday, January 28, 2017 9:07:25 AM

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Cc:	McCament, James W; Cox, Sophia
Subject:	RE: Friday"s EO
Date:	Saturday, January 28, 2017 9:12:45 AM

One more thing, the suspension does not,apply to This suspension of entry does not apply to those foreign nationals traveling on A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2 or diplomatic type visas, or to issuance of visas in those categories. Do we adjudicate anything related to those visa categories at the centers?

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:07 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: Friday's EO

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Don

From:	Campagnolo, Donna P
To:	Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc:	McCament, James W; Cox, Sophia
Subject:	RE: Friday"s EO
Date:	Saturday, January 28, 2017 9:13:35 AM

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Cc:	McCament, James W; Cox, Sophia
Subject:	RE: Friday"s EO
Date:	Saturday, January 28, 2017 9:16:39 AM

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From: Moran, Karla
To: Campagnolo, Donna P; Neufeld, Donald W; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday"s EO
Date: Saturday, January 28, 2017 9:19:22 AM

Good morning All

We can help with Donna's idea by providing a list of all cases. We can start with all open cases with those country parameters and manually remove those to whom the hold would not apply.

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Karla

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 10:13:34 AM
To: Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

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To:	Moran, Karla; Campagnolo, Donna P; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc:	McCament, James W; Cox, Sophia
Subject:	RE: Friday"s EO
Date:	Saturday, January 28, 2017 9:20:04 AM

Thank you Karla. Please be careful with the wording in your message.

From: Moran, Karla
Sent: Saturday, January 28, 2017 10:19 AM
To: Campagnolo, Donna P; Neufeld, Donald W; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W; Cox, Sophia
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Cc:	McCament, James W; Cox, Sophia
Subject:	RE: Friday"s EO
Date:	Saturday, January 28, 2017 9:22:07 AM

Thanks Karla.

Donna

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:20:02 AM
To: Moran, Karla; Campagnolo, Donna P; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

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From: Moran, Karla
Sent: Saturday, January 28, 2017 10:19 AM
To: Campagnolo, Donna P; Neufeld, Donald W; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

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Cc:	McCament, James W; Cox, Sophia
Subject:	RE: Friday"s EO
Date:	Saturday, January 28, 2017 9:22:47 AM

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Donna

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Sent: Saturday, January 28, 2017 10:16:37 AM
To: Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

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From: Cox, Sophia
To: Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Saturday, January 28, 2017 10:29:46 AM

I think the A and Gs might be done at the Washington district office but I am not 100% sure. Donna might remember?? There might be some 765 related to their dependents who are students. I'll check the 765 instructions.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:12:43 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

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From: Cox, Sophia
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Saturday, January 28, 2017 10:31:05 AM

And. If anyone needs any research I've got my laptop and law books with me.

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 10:22:46 AM
To: Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

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From:	Neufeld, Donald W
To:	Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara O; Zuchowski, Laura B; Tamanaha, Emisa T
Cc:	Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Maqteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Saboa, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject:	Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions
Date:	Saturday, January 28, 2017 10:34:36 AM

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

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Referred to U.S. Customs and Border Protection

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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.

# # #

From:	Moran, Karla
To:	Neufeld, Donald W; Hutchings, Pamela G; McCament, James W; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D; Cox, Sophia; Campagnolo, Donna P
Subject:	RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES
Date:	Saturday, January 28, 2017 10:47:17 AM

Will do.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:46:22 AM
To: Hutchings, Pamela G; McCament, James W; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D; Moran, Karla; Cox, Sophia; Campagnolo, Donna P
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES

Here is a copy of the EO. By COB Monday we need to get a compiled list of all our questions to Lori and Tracy so they can try to get us the answers. Karla – I ask that you coordinate this for us.

If anyone has a name to offer to the Front office please let me know.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 6:48 PM
To: Ruppel, Joanna; Strack, Barbara L; Stone, Mary M; Renaud, Tracy L; Renaud, Daniel M; Melero, Mariela; Neufeld, Donald W; Hatchett, Dolline L; Torres, Juan J; Carter, Jeffrey T (Jeff); Kerns, Kevin J; Emrich, Matthew D; Davidson, Andrew J; Meckley, Tammy M; Levine, Laurence D; Groom, Molly M; Alfonso, Angelica M; Hawkins, Donald K
Subject: FW: Two Questions

Here is the latest EO. OCOM will put out an agency alert. Any inquires get referred to WH Press, OLA inquiries also go to WH. DHS cced.

RAIO/FOD/FDNS/SCOPS all have equities that are operational in nature. Feel free to send me questions and I'll do my best to answer them or get an answer or at least flag it for DHS.

We are going to likely need a lead for tracking and coordinating all activities related to the EOs. If anyone has a good candidate please let me know. I'd like to get that person in place on Monday.

Lori

From: Hamilton, Gene
Sent: Friday, January 27, 2017 6:32 PM
To: Higgins, Jennifer; MCALEENAN, KEVIN K; Metzler, Alan; Scialabba, Lori L; Ragsdale, Daniel H; Nielsen, Kirstjen
Subject: RE: Two Questions

Final attached

Referred to U.S. Customs and Border Protection

From:	Thompson, Kirt
To:	Neufeld, Donald W; Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc:	Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McConnell, James E; Moran, Karla; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject:	RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions
Date:	Saturday, January 28, 2017 11:43:11 AM

Got it Don.

The TSC leadership has been notified of the temporary suspension and we will comply immediately.

Kirt

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:34:34 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

From:	Neufeld, Donald W
To:	Thompson, Kirt; Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc:	Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McConnell, James E; Moran, Karla; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject:	RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions
Date:	Saturday, January 28, 2017 11:53:37 AM

Thanks!

From: Thompson, Kirt
Sent: Saturday, January 28, 2017 12:43:09 PM
To: Neufeld, Donald W; Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McConnell, James E; Moran, Karla; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Got it Don.

The TSC leadership has been notified of the temporary suspension and we will comply immediately.

Kirt

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:34:34 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

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Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

From:	Campagnolo, Donna P
To:	Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc:	McCament, James W
Subject:	RE: Friday"s EO
Date:	Saturday, January 28, 2017 12:18:27 PM

Hi Sophia. I think you may be right about the As and Gs. I'll check and confirm.

Thanks all.

Donna

From: Cox, Sophia
Sent: Saturday, January 28, 2017 11:29:44 AM
To: Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W
Subject: RE: Friday's EO

I think the A and Gs might be done at the Washington district office but I am not 100% sure. Donna might remember?? There might be some 765 related to their dependents who are students. I'll check the 765 instructions.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:12:43 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

One more thing, the suspension does not apply to This suspension of entry does not apply to those foreign nationals traveling on A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2 or diplomatic type visas, or to issuance of visas in those categories. Do we adjudicate anything related to those visa categories at the centers?

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:07 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: Friday's EO

Sorry to bother you over the weekend. The President signed an executive order on Friday titled "Protecting the Nation from Foreign Terrorist Entry into the United States". Among other things, it prevents the entry of citizens or nationals from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for a 90 day period. I am working with Dan, Andrew, Tracy and Lori on a message to send out this weekend that would suspend certain adjudications while we seek guidance/clarity on how this will specifically apply to our workloads.

Most likely, on Monday we will want to identify any potentially impacted cases in C3 and ELIS. I assume it will be possible to run reports identifying cases with applicants, requestors or beneficiaries from these countries sorted by form type. Does anyone know if we could somehow flag them for hold? Ideally we'd be able to prevent accidental approval, but even if we can't stop approval it would be good to flag them for adjudicators. Also, this isn't an indefinite hold so whatever we do it needs to allow normal processing to proceed fairly easily at some point in the future.

At this point, I'm just looking for thoughts and ideas on how to identify what will be à changing universe of cases and flag them for possible special handling. I'd prefer to keep this among ourselves for now so please check with me before sharing with anyone. Any thoughts or concerns are appreciated.

Thanks,

Don

physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

From:	Velarde, Barbara Q
To:	Thompson, Kirt; Neufeld, Donald W; Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Zuchowski, Laura B; Tamanaha, Emisa T
Cc:	Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McConnell, James E; Moran, Karla; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject:	RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions
Date:	Saturday, January 28, 2017 12:30:16 PM

Per earlier message sent to smaller distro list PSC has notified senior field managers

Sent with Good (www.good.com)

From: Thompson, Kirt
Sent: Saturday, January 28, 2017 12:43:09 PM
To: Neufeld, Donald W; Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McConnell, James E; Moran, Karla; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Got it Don.

The TSC leadership has been notified of the temporary suspension and we will comply immediately.

Kirt

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:34:34 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the

suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

From: Cox, Sophia
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Saturday, January 28, 2017 1:08:30 PM

No worries , Donna. I will be home in about 90 min and can pull a quick write up together. I also have several questions that I can send for consideration.

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Sent: Saturday, January 28, 2017 1:18:26 PM
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Cc: McCament, James W
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Cc: McCament, James W
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Subject: RE: Friday"s EO
Date: Saturday, January 28, 2017 2:57:04 PM

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From: Campagnolo, Donna P
To: Cox, Sophia
Subject: RE: Friday"s EO
Date: Saturday, January 28, 2017 4:24:51 PM

No worries at all. Completely understand. Thank you so much!!

Donna

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To:	Campagnolo, Donna P; Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc:	McCament, James W
Subject:	RE: Friday"s EO
Date:	Saturday, January 28, 2017 4:35:29 PM

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Cc:	McCament, James W
Subject:	RE: Friday"s EO
Date:	Saturday, January 28, 2017 8:00:00 PM

Hi. I just finished reading the whole EO. Section 3c, which suspends the immigrant and nonimmigrant entry, refers to those described in INA 217(a)(2). As far as I can tell, only Iraq and Syria are mentioned in this statutory provision. Are other countries affected or just Iraq and Syria? I couldn't find reference to any other countries anywhere else, so wanted to be sure I wasn't missing anything.

Regarding EAD categories that would include those in INA 217(a)(2), we have:

- (c)(1) For the dependents of A-1 and A-2 government officials.
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement;
  - DOS sends only the favorably endorsed applications to NSC.
- (c)(4) For the dependents of G-1, G-3, or G-4 (I think this includes NATO and at the US Mission to the UN, too).
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement.
  - DOS sends only the favorably endorsed applications to NSC.

There are some special immigrant categories applicable to As, Gs, and NATO. The I-360 is filed with Dallas and Phoenix LB and the I-485 is filed with Phoenix LB. I am thinking that NSC adjudicates these, but it would be best to confirm.

- I Special Immigrants (INA 101(a)(27)(I) who meet certain residence and physical presence requirements. Includes:
  - Unmarried sons/daughters of an officer or employee, or a former officer or employee of an international organization described in INA 101(a)(15)(G)(i).
  - Surviving spouses of deceased officers or employees of international organizations described in INA

101(a)(15)(G)(i).
    - Retired officers and employees of international organizations.
    - Following to join/accompanying spouse of a retired officer or employee who was granted special immigrant status as a retired officer or employee of an international organization.
- L Special Immigrants (INA 101(a)(27)(L) who meet certain residence and physical presence requirements. Looks like this covers NATO and the same categories of persons described in 101(a)(27)(I).

This is all I can think of for now. If I come up with anything else, I will send it forward.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

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Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Saturday, January 28, 2017 8:03:00 PM

Hi. I came up with a few questions, which I will send you in the am

--Sophia

From: Hutchings, Pamela G
Sent: Saturday, January 28, 2017 5:35 PM
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Cc: McCament, James W
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Subject:	RE: Friday"s EO
Date:	Sunday, January 29, 2017 6:53:00 PM
Attachments:	EAD Renewal Categories that are Eligible for an Automatic Extension of up to 180 Days Under the AC 21 Regulation.docx eo qns 1-29-17 745pm.docx

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1. **Acceptance of Applications:** Can we accept benefit applications and petitions from, or on behalf, of nationals of the listed countries?
   - If no, must we reject?
   - If we can accept the filing, can adjudicate if approval does not convey any status?
   - How does this affect immigrant and nonimmigrant visa petitions, since the approval does not convey a status?
   - If we can accept the filing but cannot adjudicate, must we place these filings on hold?
   - How does this affect upcoming H-1B cap season?
     - The initial 90-day "suspension of entry" will run past H-1B cap filing season.
     - If the 90-day suspension is lifted or modified in part, the H-1B cap season will have closed.

2. **Individuals Already in the United States in a Valid Nonimmigrant Status:** For those individuals already in a lawful nonimmigrant status, how does this affect their ability to:
   - Change to another nonimmigrant status?
   - Extend their nonimmigrant stay?
   - Apply for adjustment of status?

3. **EADs/Work Authorization:**
   - How does this affect individuals who are already work authorized incident to status, regardless of the EAD, and where the EAD is evidence of the work authorization they already have? These individuals are included in 8 CFR 274a.12(a).
   - Any individual who is work authorized and believes he/she was wrongly terminated or denied employment has recourse through DOJ's Office of Special Counsel. So if the EO prevents us from issuing EADs to individuals who are already employment authorized and they are refused employment or terminated, has this been coordinated with OSC?
   - Categories under category (a) that could be impacted:
     - (a)(3) admitted as refugee
     - (a)(4) paroled as refugee
     - (a)(5) granted asylum
     - (a)(6) admitted as K-1 fiances/K-2 dependent children
     - (a)(7) admitted as N-8 parent or N-9 dependent child of someone granted LPR status as a special immigrant under INA 101(a)(27)(I) [former and retired international employees/NATO, surviving spouses, and children]
     - (a)(9) admitted as K-3 nonimmigrant of USC/K-4 dependent children
     - (a)(10) granted withholding of removal
     - (a)(12) granted TPS
     - (a)(15) in valid V nonimmigrant status
     - (a)(16) in valid T status – victim of trafficking
     - (a)(17) in valid U status – victim of severe form of crime

4. **AC 21:**
   - Does the EO impact AC 21?

- Auto EAD Extension: The AC21 regulation includes a provision granting an automatic extension of the EAD/work authorization for up to 180 days for individuals who timely file their renewal EAD applications and whose renewal is under one of the 15 eligible categories.
  - Effective 1/17, receipt notices issued by LB (via OnBase) and the centers (via C3) include language regarding the auto 180-day extension, so nationals of affected countries who timely filed a renewal EAD application under one of the above categories on or after 1/17 are receiving notices that include the auto extension language.
  - OCC asked us to include individuals who filed before 1/17/17 and whose renewal applications are pending on 1/17. Because receipt notices for cases filed at LB before 1/17 did not have the eligibility category (they do now), OCC wants us to reissue notices to these folks. We have been working with OIT to do a sweep of pending renewal cases filed at LB so that we could reissue the notices. As noted above, this includes applicants from the affected countries. We received updates late Friday afternoon on what is and isn't possible, and are on hold until we know whether we need to make any modifications to our proposed process to comply with the EO. Since the automatic EAD extension for TPS is already covered in the FRN applicable to the specific designation, one option would be to exclude all TPS renewal applicants from the sweep and reissue the receipt notices to the remaining renewal applicants who filed with LB before 1/17/17.
- **Compelling Circumstances EAD (CC EAD):** Does the EO affect our ability to accept/grant applications for CC EADs. The AC1 regulation created a new C35 category for individuals in the LPR process to apply for a CC EAD. Examples given include Government interest. Would a showing of compelling circumstances/Government interest be sufficient to grant the EAD?

5. Students/STEM OPT:

- F-1 students from the affected countries who are in valid status eligible to apply for practical training? The regulations allow them to apply for pre-completion, post completion, and STEM OPT. The regulations also allow them to receive curricular practical training without filing with USCIS.
- Per 8 CFR 274a.12(b)(6)(v), F-1 academic students who timely file their application for STEM OPT (before their post completion OPT expires) are authorized to be employed while their application for STEM OPT is pending.

6. TPS:

- How does this affect individuals from the affected countries who have TPS? Once you are granted TPS, you technically have it until it is formally withdrawn. Somalia was just extended. Syria and Yemen were recently re-designated for TPS, and the designation in effect before the re-designation was extended.
- Does this mean we treat those who already have TPS and are applying for a renewal differently than those who are applying for an initial grant of TPS under the re-designation?
- **Somalia:**
  - Just extended; current re-registration period is 1/17/17 to 3/20/17; no re-designation.

- For those who already have TPS and asked for a renewal, their EADs have been extended automatically until 9/17/17.

- **Syria:**
  - Re-designated for TPS on 8/1/16.
  - Re-registration period for those who already had TPS was 8/1/16 to 9/30/16.
  - Filing period to ask for an initial grant of TPS under the re-designation was 8/1/16 to 1/30/17.
  - For those who already have TPS and asked for a renewal, their EADs have been extended automatically until 3/31/17.
- **Yemen:**
  - Re-designated for TPS on 1/4/17.
  - Re-registration period for those who already have TPS is 1/4/17 to 3/6/17.
  - Filing period to ask for an initial grant of TPS under the re-designation is 1/4/17 to 7/3/17.
- **Sudan and South Sudan:**
  - There are separate TPS designations in effect for Sudan and South Sudan.
  - Does the EO cover Sudan and South Sudan or just Sudan?
  - Most recent designation for Sudan and South Sudan is 5/3/13.
  - Current designation for each expires 11/2/17.
  - Re-registration period for each designation closed 3/25/16.
  - The latest initial re-registration period for each closed 7/25/16.
  - Each designation had an auto EAD extension, which expired 11/2/16.

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(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Sunday, January 29, 2017 8:02 PM
To: Cox, Sophia; Hutchings, Pamela G; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Thanks so much Sophia. We will be finalizing our list of questions on Monday and this will be very helpful.

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document so they can be more easily be combined with Pam's questions and questions anyone else may have. There is a potential AC21 impact regarding renewals filed under the eligible categories. I am also attaching a list of those categories so you have it handy as you read through the document.

Let me know if you have any questions.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
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Washington, D.C. 20529
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Thanks,

Don

From: Cox, Sophia
To: Neufeld, Donald W
Subject: RE: Friday"s EO
Date: Sunday, January 29, 2017 7:15:00 PM

I'll be working and fully available by phone, email, and v-tel. So just let me know what you need.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Sunday, January 29, 2017 8:10 PM
To: Cox, Sophia
Subject: RE: Friday's EO

No, please don't make the drive. You've put enough in on this already. Stay home and enjoy the snowfall.

From: Cox, Sophia
Sent: Sunday, January 29, 2017 8:08:35 PM
To: Neufeld, Donald W
Subject: RE: Friday's EO

Glad to help, Don. I normally telework on Mondays but have no problem driving in tomorrow if you think it would be helpful for me to be there in person. Just let me know. It's not a problem at all. (Assuming we don't get hit with a lot of snow). ☺

--Sophia

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To:	Neufeld, Donald W; Hutchings, Pamela G; McCament, James W; McConnell, James E; Thomas, Ronnie D; Moran, Karla; Cox, Sophia; Campagnolo, Donna P
Subject:	RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES
Date:	Sunday, January 29, 2017 8:04:57 PM

Looking into what is needed to segregate in ELIS.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 4:46:22 PM
To: Hutchings, Pamela G; McCament, James W; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D; Moran, Karla; Cox, Sophia; Campagnolo, Donna P
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES

Here is a copy of the EO. By COB Monday we need to get a compiled list of all our questions to Lori and Tracy so they can try to get us the answers. Karla – I ask that you coordinate this for us.

If anyone has a name to offer to the Front office please let me know.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 6:48 PM
To: Ruppel, Joanna; Strack, Barbara L; Stone, Mary M; Renaud, Tracy L; Renaud, Daniel M; Melero, Mariela; Neufeld, Donald W; Hatchett, Dolline L; Torres, Juan J; Carter, Jeffrey T (Jeff); Kerns, Kevin J; Emrich, Matthew D; Davidson, Andrew J; Meckley, Tammy M; Levine, Laurence D; Groom, Molly M; Alfonso, Angelica M; Hawkins, Donald K
Subject: FW: Two Questions

Here is the latest EO. OCOM will put out an agency alert. Any inquires get referred to WH Press, OLA inquiries also go to WH. DHS cced.

RAIO/FOD/FDNS/SCOPS all have equities that are operational in nature. Feel free to send me questions and I'll do my best to answer them or get an answer or at least flag it for DHS.

We are going to likely need a lead for tracking and coordinating all activities related to the EOs. If anyone has a good candidate please let me know. I'd like to get that person in place on Monday.

Lori

From: Hamilton, Gene
Sent: Friday, January 27, 2017 6:32 PM
To: Higgins, Jennifer; MCALEENAN, KEVIN K; Metzler, Alan; Scialabba, Lori L; Ragsdale, Daniel H; Nielsen, Kirstjen
Subject: RE: Two Questions

Final attached

Referred to U.S. Customs and Border Protection

From: Cox, Sophia
To: Hutchings, Pamela G; Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 6:53:00 AM

Hi. One of the questions I flagged is whether/how the EO impacts the 180-day auto extension under AC21 for timely filed renewal applications under the eligible categories, which includes those admitted as refugees, granted asylum, and pending asylum, among others, which could impact folks from affected countries. We had been working with Magteld and her team all last week to resolve the plain language issues and also fine tune and I believe the web page is with the FO. I also believe that the ETA from OCOMM for posting was today or tomorrow. Until we have a better handle on the EO and how it affects us, would you like to me to reach out to OCOMM or ask Magteld to reach out to OCOMM to put a hold on that web page?

--Sophia

Sophia Cox
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Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 8:53:54 AM

Good morning Sophia. Can you please take a look at the premium reg for us? Discussion this morning was if we have premium cases that will go beyond 15 days because they are part of this hold, do we refund? Looks like some of the centers already have some cases that are getting close to this situation between the 140s and 129s. It isn't that we can't adjudicate them in the timeframe, it's that we have an EO that may not allow for this…

Thanks in advance.
Donna Campagnolo
HQ Service Center Operations

From: Cox, Sophia
Sent: Saturday, January 28, 2017 9:01 PM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
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Subject: RE: Friday's EO

Hi. I just finished reading the whole EO. Section 3c, which suspends the immigrant and nonimmigrant entry, refers to those described in INA 217(a)(2). As far as I can tell, only Iraq and Syria are mentioned in this statutory provision. Are other countries affected or just Iraq and Syria? I couldn't find reference to any other countries anywhere else, so wanted to be sure I wasn't missing anything.

Regarding EAD categories that would include those in INA 217(a)(2), we have:

- (c)(1) For the dependents of A-1 and A-2 government officials.
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement;
  - DOS sends only the favorably endorsed applications to NSC.
- (c)(4) For the dependents of G-1, G-3, or G-4 (I think this includes NATO and at the US Mission to the UN, too).
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement.
  - DOS sends only the favorably endorsed applications to NSC.

There are some special immigrant categories applicable to As, Gs, and NATO. The I-360 is filed with Dallas and Phoenix LB and the I-485 is filed with Phoenix LB. I am thinking that NSC adjudicates these, but it would be best to confirm.

- I Special Immigrants (INA 101(a)(27)(I) who meet certain residence and physical presence requirements. Includes:
  - Unmarried sons/daughters of an officer or employee, or a former officer or employee of an international organization described in INA 101(a)(15)(G)(i).
  - Surviving spouses of deceased officers or employees of international organizations described in INA 101(a)(15)(G)(i).
  - Retired officers and employees of international organizations.
  - Following to join/accompanying spouse of a retired officer or employee who was granted special immigrant status as a retired officer or employee of an international organization.
- L Special Immigrants (INA 101(a)(27)(L) who meet certain residence and physical presence requirements. Looks like this covers NATO and the same categories of persons described in 101(a)(27)(I).

This is all I can think of for now. If I come up with anything else, I will send it forward.

--Sophia

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Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 9:30:16 AM

Sophia – The front office has asked that we provide them with a consolidated list of questions by COB today. I would like you to have the lead on that and we have told the Division Chiefs to funnel anything they come up with to you for consolidation. Since the deadline is COB, I think we should plan to have a cutoff by 2:00 so you can have time to consolidate and James and I can have time to review/edit before sending them up. We should do our best to identify them all but I'm sure we will be able to add questions later if we miss any. I'd really like to focus on questions that need to be elevated to the Department for guidance, not operational/logistical questions that we need to address within USCIS. Those are important too but they should go to Karla who will be our POC on operational issues. Our questions for the front office should focus on understanding and clarifying the EO itself, not the broader hold that was instituted over the weekend pending further guidance.

Please let me know if you have any questions.

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Service Center Operations
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20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529

(b)(6) [redacted]

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Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 9:35:00 AM

Sure thing. I am pretty sure we have to refund if we do not take action in 15 days. The PP regs are at 8 CFR 103.7(e). It's 15 calendar days. Per 103.7(e)(2)(i) the 15 day processing period begins when USCIS receives the request for PP accompanied by an eligible employment-based immigration benefit request. Per 103.7(e)(2)(ii), if USCIS cannot reach a final decision on the request for which PP was requested, as evidenced by an approval, denial, NOID, or RFE, we will refund the PP fee but continue to process the case. I don't see anything in the PP regs that provide for any type of exception. Hope this helps. Let me know if you need anything else.

--Sophia

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Cc: McCament, James W
Subject: RE: Friday's EO

Good morning Sophia. Can you please take a look at the premium reg for us? Discussion this morning was if we have premium cases that will go beyond 15 days because they are part of this hold, do we refund? Looks like some of the centers already have some cases that are getting close to this situation between the 140s and 129s. It isn't that we can't adjudicate them in the timeframe, it's that we have an EO that may not allow for this…

Thanks in advance.
Donna Campagnolo
HQ Service Center Operations

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Hutchings, Pamela G; Thomas, Ronnie D
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Subject: RE: Friday's EO

Hi. I just finished reading the whole EO. Section 3c, which suspends the immigrant and nonimmigrant entry, refers to those described in INA 217(a)(2). As far as I can tell, only Iraq and Syria are mentioned in this statutory provision. Are other countries affected or just Iraq and Syria? I couldn't find reference to any other countries anywhere else, so wanted to be sure I wasn't missing anything.

Regarding EAD categories that would include those in INA 217(a)(2), we have:

- (c)(1) For the dependents of A-1 and A-2 government officials.
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement;
  - DOS sends only the favorably endorsed applications to NSC.
- (c)(4) For the dependents of G-1, G-3, or G-4 (I think this includes NATO and at the US Mission to the UN, too).
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement.
  - DOS sends only the favorably endorsed applications to NSC.

There are some special immigrant categories applicable to As, Gs, and NATO. The I-360 is filed with Dallas and Phoenix LB and the I-485 is filed with Phoenix LB. I am thinking that NSC adjudicates these, but it would be best to confirm.

- I Special Immigrants (INA 101(a)(27)(I) who meet certain residence and physical presence requirements. Includes:
  - Unmarried sons/daughters of an officer or employee, or a former officer or employee of an international organization described in INA 101(a)(15)(G)(i).
  - Surviving spouses of deceased officers or employees of international organizations described in INA 101(a)(15)(G)(i).
  - Retired officers and employees of international organizations.

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- Following to join/accompanying spouse of a retired officer or employee who was granted special immigrant status as a retired officer or employee of an international organization.

- L Special Immigrants (INA 101(a)(27)(L) who meet certain residence and physical presence requirements. Looks like this covers NATO and the same categories of persons described in 101(a)(27)(I).

This is all I can think of for now. If I come up with anything else, I will send it forward.

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Thanks,

Don

From: Hope, Leslie K
To: Cox, Sophia; Moran, Karla
Cc: Byrne, Marie L (Louise)
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 9:36:22 AM

Hi,

I will need to know if we are expected to hold adjudications and of what. C3 is pretty easy, paper, but ELIS will be problematic. I'm trying to find out if ELIS can flag products and hold them from entering the ready to adjudicate queue.

If there are any other processing changes that will require systems we will need those specifics.

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Sent: Monday, January 30, 2017 3:30:14 PM
To: Cox, Sophia
Cc: McCament, James W; Hutchings, Pamela G; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Subject: RE: Friday's EO

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To: Hutchings, Pamela G; Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

From: Moran, Karla
To: Hope, Leslie K; Cox, Sophia
Cc: Byrne, Marie L (Louise)
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 9:41:16 AM

Hi Leslie,
We pulled all approvals since Friday for C3 and ELIS for the seven countries. In addition, we have all the ELIS and C3 data for all pending for the seven countries. Don/James have a meeting with the FO at 11am and we are awaiting orders.

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
(b)(6) [redacted]

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Washington, D.C. 20529
[redacted]
(b)(6)

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Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 9:41:27 AM

I believe there is an exception where a matter is under investigation – I don't think that will apply here but it would be good to track down and review the language just in case.

From: Cox, Sophia
Sent: Monday, January 30, 2017 10:36 AM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Sure thing. I am pretty sure we have to refund if we do not take action in 15 days. The PP regs are at 8 CFR 103.7(e). It's 15 calendar days. Per 103.7(e)(2)(i) the 15 day processing period begins when USCIS receives the request for PP accompanied by an eligible employment-based immigration benefit request. Per 103.7(e)(2)(ii), if USCIS cannot reach a final decision on the request for which PP was requested, as evidenced by an approval, denial, NOID, or RFE, we will refund the PP fee but continue to process the case. I don't see anything in the PP regs that provide for any type of exception. Hope this helps. Let me know if you need anything else.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Campagnolo, Donna P
Sent: Monday, January 30, 2017 9:54 AM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Good morning Sophia. Can you please take a look at the premium reg for us? Discussion this morning was if we have premium cases that will go beyond 15 days because they are part of this hold, do we refund? Looks like some of the centers already have some cases that are getting

close to this situation between the 140s and 129s. It isn't that we can't adjudicate them in the timeframe, it's that we have an EO that may not allow for this…

Thanks in advance.
Donna Campagnolo
HQ Service Center Operations

From: Cox, Sophia
Sent: Saturday, January 28, 2017 9:01 PM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi. I just finished reading the whole EO. Section 3c, which suspends the immigrant and nonimmigrant entry, refers to those described in INA 217(a)(2). As far as I can tell, only Iraq and Syria are mentioned in this statutory provision. Are other countries affected or just Iraq and Syria? I couldn't find reference to any other countries anywhere else, so wanted to be sure I wasn't missing anything.

Regarding EAD categories that would include those in INA 217(a)(2), we have:

- (c)(1) For the dependents of A-1 and A-2 government officials.
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement;
  - DOS sends only the favorably endorsed applications to NSC.
- (c)(4) For the dependents of G-1, G-3, or G-4 (I think this includes NATO and at the US Mission to the UN, too).
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement.
  - DOS sends only the favorably endorsed applications to NSC.

There are some special immigrant categories applicable to As, Gs, and NATO. The I-360 is filed with Dallas and Phoenix LB and the I-485 is filed with Phoenix LB. I am thinking that NSC adjudicates these, but it would be best to confirm.

- I Special Immigrants (INA 101(a)(27)(I) who meet certain residence and physical presence requirements. Includes:

- Unmarried sons/daughters of an officer or employee, or a former officer or employee of an international organization described in INA 101(a)(15)(G)(i).
- Surviving spouses of deceased officers or employees of international organizations described in INA 101(a)(15)(G)(i).
- Retired officers and employees of international organizations.
- Following to join/accompanying spouse of a retired officer or employee who was granted special immigrant status as a retired officer or employee of an international organization.

- L Special Immigrants (INA 101(a)(27)(L) who meet certain residence and physical presence requirements. Looks like this covers NATO and the same categories of persons described in 101(a)(27)(I).

This is all I can think of for now. If I come up with anything else, I will send it forward.

--Sophia

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Date: Monday, January 30, 2017 9:49:27 AM

So are we thinking we might reject anything not in the systems or hold them in the LOCKBOX?

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To:	Walters, Jessica S; Renaud, Tracy L; Ruppel, Joanna; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Groom, Molly M; Busch, Philip B; McCament, James W; Meckley, Tammy M; Davidson, Andrew J; Emrich, Matthew D
Cc:	Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Young, Todd P; Cox, Sophia
Subject:	RE: USCIS Pending questions tracker
Date:	Monday, January 30, 2017 9:50:29 AM
Attachments:	Exec Actions - Pending questions- USCIS 1.30.17 #1.xlsx

Adding Sophia Cox who is coordinating for SCOPS.

From: Walters, Jessica S
Sent: Monday, January 30, 2017 7:58 AM
To: Renaud, Tracy L; Ruppel, Joanna; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W; Meckley, Tammy M; Davidson, Andrew J; Emrich, Matthew D
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Young, Todd P; Walters, Jessica S
Subject: USCIS Pending questions tracker

Good morning all:

Please see the pending questions tracker attached. Please let us know if you have any suggestions/input regarding the format, and then we can fill in the substance and re-send to the group.

Also – We will be creating an email for an EO action group so that everyone is kept in the loop on EO issues and guidance. The group will include ADs, DADs, OCC, OPS, Program Chiefs, Tracy, Lori, Todd and me. We will send the address out as soon as it is created.

Thanks,

Jessica

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 1:13 PM
To: Ruppel, Joanna; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M
Subject: RE: Clearance for Extreme Vetting Q&A

I am adding Jess, Molly and Phil back in again and also adding SCOPS. Jess is working to gather the questions you have all sent so far and compile them on one document. Once she has those together Lori and I will look at them to see which are internal questions and which might warrant public facing Q&A. So if you have sent your questions to Jess we should be all set.

Tracy L. Renaud
Acting Deputy Director

US Citizenship & Immigration Services
Department of Homeland Security

(b)(6) [redacted]

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 1:09 PM
To: Renaud, Daniel M; Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Nicholson, Maura J
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Renaud, Tracy L; Strack, Barbara L; Stone, Mary M
Subject: RE: Clearance for Extreme Vetting Q&A

These seem to be issue that need to be addressed at the Department level.

They are also asking for other questions we think should be included, so we may want to put together a list of questions, even if we don't have answers yet.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6) [redacted]

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 9:58:01 AM
To: Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Ruppel, Joanna; Nicholson, Maura J
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Renaud, Tracy L
Subject: RE: Clearance for Extreme Vetting Q&A

I simply do not have answers to these questions, so my input would be of no value.

From: Carter, Jeffrey T (Jeff)
Sent: Saturday, January 28, 2017 12:54:54 PM
To: Renaud, Daniel M; Valverde, Michael; Farnam, Julie E; Ruppel, Joanna; Nicholson, Maura J
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Renaud, Tracy L
Subject: FW: Clearance for Extreme Vetting Q&A

All:

DHS OPA has request a quick (ASAP) agency clearance on the below.

Thanks,

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services

(b)(6

Referred to Department of Homeland Security

From: Moran, Karla
To: Hope, Leslie K; Cox, Sophia
Cc: Byrne, Marie L (Louise)
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 9:50:51 AM

We don't know. Hopefully, Don/James will have more direction after their meeting.

From: Hope, Leslie K
Sent: Monday, January 30, 2017 10:49 AM
To: Moran, Karla; Cox, Sophia
Cc: Byrne, Marie L (Louise)
Subject: RE: Friday's EO

So are we thinking we might reject anything not in the systems or hold them in the LOCKBOX?

From: Moran, Karla
Sent: Monday, January 30, 2017 3:41:16 PM
To: Hope, Leslie K; Cox, Sophia
Cc: Byrne, Marie L (Louise)
Subject: RE: Friday's EO

Hi Leslie,
We pulled all approvals since Friday for C3 and ELIS for the seven countries. In addition, we have all the ELIS and C3 data for all pending for the seven countries. Don/James have a meeting with the FO at 11am and we are awaiting orders.

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
(b)(6) [redacted]

From: Hope, Leslie K
Sent: Monday, January 30, 2017 10:36 AM
To: Cox, Sophia; Moran, Karla
Cc: Byrne, Marie L (Louise)
Subject: RE: Friday's EO

Hi,

I will need to know if we are expected to hold adjudications and of what. C3 is pretty easy, paper, but ELIS will be problematic. I'm trying to find out if ELIS can flag products and hold them from entering the ready to adjudicate queue.

If there are any other processing changes that will require systems we will need those specifics.

Les

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 3:30:14 PM
To: Cox, Sophia
Cc: McCament, James W; Hutchings, Pamela G; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Subject: RE: Friday's EO

Sophia – The front office has asked that we provide them with a consolidated list of questions by COB today. I would like you to have the lead on that and we have told the Division Chiefs to funnel anything they come up with to you for consolidation. Since the deadline is COB, I think we should plan to have a cutoff by 2:00 so you can have time to consolidate and James and I can have time to review/edit before sending them up. We should do our best to identify them all but I'm sure we will be able to add questions later if we miss any. I'd really like to focus on questions that need to be elevated to the Department for guidance, not operational/logistical questions that we need to address within USCIS. Those are important too but they should go to Karla who will be our POC on operational issues. Our questions for the front office should focus on understanding and clarifying the EO itself, not the broader hold that was instituted over the weekend pending further guidance.

Please let me know if you have any questions.

Thanks,

Don

From: Cox, Sophia
Sent: Sunday, January 29, 2017 7:53 PM
To: Hutchings, Pamela G; Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi. It ended up being more questions than what I initially thought. Since I had a number of questions, I put them in the attached Word document so they can be more easily be combined with Pam's questions and questions anyone else may have. There is a potential AC21 impact regarding renewals filed under the eligible categories. I am also attaching a list of those categories so you have it handy as you read through the document.

Let me know if you have any questions.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

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Sent: Saturday, January 28, 2017 9:03 PM
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Subject: RE: Friday's EO

Hi. I came up with a few questions, which I will send you in the am

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Sent: Saturday, January 28, 2017 5:35 PM
To: Campagnolo, Donna P; Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

My comments and questions:

There is a large population of I-730s from the effected countries and smaller population of I-130s. Adjudication of these petitions does not admit a person, therefore if the Bene is overseas the EO would apply to the visa issuance at our office or DOS not our SCs. However, if the bene is in the US and adjusting stateside would that be seen as an entry? FOD would handle these cases.

Will this EO prevent USCIS from adjudicating EOS and/or COS requests filed by nationals from the effected countries?

Would 765s be effected? Would there be an instance where CBP would accept an EAD doc as evidence for admission? Canadian and Mexicans perhaps?

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Cc: McCament, James W
Subject: RE: Friday's EO

Perfect. Thanks so much Sophia. Greatly appreciate it.

Donna

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Cc: McCament, James W
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No worries , Donna. I will be home in about 90 min and can pull a quick write up together. I also have several questions that I can send for consideration.

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Hi Sophia. I think you may be right about the As and Gs. I'll check and confirm.

Thanks all.

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Subject: RE: Friday's EO

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Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

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Sent: Saturday, January 28, 2017 10:07 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: Friday's EO

Sorry to bother you over the weekend. The President signed an executive order on Friday titled "Protecting the Nation from Foreign Terrorist Entry into the United States". Among other things, it prevents the entry of citizens or nationals from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for a 90 day period. I am working with Dan, Andrew, Tracy and Lori on a message to send out this weekend that would suspend certain adjudications while we seek guidance/clarity on how this will specifically apply to our workloads.

Most likely, on Monday we will want to identify any potentially impacted cases in C3 and ELIS. I assume it will be possible to run reports identifying cases with applicants, requestors or beneficiaries from these countries sorted by form type. Does anyone know if we could somehow flag them for hold? Ideally we'd be able to prevent accidental approval, but even if we can't stop approval it would be good to flag them for adjudicators. Also, this isn't an indefinite hold so whatever we do it needs to allow normal processing to proceed fairly easily at some point in the future.

At this point, I'm just looking for thoughts and ideas on how to identify what will be a changing universe of cases and flag them for possible special handling. I'd prefer to keep this among ourselves for now so please check with me before sharing with anyone. Any thoughts or concerns are appreciated.

Thanks,

Don

From: Cox, Sophia
To: Neufeld, Donald W; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 10:06:00 AM

Yes. In my eagerness to respond quickly, I neglected to mention 8 CFR 103.7(e)(2)(ii). USCIS may retain the PP fee and not reach a conclusion on the request within 15 days, and not notify the person who filed the request, if USCIS opens an investigation for fraud or misrepresentation relating the to benefit request. So we do get to keep the fee if we go beyond 15 days if we are investigating for fraud or misrep.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted]
(b)(6)

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 10:41 AM
To: Cox, Sophia; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

I believe there is an exception where a matter is under investigation – I don't think that will apply here but it would be good to track down and review the language just in case.

From: Cox, Sophia
Sent: Monday, January 30, 2017 10:36 AM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Sure thing. I am pretty sure we have to refund if we do not take action in 15 days. The PP regs are at 8 CFR 103.7(e). It's 15 calendar days. Per 103.7(e)(2)(i) the 15 day processing period begins when USCIS receives the request for PP accompanied by an eligible employment-based immigration benefit request. Also per 103.7(e)(2)(i), if USCIS cannot reach a final decision on the request for which PP was

requested, as evidenced by an approval, denial, NOID, or RFE, we will refund the PP fee but continue to process the case. I don't see anything in the PP regs that provide for any type of exception. Hope this helps. Let me know if you need anything else.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Campagnolo, Donna P
Sent: Monday, January 30, 2017 9:54 AM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Good morning Sophia. Can you please take a look at the premium reg for us? Discussion this morning was if we have premium cases that will go beyond 15 days because they are part of this hold, do we refund? Looks like some of the centers already have some cases that are getting close to this situation between the 140s and 129s. It isn't that we can't adjudicate them in the timeframe, it's that we have an EO that may not allow for this…

Thanks in advance.
Donna Campagnolo
HQ Service Center Operations

From: Cox, Sophia
Sent: Saturday, January 28, 2017 9:01 PM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi. I just finished reading the whole EO. Section 3c, which suspends the immigrant and nonimmigrant entry, refers to those described in INA 217(a)(2). As far as I can tell, only Iraq and Syria are mentioned in this statutory provision. Are other countries affected or just Iraq and Syria? I couldn't find reference to any other countries anywhere else, so wanted to be sure I wasn't missing anything.

Regarding EAD categories that would include those in INA 217(a)(2),

we have:

- (c)(1) For the dependents of A-1 and A-2 government officials.
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement;
  - DOS sends only the favorably endorsed applications to NSC.
- (c)(4) For the dependents of G-1, G-3, or G-4 (I think this includes NATO and at the US Mission to the UN, too).
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement.
  - DOS sends only the favorably endorsed applications to NSC.

There are some special immigrant categories applicable to As, Gs, and NATO. The I-360 is filed with Dallas and Phoenix LB and the I-485 is filed with Phoenix LB. I am thinking that NSC adjudicates these, but it would be best to confirm.

- I Special Immigrants (INA 101(a)(27)(I) who meet certain residence and physical presence requirements. Includes:
  - Unmarried sons/daughters of an officer or employee, or a former officer or employee of an international organization described in INA 101(a)(15)(G)(i).
  - Surviving spouses of deceased officers or employees of international organizations described in INA 101(a)(15)(G)(i).
  - Retired officers and employees of international organizations.
  - Following to join/accompanying spouse of a retired officer or employee who was granted special immigrant status as a retired officer or employee of an international organization.
- L Special Immigrants (INA 101(a)(27)(L) who meet certain residence and physical presence requirements. Looks like this covers NATO and the same categories of persons described in 101(a)(27)(I).

This is all I can think of for now. If I come up with anything else, I will send it forward.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

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Sent: Saturday, January 28, 2017 1:18 PM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi Sophia. I think you may be right about the As and Gs. I'll check and confirm.

Thanks all.

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Thanks,

Don

From: Cox, Sophia
To: Hope, Leslie K; Moran, Karla
Cc: Byrne, Marie L (Louise)
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 10:07:00 AM

Thanks. That was one of my questions, whether we have to reject, or whether we accept and put on hold. I will include it in the list Don asked me to compile.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Hope, Leslie K
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Karla Moran
Senior Advisor for Operations
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Cc: McCament, James W; Cox, Sophia
Subject: Friday's EO

Sorry to bother you over the weekend. The President signed an executive order on Friday titled "Protecting the Nation from Foreign Terrorist Entry into the United States". Among other things, it prevents the entry of citizens or nationals from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for a 90 day period. I am working with Dan, Andrew, Tracy and Lori on a message to send out this weekend that would suspend certain adjudications while we seek guidance/clarity on how this will specifically apply to our workloads.

Most likely, on Monday we will want to identify any potentially impacted cases in C3 and ELIS. I assume it will be possible to run reports identifying cases with applicants, requestors or beneficiaries from these countries sorted by form type. Does anyone know if we could somehow flag them for hold? Ideally we'd be able to prevent accidental approval, but even if we can't stop approval it would be good to flag them for adjudicators. Also, this isn't an indefinite hold so whatever we do it needs to allow normal processing to proceed fairly easily at some point in the future.

At this point, I'm just looking for thoughts and ideas on how to identify what will be a changing universe of cases and flag them for possible special handling. I'd prefer to keep this among ourselves for now so please check with me before sharing with anyone. Any thoughts or concerns are appreciated.

Thanks,

Don

From:	Neufeld, Donald W
To:	Cox, Sophia; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc:	McCament, James W
Subject:	RE: Friday"s EO
Date:	Monday, January 30, 2017 10:09:26 AM

Thanks, but that clearly wouldn't apply here.

From: Cox, Sophia
Sent: Monday, January 30, 2017 11:07 AM
To: Neufeld, Donald W; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Yes. In my eagerness to respond quickly, I neglected to mention 8 CFR 103.7(e)(2)(ii). USCIS may retain the PP fee and not reach a conclusion on the request within 15 days, and not notify the person who filed the request, if USCIS opens an investigation for fraud or misrepresentation relating the to benefit request. So we do get to keep the fee if we go beyond 15 days if we are investigating for fraud or misrep.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 10:41 AM
To: Cox, Sophia; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

I believe there is an exception where a matter is under investigation – I don't think that will apply here but it would be good to track down and review the language just in case.

From: Cox, Sophia
Sent: Monday, January 30, 2017 10:36 AM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

217(a)(2). As far as I can tell, only Iraq and Syria are mentioned in this statutory provision. Are other countries affected or just Iraq and Syria? I couldn't find reference to any other countries anywhere else, so wanted to be sure I wasn't missing anything.

Regarding EAD categories that would include those in INA 217(a)(2), we have:

- (c)(1) For the dependents of A-1 and A-2 government officials.
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement;
  - DOS sends only the favorably endorsed applications to NSC.
- (c)(4) For the dependents of G-1, G-3, or G-4 (I think this includes NATO and at the US Mission to the UN, too).
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement.
  - DOS sends only the favorably endorsed applications to NSC.

There are some special immigrant categories applicable to As, Gs, and NATO. The I-360 is filed with Dallas and Phoenix LB and the I-485 is filed with Phoenix LB. I am thinking that NSC adjudicates these, but it would be best to confirm.

- I Special Immigrants (INA 101(a)(27)(I) who meet certain residence and physical presence requirements. Includes:
  - Unmarried sons/daughters of an officer or employee, or a former officer or employee of an international organization described in INA 101(a)(15)(G)(i).
  - Surviving spouses of deceased officers or employees of international organizations described in INA 101(a)(15)(G)(i).
  - Retired officers and employees of international organizations.
  - Following to join/accompanying spouse of a retired officer or employee who was granted special immigrant status as a retired officer or employee of an international organization.
- L Special Immigrants (INA 101(a)(27)(L) who meet certain

residence and physical presence requirements. Looks like this covers NATO and the same categories of persons described in 101(a)(27)(I).

This is all I can think of for now. If I come up with anything else, I will send it forward.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 1:18 PM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi Sophia. I think you may be right about the As and Gs. I'll check and confirm.

Thanks all.

Donna

From: Cox, Sophia
Sent: Saturday, January 28, 2017 11:29:44 AM
To: Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W
Subject: RE: Friday's EO

I think the A and Gs might be done at the Washington district office but I am not 100% sure. Donna might remember?? There might be some 765 related to their dependents who are students. I'll check the 765 instructions.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:12:43 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

One more thing, the suspension does not apply to This suspension of entry does not apply to those foreign nationals traveling on A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2 or diplomatic type visas, or to issuance of visas in those categories. Do we adjudicate anything related to those visa categories at the centers?

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:07 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: Friday's EO

Sorry to bother you over the weekend. The President signed an executive order on Friday titled "Protecting the Nation from Foreign Terrorist Entry into the United States". Among other things, it prevents the entry of citizens or nationals from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for a 90 day period. I am working with Dan, Andrew, Tracy and Lori on a message to send out this weekend that would suspend certain adjudications while we seek guidance/clarity on how this will specifically apply to our workloads.

Most likely, on Monday we will want to identify any potentially impacted cases in C3 and ELIS. I assume it will be possible to run reports identifying cases with applicants, requestors or beneficiaries from these countries sorted by form type. Does anyone know if we could somehow flag them for hold? Ideally we'd be able to prevent accidental approval, but even if we can't stop approval it would be good to flag them for adjudicators. Also, this isn't an indefinite hold so whatever we do it needs to allow normal processing to proceed fairly easily at some point in the future.

At this point, I'm just looking for thoughts and ideas on how to identify what will be a changing universe of cases and flag them for possible special handling. I'd prefer to keep this among ourselves for now so please check with me before sharing with anyone. Any thoughts or concerns are appreciated.

Thanks,

Don

From: Neufeld, Donald W
To: Cox, Sophia; Moran, Karla
Subject: FW: Executive Order
Date: Monday, January 30, 2017 10:10:47 AM

FYI

From: Levine, Laurence D
Sent: Monday, January 30, 2017 7:31 AM
To: Groom, Molly M; Slattery, Shannon E; Renaud, Daniel M; Neufeld, Donald W; Walters, Jessica S; Busch, Philip B; Kleczek, Marguerite P (Ania)
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E; Elder, Phillip D; Tynan, Natalie S; Rather, Michael B; Deshommes, Samantha L
Subject: RE: Executive Order

+ Natalie, Mike and Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Groom, Molly M
Sent: Monday, January 30, 2017 7:28 AM
To: Slattery, Shannon E; Levine, Laurence D; Renaud, Daniel M; Neufeld, Donald W; Walters, Jessica S; Busch, Philip B; Kleczek, Marguerite P (Ania)
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E; Elder, Phillip D
Subject: RE: Executive Order

Plus Phil, Ania and Philip

From: Slattery, Shannon E
Sent: Sunday, January 29, 2017 11:24:08 PM
To: Levine, Laurence D; Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E
Subject: RE: Executive Order

+ Lisette Kvortek and Julie Farnam

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

(b)(6) [redacted]

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:52 PM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

All – I asked the regs team to give us an idea of the tie frames for doing and re-doing forms as well as regs:

For forms , if, for instance, we have to add new vetting questions, OMB approval can be accomplished relatively quickly as an emergency action (compared to the normal process).
Steps and qualifications for emergency OMB approval:
1) OP&S division, operational directorates, OCC, and RCD collaborate on the amended form and/or instructions.
2) RCD prepares the relevant PRA supporting documents (Supporting Statement, etc.) working with OIDP and Office of Privacy
3) Draft a memo justifying the emergent need (e.g., the EO), signed by USCIS CIO and DHS CIO.
4) RCD submits the package to OMB. OMB approval under emergency will only be valid for 6 months. To extend the validity of the OMB approval beyond 6 months, RCD would need to publish the 60- and 30-day Notices as normal and then resubmit the package to OMB.
As a side note, the interior enforcement EO took away the Privacy Act protections that the USG had extended to non-citizens (by policy I believe). This change may significantly impact how the Privacy Act is interpreted w/r/t USCIS forms and systems, and may or may not cause changes to our Privacy Threshold Analyses which support the PRA process. We need to get a legal opinion on whether our PTAs, etc. will change because of this, and if we can update the relevant PRA supporting documents as they come up in the queue (i.e. as RCD starts work upon expiration) or if this needs to be implemented immediately (which would be a significant workload).

For regs, the time it took to get the EA rules out from the Nov. 20, 2014 memo are good barometers of the average timeline when there is WH support and it's moving as an emergency action:
- Average of 12-16 months for drafting and publishing an NPRM (but note that there was already some work done on EA before the 11/2014 announcement)
- Average of 6-8 months to review public comments, draft final rule, and publish the final rule.

Caveats: 1) The above assumes a relatively hands-off approach of OGC staff-level attorneys and economists prior to moving to OGC FO, S1 FO, and OMB. Also assumes that the timelines for S1 FO review will be similarly expedited (i.e. a matter of hours wherein the Assistant General Counsel briefs S1 and obtains signature). 2) The "effective date" will largely depend on the speed that our computer systems can be stood up. 3) Also, of course, depends on the number and complexity of public comments received and the continued availability of monetary resources to fund contractor support of our regulatory projects (comment analysis).

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:42 AM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Ok - thanks

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6) [redacted]

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

(b)(6) Department of Homeland Security [redacted]

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
(b)(6) Department of Homeland Security [redacted]

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief

Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services
(b)(6) [redacted]

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
(b)(6) [redacted]

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
(b)(6) [redacted]

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order
To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?

3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order
Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
(b)(6) [redacted]

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
(b)(6) [redacted]

(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order
I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order
I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

FYI. I think Andrew might be right in terms of what is meant bu

(b)(5)

Don't know if you can get any clarification but DHS HQ needs to know what's going on.

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries

of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person (b)(5) [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
(b)(6) [redacted]

From: Cox, Sophia
To: Neufeld, Donald W; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 10:12:00 AM

No it wouldn't. That is the only exception I could find in the regulations so the EO would not give us coverage from refund.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 11:09 AM
To: Cox, Sophia; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Thanks, but that clearly wouldn't apply here.

From: Cox, Sophia
Sent: Monday, January 30, 2017 11:07 AM
To: Neufeld, Donald W; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Yes. In my eagerness to respond quickly, I neglected to mention 8 CFR 103.7(e)(2)(ii). USCIS may retain the PP fee and not reach a conclusion on the request within 15 days, and not notify the person who filed the request, if USCIS opens an investigation for fraud or misrepresentation relating the to benefit request. So we do get to keep the fee if we go beyond 15 days if we are investigating for fraud or misrep.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132

Washington, D.C. 20529

(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 10:41 AM
To: Cox, Sophia; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

I believe there is an exception where a matter is under investigation – I don't think that will apply here but it would be good to track down and review the language just in case.

From: Cox, Sophia
Sent: Monday, January 30, 2017 10:36 AM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Sure thing. I am pretty sure we have to refund if we do not take action in 15 days. The PP regs are at 8 CFR 103.7(e). It's 15 calendar days. Per 103.7(e)(2)(i) the 15 day processing period begins when USCIS receives the request for PP accompanied by an eligible employment-based immigration benefit request. Also per 103.7(e)(2)(i), if USCIS cannot reach a final decision on the request for which PP was requested, as evidenced by an approval, denial, NOID, or RFE, we will refund the PP fee but continue to process the case. I don't see anything in the PP regs that provide for any type of exception. Hope this helps. Let me know if you need anything else.

--Sophia

Sophia Cox
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Service Center Operations
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20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529

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From: Campagnolo, Donna P
Sent: Monday, January 30, 2017 9:54 AM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Good morning Sophia. Can you please take a look at the premium reg for us? Discussion this morning was if we have premium cases that will go beyond 15 days because they are part of this hold, do we refund? Looks like some of the centers already have some cases that are getting close to this situation between the 140s and 129s. It isn't that we can't adjudicate them in the timeframe, it's that we have an EO that may not allow for this…

Thanks in advance.
Donna Campagnolo
HQ Service Center Operations

From: Cox, Sophia
Sent: Saturday, January 28, 2017 9:01 PM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi. I just finished reading the whole EO. Section 3c, which suspends the immigrant and nonimmigrant entry, refers to those described in INA 217(a)(2). As far as I can tell, only Iraq and Syria are mentioned in this statutory provision. Are other countries affected or just Iraq and Syria? I couldn't find reference to any other countries anywhere else, so wanted to be sure I wasn't missing anything.

Regarding EAD categories that would include those in INA 217(a)(2), we have:

- (c)(1) For the dependents of A-1 and A-2 government officials.
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement;
  - DOS sends only the favorably endorsed applications to NSC.
- (c)(4) For the dependents of G-1, G-3, or G-4 (I think this includes NATO and at the US Mission to the UN, too).
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement.
  - DOS sends only the favorably endorsed applications to NSC.

There are some special immigrant categories applicable to As, Gs, and NATO. The I-360 is filed with Dallas and Phoenix LB and the I-485 is filed with Phoenix LB. I am thinking that NSC adjudicates these, but it would be best to confirm.

- I Special Immigrants (INA 101(a)(27)(I) who meet certain residence and physical presence requirements. Includes:
  - Unmarried sons/daughters of an officer or employee, or a former officer or employee of an international organization described in INA 101(a)(15)(G)(i).
  - Surviving spouses of deceased officers or employees of international organizations described in INA 101(a)(15)(G)(i).
  - Retired officers and employees of international organizations.
  - Following to join/accompanying spouse of a retired officer or employee who was granted special immigrant status as a retired officer or employee of an international organization.
- L Special Immigrants (INA 101(a)(27)(L) who meet certain residence and physical presence requirements. Looks like this covers NATO and the same categories of persons described in 101(a)(27)(I).

This is all I can think of for now. If I come up with anything else, I will send it forward.

--Sophia

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Senior Advisor, Policy
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20 Massachusetts Avenue, N.W. Room 2132
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[redacted]
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Cc: McCament, James W
Subject: RE: Friday's EO

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Thanks all.

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Cc: McCament, James W; Cox, Sophia
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are appreciated.

Thanks,

Don

From: Cox, Sophia
To: Neufeld, Donald W
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 10:29:00 AM

Don – Responding just to you given the flurry of emails and so I can be exactly clear on what you need. I am asking the BCs to give high level type of questions that need to be elevated to the Dept, as you asked, but when I looked at what was already in the matrix that the FO sent, which appears to include questions from FOD, some of those are either form specific a bit more operational in nature, so I just want to be sure we don't miss anything. Thanks!!

--Sophia

Sophia Cox
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20 Massachusetts Avenue, N.W. Room 2132
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Please let me know if you have any questions.

Thanks,

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Hi. I came up with a few questions, which I will send you in the am

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Perfect. Thanks so much Sophia. Greatly appreciate it.

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Don

From: Cox, Sophia
To: Hutchings, Pamela G; McConnell, James E; Sabga, George M; Hope, Leslie K; Thomas, Ronnie D; Padilla, April Y
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 10:32:00 AM
Importance: High

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--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted]

(b)(6)

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Cc: McCament, James W; Hutchings, Pamela G; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
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To: Cox, Sophia; McConnell, James E; Sabga, George M; Hope, Leslie K; Thomas, Ronnie D; Padilla, April Y
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 10:42:33 AM

confirm

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To: Hutchings, Pamela G; McConnell, James E; Sabga, George M; Hope, Leslie K; Thomas, Ronnie D; Padilla, April Y
Subject: RE: Friday's EO
Importance: High

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Cc: McCament, James W
Subject: RE: Friday's EO

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To: Cox, Sophia; Hutchings, Pamela G; McConnell, James E; Sabga, George M; Thomas, Ronnie D; Padilla, April Y
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 10:47:18 AM

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20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

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From: Cox, Sophia
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Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 10:56:00 AM

Thanks!

Sophia Cox
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20 Massachusetts Avenue, N.W. Room 2132
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(b)(6) [redacted]

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To: Cox, Sophia; Hutchings, Pamela G; McConnell, James E; Sabga, George M; Thomas, Ronnie D; Padilla, April Y
Subject: RE: Friday's EO

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Sophia Cox
Senior Advisor, Policy

Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529

(b)(6) [redacted]

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Cc: McCament, James W; Hutchings, Pamela G; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
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Subject: RE: Friday"s EO
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Security and Fraud Office
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USCIS Headquarters
(b)(6) [redacted]

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To: Arroyo, Susan K; Cox, Sophia; Hope, Leslie K; Hutchings, Pamela G; McCament, James W; McConnell, James E; Moran, Karla; Sabga, George M
Subject: EO Hold
Date: Monday, January 30, 2017 11:29:17 AM

At the recently concluded leadership meeting we learned that the processing hold we put in place over the weekend will be lifted. All messaging must now be cleared through the Department, so we cannot communicate this in writing to the troops. However, I wanted you to know that so we don't waste time formulating questions about the hold or working on strategies to ensure compliance. I expect that the final guidance may be more nuanced on the processing of parole requests, but otherwise we are expecting to lift the hold on adjustments and other form types. Please do not share this further in light of the messaging restrictions. We hope to have formal cleared language later today or tomorrow.

Donald Neufeld
Associate Director
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Ave NE, Suite 2125
Washington, DC 20002

From: Padilla, April Y
To: Cox, Sophia
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 11:35:43 AM

Sophia,

Can you send me the Word document you sent on Sunday?

April Padilla
Unit Chief, Fraud Detection
Security and Fraud Office
Service Center Operations
USCIS Headquarters

(b)(6) [redacted]

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Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Cox, Sophia
Sent: Saturday, January 28, 2017 9:03 PM
To: Hutchings, Pamela G; Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
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From: Cox, Sophia
To: Padilla, April Y; Hope, Leslie K; Hutchings, Pamela G; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 11:38:00 AM

April send to u now

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Padilla, April Y
Sent: Monday, January 30, 2017 12:38 PM
To: Hope, Leslie K; Cox, Sophia; Hutchings, Pamela G; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: Friday's EO

Can someone send me the Word documents Sophia attached to her message on Sunday night?

April Padilla
Unit Chief, Fraud Detection
Security and Fraud Office
Service Center Operations
USCIS Headquarters
(b)(6) [redacted]

From: Hope, Leslie K
Sent: Monday, January 30, 2017 11:47 AM
To: Cox, Sophia; Hutchings, Pamela G; McConnell, James E; Sabga, George M; Thomas, Ronnie D; Padilla, April Y
Subject: RE: Friday's EO

Confirm

From: Cox, Sophia
Sent: Monday, January 30, 2017 4:33:09 PM
To: Hutchings, Pamela G; McConnell, James E; Sabga, George M; Hope, Leslie K; Thomas, Ronnie D; Padilla, April Y
Subject: RE: Friday's EO

Hi. Just checking to make sure We are not duplicating efforts. You already asked the BCs to give you the questions on the EO for me to compile for the FO. Correct? Please confirm ASAP. Thanks!

--Sophia

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Senior Advisor, Policy
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U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 10:30 AM
To: Cox, Sophia
Cc: McCament, James W; Hutchings, Pamela G; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Subject: RE: Friday's EO

Sophia -- The front office has asked that we provide them with a consolidated list of questions by COB today. I would like you to have the lead on that and we have told the Division Chiefs to funnel anything they come up with to you for consolidation. Since the deadline is COB, I think we should plan to have a cutoff by 2:00 so you can have time to consolidate and James and I can have time to review/edit before sending them up. We should do our best to identify them all but I'm sure we will be able to add questions later if we miss any. I'd really like to focus on questions that need to be elevated to the Department for guidance, not operational/logistical questions that we need to address within USCIS. Those are important too but they should go to Karla who will be our POC on operational issues. Our questions for the front office should focus on understanding and clarifying the EO itself, not the broader hold that was instituted over the weekend pending further guidance.

Please let me know if you have any questions.

Thanks,

Don

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From: Cox, Sophia
To: Padilla, April Y
Subject: FW: Friday's EO
Date: Monday, January 30, 2017 11:39:00 AM
Attachments: EAD Renewal Categories that are Eligible for an Automatic Extension of up to 180 Days Under the AC 21 Regulation.docx
eo qns.1-29-17.745pm.docx

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1. **Acceptance of Applications:** Can we accept benefit applications and petitions from, or on behalf, of nationals of the listed countries?
   - If no, must we reject?
   - If we can accept the filing, can adjudicate if approval does not convey any status?
   - How does this affect immigrant and nonimmigrant visa petitions, since the approval does not convey a status?
   - If we can accept the filing but cannot adjudicate, must we place these filings on hold?
   - How does this affect upcoming H-1B cap season?
     - The initial 90-day "suspension of entry" will run past H-1B cap filing season.
     - If the 90-day suspension is lifted or modified in part, the H-1B cap season will have closed.

2. **Individuals Already in the United States in a Valid Nonimmigrant Status:** For those individuals already in a lawful nonimmigrant status, how does this affect their ability to:
   - Change to another nonimmigrant status?
   - Extend their nonimmigrant stay?
   - Apply for adjustment of status?

3. **EADs/Work Authorization:**
   - How does this affect individuals who are already work authorized incident to status, regardless of the EAD, and where the EAD is evidence of the work authorization they already have? These individuals are included in 8 CFR 274a.12(a).
   - Any individual who is work authorized and believes he/she was wrongly terminated or denied employment has recourse through DOJ's Office of Special Counsel. So if the EO prevents us from issuing EADs to individuals who are already employment authorized and they are refused employment or terminated, has this been coordinated with OSC?
   - Categories under category (a) that could be impacted:
     - (a)(3) admitted as refugee
     - (a)(4) paroled as refugee
     - (a)(5) granted asylum
     - (a)(6) admitted as K-1 fiances/K-2 dependent children
     - (a)(7) admitted as N-8 parent or N-9 dependent child of someone granted LPR status as a special immigrant under INA 101(a)(27)(I) [former and retired international employees/NATO, surviving spouses, and children]
     - (a)(9) admitted as K-3 nonimmigrant of USC/K-4 dependent children
     - (a)(10) granted withholding of removal
     - (a)(12) granted TPS
     - (a)(15) in valid V nonimmigrant status
     - (a)(16) in valid T status – victim of trafficking
     - (a)(17) in valid U status – victim of severe form of crime

4. **AC 21:**
   - Does the EO impact AC 21?

- Auto EAD Extension: The AC21 regulation includes a provision granting an automatic extension of the EAD/work authorization for up to 180 days for individuals who timely file their renewal EAD applications and whose renewal is under one of the 15 eligible categories.
  - Effective 1/17, receipt notices issued by LB (via OnBase) and the centers (via C3) include language regarding the auto 180-day extension, so nationals of affected countries who timely filed a renewal EAD application under one of the above categories on or after 1/17 are receiving notices that include the auto extension language.
  - OCC asked us to include individuals who filed before 1/17/17 and whose renewal applications are pending on 1/17. Because receipt notices for cases filed at LB before 1/17 did not have the eligibility category (they do now), OCC wants us to reissue notices to these folks. We have been working with OIT to do a sweep of pending renewal cases filed at LB so that we could reissue the notices. As noted above, this includes applicants from the affected countries. We received updates late Friday afternoon on what is and isn't possible, and are on hold until we know whether we need to make any modifications to our proposed process to comply with the EO. Since the automatic EAD extension for TPS is already covered in the FRN applicable to the specific designation, one option would be to exclude all TPS renewal applicants from the sweep and reissue the receipt notices to the remaining renewal applicants who filed with LB before 1/17/17.
- **Compelling Circumstances EAD (CC EAD):** Does the EO affect our ability to accept/grant applications for CC EADs. The AC1 regulation created a new C35 category for individuals in the LPR process to apply for a CC EAD. Examples given include Government interest. Would a showing of compelling circumstances/Government interest be sufficient to grant the EAD?

5. Students/STEM OPT:

- F-1 students from the affected countries who are in valid status eligible to apply for practical training? The regulations allow them to apply for pre-completion, post completion, and STEM OPT. The regulations also allow them to receive curricular practical training without filing with USCIS.
- Per 8 CFR 274a.12(b)(6)(v), F-1 academic students who timely file their application for STEM OPT (before their post completion OPT expires) are authorized to be employed while their application for STEM OPT is pending.

6. TPS:

- How does this affect individuals from the affected countries who have TPS? Once you are granted TPS, you technically have it until it is formally withdrawn. Somalia was just extended. Syria and Yemen were recently re-designated for TPS, and the designation in effect before the re-designation was extended.
- Does this mean we treat those who already have TPS and are applying for a renewal differently than those who are applying for an initial grant of TPS under the re-designation?
- **Somalia:**
  - Just extended; current re-registration period is 1/17/17 to 3/20/17; no re-designation.

- For those who already have TPS and asked for a renewal, their EADs have been extended automatically until 9/17/17.

- **Syria:**
  - Re-designated for TPS on 8/1/16.
  - Re-registration period for those who already had TPS was 8/1/16 to 9/30/16.
  - Filing period to ask for an initial grant of TPS under the re-designation was 8/1/16 to 1/30/17.
  - For those who already have TPS and asked for a renewal, their EADs have been extended automatically until 3/31/17.
- **Yemen:**
  - Re-designated for TPS on 1/4/17.
  - Re-registration period for those who already have TPS is 1/4/17 to 3/6/17.
  - Filing period to ask for an initial grant of TPS under the re-designation is 1/4/17 to 7/3/17.
- **Sudan and South Sudan:**
  - There are separate TPS designations in effect for Sudan and South Sudan.
  - Does the EO cover Sudan and South Sudan or just Sudan?
  - Most recent designation for Sudan and South Sudan is 5/3/13.
  - Current designation for each expires 11/2/17.
  - Re-registration period for each designation closed 3/25/16.
  - The latest initial re-registration period for each closed 7/25/16.
  - Each designation had an auto EAD extension, which expired 11/2/16.

From: Cox, Sophia
To: Cox, Sophia
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 11:40:00 AM

You can hold up on questions for now. More to follow. Thanks for jumping in.

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U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Cox, Sophia
Sent: Saturday, January 28, 2017 9:03 PM
To: Hutchings, Pamela G; Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi. I came up with a few questions, which I will send you in the am

--Sophia

From: Hutchings, Pamela G
Sent: Saturday, January 28, 2017 5:35 PM
To: Campagnolo, Donna P; Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
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Pamela G; Thomas, Ronnie D
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Subject: RE: Friday's EO

Perfect. Thanks so much Sophia. Greatly appreciate it.

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Sent: Saturday, January 28, 2017 2:08:28 PM
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Thanks,

Don

From: Padilla, April Y
To: Cox, Sophia
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 11:40:50 AM

Thanks! Reviewing now and will send you something before 2.

April Padilla
Unit Chief, Fraud Detection
Security and Fraud Office
Service Center Operations
USCIS Headquarters
(b)(6) [redacted]

From: Cox, Sophia
Sent: Monday, January 30, 2017 12:39 PM
To: Padilla, April Y
Subject: FW: Friday's EO

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Don

From: Cox, Sophia
To: Padilla, April Y
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 11:41:00 AM

You can hold up on questions for now. More to follow. Thanks for jumping in.

Sophia Cox
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To: Cox, Sophia
Subject: FW: Friday"s EO
Date: Monday, January 30, 2017 11:44:45 AM
Importance: High

Could you share your list of questions?

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Sophia – The front office has asked that we provide them with a consolidated list of questions by COB today. I would like you to have the lead on that and we have told the Division Chiefs to funnel anything they come up with to you for consolidation. Since the deadline is COB, I think we should plan to have a cutoff by 2:00 so you can have time to consolidate and James and I can have time to review/edit before sending them up. We should do our best to identify them all but I'm sure we will

be able to add questions later if we miss any. I'd really like to focus on questions that need to be elevated to the Department for guidance, not operational/logistical questions that we need to address within USCIS. Those are important too but they should go to Karla who will be our POC on operational issues. Our questions for the front office should focus on understanding and clarifying the EO itself, not the broader hold that was instituted over the weekend pending further guidance.

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Date: Monday, January 30, 2017 11:48:00 AM

Just got word we can hold off on questions. Pls stay tuned.

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Cc: McCament, James W; Hutchings, Pamela G; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Subject: RE: Friday's EO

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To: Hutchings, Pamela G; Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
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Sophia Cox
Senior Advisor, Policy
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20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

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Thanks,

Don

From: Cox, Sophia
To: Neufeld, Donald W
Subject: RE: EO Hold
Date: Monday, January 30, 2017 12:01:00 PM

Thanks. Folks were sending me questions and asking me for the documents so they could scramble to pull their questions together for me, so in light of this I told them to just hold up for now until they get further info from me.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529

(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 12:29 PM
To: Arroyo, Susan K; Cox, Sophia; Hope, Leslie K; Hutchings, Pamela G; McCament, James W; McConnell, James E; Moran, Karla; Sabga, George M
Subject: EO Hold

At the recently concluded leadership meeting we learned that the processing hold we put in place over the weekend will be lifted. All messaging must now be cleared through the Department, so we cannot communicate this in writing to the troops. However, I wanted you to know that so we don't waste time formulating questions about the hold or working on strategies to ensure compliance. I expect that the final guidance may be more nuanced on the processing of parole requests, but otherwise we are expecting to lift the hold on adjustments and other form types. Please do not share this further in light of the messaging restrictions. We hope to have formal cleared language later today or tomorrow.

Donald Neufeld
Associate Director
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Ave NE, Suite 2125
Washington, DC 20002

From: Neufeld, Donald W
To: Cox, Sophia
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 12:02:42 PM

Basically, we need to ask the questions we think only the Department can answer. As you may have seen in my recent message, the hold will soon be much more narrowly defined as the decision has been made that "entry" essentially means what it has always meant. Adjustments, EOS and COS will resume processing as will I-90s, I-765s and everything else that clearly doesn't result in an "entry" at time of approval. So all the questions related to clarifying case types on hold because of "entry" restrictions don't need to be included. We probably do have questions related to the impact on I-730s depending on how they want the "refugee" processing hold to be implemented, which is separate from the "entry" issue.

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To: Cox, Sophia
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Date: Monday, January 30, 2017 12:05:13 PM

Ok. I want to discuss the parole paper too.

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Cc: McCament, James W; Hutchings, Pamela G; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Subject: RE: Friday's EO

Sophia – The front office has asked that we provide them with a consolidated list of questions by COB today. I would like you to have the lead on that and we have told the Division Chiefs to funnel anything they come up with to you for consolidation. Since the deadline is COB, I think we should plan to have a cutoff by 2:00 so you can have time to consolidate and James and I can have time to review/edit before sending them up. We should do our best to identify them all but I'm sure we will be able to add questions later if we miss any. I'd really like to focus on questions that need to be elevated to the Department for guidance, not operational/logistical questions that we need to address within USCIS. Those are important too but they should go to Karla who will be our POC on operational issues. Our questions for the front office should focus on understanding and clarifying the EO itself, not the broader hold that was instituted over the weekend pending further guidance.

Please let me know if you have any questions.

Thanks,

Don

From: Cox, Sophia
Sent: Sunday, January 29, 2017 7:53 PM

To: Hutchings, Pamela G; Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi. It ended up being more questions than what I initially thought. Since I had a number of questions, I put them in the attached Word document so they can be more easily be combined with Pam's questions and questions anyone else may have. There is a potential AC21 impact regarding renewals filed under the eligible categories. I am also attaching a list of those categories so you have it handy as you read through the document.

Let me know if you have any questions.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Cox, Sophia
Sent: Saturday, January 28, 2017 9:03 PM
To: Hutchings, Pamela G; Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi. I came up with a few questions, which I will send you in the am

--Sophia

From: Hutchings, Pamela G
Sent: Saturday, January 28, 2017 5:35 PM
To: Campagnolo, Donna P; Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

My comments and questions:

There is a large population of I-730s from the effected countries and smaller population of I-130s. Adjudication of these petitions does not admit a person, therefore if the Bene is overseas the EO would apply to the visa issuance at our office or DOS not our SCs.

However, if the bene is in the US and adjusting stateside would that be seen as an entry? FOD would handle these cases.

Will this EO prevent USCIS from adjudicating EOS and/or COS requests filed by nationals from the effected countries?

Would 765s be effected? Would there be an instance where CBP would accept an EAD doc as evidence for admission? Canadian and Mexicans perhaps?

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 9:57:03 PM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Perfect. Thanks so much Sophia. Greatly appreciate it.

Donna

From: Cox, Sophia
Sent: Saturday, January 28, 2017 2:08:28 PM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

No worries , Donna. I will be home in about 90 min and can pull a quick write up together. I also have several questions that I can send for consideration.

--Sophia

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 1:18:26 PM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi Sophia. I think you may be right about the As and Gs. I'll check and confirm.

Thanks all.

Donna

From: Cox, Sophia
Sent: Saturday, January 28, 2017 11:29:44 AM

To: Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W
Subject: RE: Friday's EO

I think the A and Gs might be done at the Washington district office but I am not 100% sure. Donna might remember?? There might be some 765 related to their dependents who are students. I'll check the 765 instructions.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:12:43 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

One more thing, the suspension does not apply to This suspension of entry does not apply to those foreign nationals traveling on A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2 or diplomatic type visas, or to issuance of visas in those categories. Do we adjudicate anything related to those visa categories at the centers?

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:07 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: Friday's EO

Sorry to bother you over the weekend. The President signed an executive order on Friday titled "Protecting the Nation from Foreign Terrorist Entry into the United States". Among other things, it prevents the entry of citizens or nationals from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for a 90 day period. I am working with Dan, Andrew, Tracy and Lori on a message to send out this weekend that would suspend certain adjudications while we seek guidance/clarity on how this will specifically apply to our workloads.

Most likely, on Monday we will want to identify any potentially impacted cases in C3 and ELIS. I assume it will be possible to run reports identifying cases with applicants, requestors or beneficiaries from these countries sorted by form type. Does anyone know if we could somehow flag them for hold? Ideally we'd be able to prevent accidental approval, but even if we can't stop approval it would be good to flag them for adjudicators. Also, this isn't an indefinite hold so whatever we do it needs to allow normal processing to proceed fairly easily at some point in the future.

At this point, I'm just looking for thoughts and ideas on how to identify what will be a changing universe of cases and flag them for possible special handling. I'd prefer to keep this among ourselves for now so please check with me before sharing with anyone. Any thoughts or concerns are appreciated.

Thanks,

Don

From: Hutchings, Pamela G
To: Cox, Sophia
Cc: Hutchings, Pamela G
Subject: Questions
Date: Monday, January 30, 2017 12:14:47 PM

Hi Sophia,

ADJ DIVISION questions – edit at will:

Mainly concerning definitions:

Sec 4 states as part of the uniform screening standard "Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent" Does this mean all form types will need to be revised or standardized? (Note – many of the forms have already be revised to include the inadmissibility questions)

Sec 4 states as part of the uniform screening standard "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" Is this a discretionary call or will there be defined areas with a point system?

Sec 8 (b)(iv) states information is to be collected on "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" What is the definition of "major offenses" as it relates to this section?

Operational Questions:

For COS/EOS requests, how do we go about adjudicating those? Of particular concern are the cases already included in our existing backlog. Is there a distinction between cases filed in the past versus now or in the future?

For Cap cases, do we reject cases with beneficiaries from the listed countries or do accept the cases and hold them?

- Are FTJ-A cases affected (i730) in the same way FTJ-R cases are affected by the pause in refugee processing? FTJ-A cases would be admitted as asylees.

- For those outside the US currently in T or U nonimmigrant status from the seven countries, will they be allowed re-entry?

- Don said in the email chain below "One more thing, the suspension does not apply to those foreign nationals traveling on A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2 or diplomatic

type visas, or to issuance of visas in those categories. Do we adjudicate anything related to those visa categories at the centers?"

Based on the exception mentioned above, are the Centers allowed to adjudicate an I-485 from applicants from these countries who used one of these diplomatic visas in their last entry or are they on hold with the rest?

Just as an FYI.
Below are the numbers of FB/EB visas that were allocated to applicants from these countries for FY-2017.

Iran	703 visa
Iraq	21 visas
Libya	47 visas
Somalia	7 visas
Sudan	9 visas
Syria	102 visas
Yemen	17 visas

Pamela Hutchings
Division Chief, Adjudication
Service Center Operations Directorate
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW, suite 2008
Washington, DC 20529

[redacted]

(b)(6)

From: Campagnolo, Donna P
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Monday, January 30, 2017 12:28:31 PM

Thanks so much Sophia for the quick research and clarification on this. We really appreciate it.

Donna Campagnolo
HQ Service Center Operations

From: Cox, Sophia
Sent: Monday, January 30, 2017 11:13 AM
To: Neufeld, Donald W; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

No it wouldn't. That is the only exception I could find in the regulations so the EO would not give us coverage from refund.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 11:09 AM
To: Cox, Sophia; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Thanks, but that clearly wouldn't apply here.

From: Cox, Sophia
Sent: Monday, January 30, 2017 11:07 AM
To: Neufeld, Donald W; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Yes. In my eagerness to respond quickly, I neglected to mention 8 CFR 103.7(e)(2)(ii). USCIS may retain the PP fee and not reach a conclusion on the request within 15 days, and not notify the person who

filed the request, if USCIS opens an investigation for fraud or misrepresentation relating the to benefit request. So we do get to keep the fee if we go beyond 15 days if we are investigating for fraud or misrep.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 10:41 AM
To: Cox, Sophia; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

I believe there is an exception where a matter is under investigation – I don't think that will apply here but it would be good to track down and review the language just in case.

From: Cox, Sophia
Sent: Monday, January 30, 2017 10:36 AM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Sure thing. I am pretty sure we have to refund if we do not take action in 15 days. The PP regs are at 8 CFR 103.7(e). It's 15 calendar days. Per 103.7(e)(2)(i) the 15 day processing period begins when USCIS receives the request for PP accompanied by an eligible employment-based immigration benefit request. Also per 103.7(e)(2)(i), if USCIS cannot reach a final decision on the request for which PP was requested, as evidenced by an approval, denial, NOID, or RFE, we will refund the PP fee but continue to process the case. I don't see anything in the PP regs that provide for any type of exception. Hope this helps. Let me know if you need anything else.

--Sophia

Sophia Cox
Senior Advisor, Policy

Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529

(b)(6) [redacted]

From: Campagnolo, Donna P
Sent: Monday, January 30, 2017 9:54 AM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Good morning Sophia. Can you please take a look at the premium reg for us? Discussion this morning was if we have premium cases that will go beyond 15 days because they are part of this hold, do we refund? Looks like some of the centers already have some cases that are getting close to this situation between the 140s and 129s. It isn't that we can't adjudicate them in the timeframe, it's that we have an EO that may not allow for this…

Thanks in advance.
Donna Campagnolo
HQ Service Center Operations

From: Cox, Sophia
Sent: Saturday, January 28, 2017 9:01 PM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi. I just finished reading the whole EO. Section 3c, which suspends the immigrant and nonimmigrant entry, refers to those described in INA 217(a)(2). As far as I can tell, only Iraq and Syria are mentioned in this statutory provision. Are other countries affected or just Iraq and Syria? I couldn't find reference to any other countries anywhere else, so wanted to be sure I wasn't missing anything.

Regarding EAD categories that would include those in INA 217(a)(2), we have:

- (c)(1) For the dependents of A-1 and A-2 government officials.
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement;
  - DOS sends only the favorably endorsed applications to NSC.
- (c)(4) For the dependents of G-1, G-3, or G-4 (I think this includes

NATO and at the US Mission to the UN, too).
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement.
  - DOS sends only the favorably endorsed applications to NSC.

There are some special immigrant categories applicable to As, Gs, and NATO. The I-360 is filed with Dallas and Phoenix LB and the I-485 is filed with Phoenix LB. I am thinking that NSC adjudicates these, but it would be best to confirm.

- I Special Immigrants (INA 101(a)(27)(I) who meet certain residence and physical presence requirements. Includes:
  - Unmarried sons/daughters of an officer or employee, or a former officer or employee of an international organization described in INA 101(a)(15)(G)(i).
  - Surviving spouses of deceased officers or employees of international organizations described in INA 101(a)(15)(G)(i).
  - Retired officers and employees of international organizations.
  - Following to join/accompanying spouse of a retired officer or employee who was granted special immigrant status as a retired officer or employee of an international organization.
- L Special Immigrants (INA 101(a)(27)(L) who meet certain residence and physical presence requirements. Looks like this covers NATO and the same categories of persons described in 101(a)(27)(I).

This is all I can think of for now. If I come up with anything else, I will send it forward.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6)

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 1:18 PM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi Sophia. I think you may be right about the As and Gs. I'll check and confirm.

Thanks all.

Donna

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Sent: Saturday, January 28, 2017 11:29:44 AM
To: Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W
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To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
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Cc: McCament, James W; Cox, Sophia
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Thanks,

Don

From: Zengotitabengoa, Colleen R
To: Benedict, Deborah L; Busch, Philip B; Tynan, Natalie S; Cox, Sophia
Subject: RE: Latest edits
Date: Monday, January 30, 2017 12:28:51 PM

I'm reviewing now, but can do so as we review during the 1:30 call.

From: Benedict, Deborah L
Sent: Monday, January 30, 2017 1:28 PM
To: Busch, Philip B; Zengotitabengoa, Colleen R; Tynan, Natalie S; Cox, Sophia
Subject: Latest edits

Consolidated Phil's comments in with Sophia's. Colleen, will you also have comments? There are a number of comments that now need to be reconciled. For those who are available can we have a call at 1:30 to walk through the remaining issues? Then we can send the updated version to the group for sign off before the 2:00 deadline.

We can use Skype so that we can look at the document at the same time.

Thanks, Debbie

From: Busch, Philip B
To: Zengotitabengoa, Colleen R; Benedict, Deborah L; Tynan, Natalie S; Cox, Sophia
Subject: RE: Latest edits
Date: Monday, January 30, 2017 12:29:52 PM

I can, although must confess that Skype is one of the many icons on my computer I've never used.

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

(b)(6) [redacted]

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From: Cox, Sophia
To: Zengotitabengoa, Colleen R; Benedict, Deborah L; Busch, Philip B; Tynan, Natalie S
Subject: RE: Latest edits
Date: Monday, January 30, 2017 12:30:00 PM

I am available. Please send me call in # and link.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

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Thanks, Debbie

From: Benedict, Deborah L
To: Cox, Sophia
Subject: RE: Latest edits
Date: Monday, January 30, 2017 12:32:34 PM

Link sent through Skype – we can use that instead of a call in number. It will work with the speakers/microphone on your computer.

From: Cox, Sophia
Sent: Monday, January 30, 2017 1:31 PM
To: Zengotitabengoa, Colleen R; Benedict, Deborah L; Busch, Philip B; Tynan, Natalie S
Subject: RE: Latest edits

I am available. Please send me call in # and link.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

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Thanks, Debbie

From: Busch, Philip B
To: Cox, Sophia; Zengotitabengoa, Colleen R; Benedict, Deborah L; Tynan, Natalie S
Subject: RE: Latest edits
Date: Monday, January 30, 2017 12:33:20 PM

Debbie, it's me you're dealing with, I'm just not getting the Skype thing.

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

(b)(6) [redacted]

This communication, along with any attachments, may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message.

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To: Zengotitabengoa, Colleen R; Benedict, Deborah L; Busch, Philip B; Tynan, Natalie S
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Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529

(b)(6) [redacted]

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Sent: Monday, January 30, 2017 1:29 PM
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We can use Skype so that we can look at the document at the same time.

Thanks, Debbie

From: Cox, Sophia
To: Neufeld, Donald W; Arroyo, Susan K; Hope, Leslie K; Hutchings, Pamela G; McCament, James W; McConnell, James E; Moran, Karla; Sabga, George M
Subject: RE: EO Hold
Date: Monday, January 30, 2017 2:34:00 PM
Importance: High

Hi. Per our conversation a little bit ago, here are some high level questions I got from folks for the Department to answer. I hope this is along the lines of what you are looking for. I didn't include the questions I sent you yesterday but if any of them need to be included let me know and I will put them back in.

1. Part of the uniform screening standard is to include "Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent"

    a. Does this mean that all applications and petitions will need to be revised or standardized? We note that many of the forms have already be revised to include the questions related to criminality and national security.

    b. If the answer to one of these questions reveals potential issues, what bearing will this have on benefit types that do not accord status and where the issue is not grounds for denial?

2. As part of the uniform screening standard the EO includes a directive to develop "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"

    a. Is this process/determination a discretionary call or will there be defined areas?

3. Information is to be collected on "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"

    a. What is the definition of "major offenses" as it relates to this section? How is it different from the term "aggravated felony" as defined in the INA 101(a)(43)?

4. Can we accept/adjudicate/approved (if eligible) I-730s for following to join family members of individuals granted asylum (FTJ-A) and I-730s for following to join family members of refugees? Is there any distinction between the processing of I-730s for asylees and refugees?

5. For those outside the US currently in T (victims of trafficking) or U (victims of severe form of crime) nonimmigrant status from the seven countries, will they be allowed re-entry? If waivers can be granted case by case, how will those requests be handled?

6. How does the EO impact TRIG exemptions?

7. What is expected of us in terms of reporting?

a. Data to be collected
b. Frequency
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FYI and in case you find this helpful, Pam sent me the numbers of FB/EB visas that were allocated to applicants from the applicable countries for FY-2017.

Iran	703 visa
Iraq	21 visas
Libya	47 visas
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I will go through all the EOs in more detail to see if there are other things that might impact us.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

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From: Neufeld, Donald W
Sent: Monday, January 30, 2017 12:29 PM
To: Arroyo, Susan K; Cox, Sophia; Hope, Leslie K; Hutchings, Pamela G; McCament, James W; McConnell, James E; Moran, Karla; Sabga, George M
Subject: EO Hold

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expect that the final guidance may be more nuanced on the processing of parole requests, but otherwise we are expecting to lift the hold on adjustments and other form types. Please do not share this further in light of the messaging restrictions. We hope to have formal cleared language later today or tomorrow.

Donald Neufeld
Associate Director
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Ave NE, Suite 2125
Washington, DC 20002

From: Hope, Leslie K
To: Cox, Sophia
Subject: RE: EO Hold
Date: Monday, January 30, 2017 2:37:39 PM

You totally rock Sophia.

Leslie Hope
Chief Technology Division
HQSCOPS
(b)(6) [redacted]

From: Cox, Sophia
Sent: Monday, January 30, 2017 3:35 PM
To: Neufeld, Donald W; Arroyo, Susan K; Hope, Leslie K; Hutchings, Pamela G; McCament, James W; McConnell, James E; Moran, Karla; Sabga, George M
Subject: RE: EO Hold
Importance: High

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1. Part of the uniform screening standard is to include "Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent"

   a. Does this mean that all applications and petitions will need to be revised or standardized? We note that many of the forms have already be revised to include the questions related to criminality and national security.

   b. If the answer to one of these questions reveals potential issues, what bearing will this have on benefit types that do not accord status and where the issue is not grounds for denial?

2. As part of the uniform screening standard the EO includes a directive to develop "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"

   a. Is this process/determination a discretionary call or will there be defined areas?

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   a. What is the definition of "major offenses" as it relates to this section? How is it different from the term "aggravated felony" as defined in the INA 101(a)(43)?

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From: Campagnolo, Donna P
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Tuesday, January 31, 2017 11:28:26 AM

Hi all – Karla stopped by to update me on the most recent conversations. Please disregard.

Thanks again.

Donna Campagnolo
HQ Service Center Operations

From: Campagnolo, Donna P
Sent: Tuesday, January 31, 2017 11:59 AM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
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Thanks in advance.
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residence and physical presence requirements. Looks like this covers NATO and the same categories of persons described in 101(a)(27)(I).

This is all I can think of for now. If I come up with anything else, I will send it forward.

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Don

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To: Campagnolo, Donna P; Cox, Sophia; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday"s EO
Date: Tuesday, January 31, 2017 11:36:19 AM
Attachments: RE EO Hold.msg

Here's the list of questions Sophia compiled.

From: Campagnolo, Donna P
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To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
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Hi. Per our conversation a little bit ago, here are some high level questions I got from folks for the Department to answer. I hope this is along the lines of what you are looking for. I didn't include the questions I sent you yesterday but if any of them need to be included let me know and I will put them back in.

1. Part of the uniform screening standard is to include "Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent"

    a. Does this mean that all applications and petitions will need to be revised or standardized? We note that many of the forms have already be revised to include the questions related to criminality and national security.

    b. If the answer to one of these questions reveals potential issues, what bearing will this have on benefit types that do not accord status and where the issue is not grounds for denial?

2. As part of the uniform screening standard the EO includes a directive to develop "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"

    a. Is this process/determination a discretionary call or will there be defined areas?

3. Information is to be collected on "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"

    a. What is the definition of "major offenses" as it relates to this section? How is it different from the term "aggravated felony" as defined in the INA 101(a)(43)?

4. Can we accept/adjudicate/approved (if eligible) I-730s for following to join family members of individuals granted asylum (FTJ-A) and I-730s for following to join family members of refugees? Is there any distinction between the processing of I-730s for asylees and refugees?

5. For those outside the US currently in T (victims of trafficking) or U (victims of severe form of crime) nonimmigrant status from the seven countries, will they be allowed re-entry? If waivers can be granted case by case, how will those requests be handled?

6. How does the EO impact TRIG exemptions?

7. What is expected of us in terms of reporting?

a. Data to be collected
b. Frequency
c. Transmission

FYI and in case you find this helpful, Pam sent me the numbers of FB/EB visas that were allocated to applicants from the applicable countries for FY-2017.

Iran	703 visa
Iraq	21 visas
Libya	47 visas
Somalia	7 visas
Sudan	9 visas
Syria	102 visas
Yemen	17 visas

I will go through all the EOs in more detail to see if there are other things that might impact us.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

Sophia Cox
Senior Advisor, Policy
Service Center Operations
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20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 12:29 PM
To: Arroyo, Susan K; Cox, Sophia; Hope, Leslie K; Hutchings, Pamela G; McCament, James W; McConnell, James E; Moran, Karla; Sabga, George M
Subject: EO Hold

At the recently concluded leadership meeting we learned that the processing hold we put in place over the weekend will be lifted. All messaging must now be cleared through the Department, so we cannot communicate this in writing to the troops. However, I wanted you to know that so we don't waste time formulating questions about the hold or working on strategies to ensure compliance. I

expect that the final guidance may be more nuanced on the processing of parole requests, but otherwise we are expecting to lift the hold on adjustments and other form types. Please do not share this further in light of the messaging restrictions. We hope to have formal cleared language later today or tomorrow.

Donald Neufeld
Associate Director
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Ave NE, Suite 2125
Washington, DC 20002

From:	Farnam, Julie E
To:	Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; Higgins, Jennifer; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Emrich, Matthew D; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Kovarik Nuebel, Kathy; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Moran, Karla; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L
Cc:	Scialabba, Lori L; Renaud, Tracy L; Walters, Jessica S; Young, Todd P; Swanson, Toni
Subject:	QAs for EO
Date:	Wednesday, February 01, 2017 7:30:22 PM
Attachments:	QA for EO on Protecting the Nation FINAL.docx

All,

Attached are final responses to several questions related to the Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States." These have also been posted on the ECN.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

From:	Farnam, Julie E
To:	Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; Higgins, Jennifer; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Emrich, Matthew D; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Kovarik Nuebel, Kathy; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Moran, Karla; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L
Cc:	Scialabba, Lori L; Renaud, Tracy L; Walters, Jessica S; Young, Todd P; Swanson, Toni
Subject:	Deliverables Trackers
Date:	Wednesday, February 01, 2017 8:44:42 PM
Attachments:	EO Implementation Tracker 2.1.2017 v2.docx Internal USCIS Deliverables.xlsx

Good evening,

First, I'd like to thank everyone for all the work you've done already in reviewing and preparing to implement the series of Executive Orders that have been released over the past few days. I know this is a heavy lift, but as I've seen many times before within this agency, I know we will rise to the occasion and do what needs to be done in a manner that exemplifies professionalism and thoughtfulness.

Attached are two trackers for deliverables. The first is DHS's tracker and the second is an internal USCIS tracker which summarizes the assignments from our meeting this afternoon. If there are any assignments that are missing or not properly listed in the attached internal tracker, please let me know and I will make the corrections (Phil B., I know I missed the section that was assigned to you specifically, but I didn't make a note and couldn't remember).

I will also post these documents on the ECN.

Thank you,
Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

This communication, along with any attachments, may contain confidential information and is covered by federal laws governing electronic communications. Electronic communications may also be monitored by the Department of Homeland Security, U.S. Citizenship and Immigration Services. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this in error, please delete this message and all attachments and immediately notify the sender.

EXECUTIVE ORDER IMPLEMENTATION (February 1, 2017)

IMMIGRATION-RELATED EXECUTIVE ORDERS: OVERALL IMPLEMENTATION ACTIONS				
Status	Actions	Lead	Target Completion	Key Progress/Issues
✓	Activate DHS Task Force and establish regular meetings to track progress and success	DHS FO	January 30, 2017	Monday/Wednesday/Friday meetings established.
✓	Develop Response to Query for media, Congressional, and external stakeholder inquiries	OPA	January 30, 2017	
	Develop an engagement plan for Congressional, State, HSAC, and other external stakeholders	OLA/OPE	January 31, 2017	
	Issue implementing memos from the DHS Secretary to Component leadership	DHS FO	February 3, 2017	
	Develop Component implementation plans that outline specific actions each Component will take, including budgetary needs and timeliness for completion	Components	February 3, 2017	
	Develop a list of outstanding issues in which guidance or direction from the Secretary is	PLCY	Ongoing	

Document Key: ✓ Done | On Track | Delayed/Issues | Off Track

EXECUTIVE ORDER IMPLEMENTATION (February 1, 2017)

BORDER SECURITY AND IMMIGRATION ENFORCEMENT

Status	Actions	Lead	Due Date	Key Progress/Issues
1) Construct a physical wall on the Southern Border (Section 4)				
✓	Establish Integrated Project Team	CBP	February 3, 2017	
✓	Issue contract solicitation to construct temporary detention facilities along SWB	CBP	February 3, 2017	
	Identify construction priorities	CBP	February 15, 2017	
	Capital Investment Plan (CIP)	CBP	July 2017	
2) Comprehensive study of the security of the Southern Border and strategy to obtain operational control (Section 4d)				
	Initiate FFRDC or other study mechanism	CBP	March 2017	
	Identify funding	CBP	March 2017	
	Conduct study and develop recommendations	CBP	July 2017	
	Increase the number of ICE special agents/analysts working in Northern Triangle to dismantle TCOs	ICE	Immediate	
	Expand Border Enforcement Security Task Forces,	ICE	Immediate	

	targeting individuals/organizations that undermine border security			
	Launch JTF-W and JTF-I joint operation against TCOs, in conjunction with DOJ	ICE	Immediate	
	Intensify efforts to speed issuance of travel documents to facilitate removal efforts	ICE		
	Enhance our messaging campaign in Northern Triangle countries, emphasizing that attempts to enter the United States illegally will be unsuccessful in light of the President's Executive Orders.	CBP	Immediate	Note: Work with DOS
3) Construct detention facilities at/near the land border with Mexico (Section 5)				
	Issue contract solicitation to construct temporary facilities	CBP	2/15/2017	
	Develop acquisition strategy, calculate costs, and identify funding	CBP	2/15/2017	
	Assess availability of permanent facilities near the	ICE	2/15/2017	

Document Key: Done On Track Delayed/Issues Off Track

	SWB			
	Define contracting requirements and calculate costs, and identify funding for additional detainees	ICE	2/15/2017	
4) Assign asylum officers to detention facilities (Section 5b)				
	Identify priority locations for temporary deployments and/or permanent staff	USCIS	Immediate	
	Develop longer-term staffing/hiring plan, as needed.	USCIS	3/20/21017	
5) DOJ assign immigration judges (Section 5c)				
	Establish a DHS-DOJ working group	ICE	Immediate	
	Provide specific request to DOJ, with CBP/ICE case load projections/prioritized list of locations for short term IJ surge	ICE	February 15, 2017	
	Develop long-term joint DHS-DOJ strategy, including plan proceedings at POEs and along the Southern Border	ICE	March 20, 2017	

6) Issue policy ending "catch and release" (Section 6)				
	Activate Crisis Action Team to plan, coordinate, and execute operations	ICE, CBP, USCIS	Immediate	
	Review relevant policies, regulations and forms.	ICE, CBP, USCIS	Immediate	
	Rescind, modify, or develop new policy guidance for apprehension and detention of aliens	ICE	February 28, 2017	
	Expand current detention capacity of 44,000 beds by approximately 1,100 beds.	ICE	Immediate	
	Develop plan to expand capacity by 9,000 additional beds	ICE		
7) Return aliens to the territory from which they came pending a formal removal proceeding (Section 7)				
	Develop DHS implementation plan	CBP	February 15, 2017	
	Engage in discussions with Mexican Government	PLCY	February 28, 2017	
	Assess and implement repatriation actions	ICE, OGC	Immediate	
8) Hire 5,000 Border Patrol Agents (Section 8)				
✓	Establish Integrated Project Team on Hiring	USM/CHCO	Immediate	

	Work with OPM to identify policies/processes to enhancing hiring capacity/abilities	USM/CHCO	February 15, 2017	
	Develop resource estimates for current and out-years	CBP	February 15, 2017	
	Develop phased hiring plan, including funding, facilities, and training needs	CBP	February 15, 2017	
	Identify ways to streamline veteran hiring efforts	CHCO	February 15, 2017	
	Assess FLETC capacity and develop necessary plan to support new hire training	FLETC	February 15, 2017	
	Initiate Hiring	CBP	February 28, 2017	
9) Report on all foreign aid to the Government of Mexico over the last 5 years (Section 9)				
	Gather data regarding foreign aid, if any, and develop report	PLCY	February 6, 2017	
	Provide report to the Secretary of State	PLCY	February 25, 2017	Note: Final report due to POTUS on March 25.
10) Establish 287(g) Agreements (Section 10)				
	Prepare draft delegation from S1 to grant the Commissioner of CBP the	CBP	February 6, 2017	

	authority to enter into 287(g) agreements to partner with state and local law enforcement			
	Expedite review of pending 287(g) requests	ICE	February 17, 2017	
	Identify potential law enforcement partners for future 287(g) MOAs	ICE	February 28, 2017	
	Develop outreach plan with Governors of States and local officials	OPE	February 17, 2017	Consider the following: - Governors Homeland Security Advisory Council meeting 2/8-2/10 - National Governors Association meeting 2/24-2/27 - Agenda item for next HSAC meeting
	Issue individually structured MOAs authorizing local law enforcement to perform immigration officer functions	ICE	Ongoing	Metric: X agreements by X date
11) End abuse of parole and asylum provisions to prevent lawful removal of aliens (Section 11)				
✓	Discontinue practice of offering parole in CAM	USCIS	Immediate	

	context			
✓	Identify all existing parole programs and make recommendation for amending/discontinuing	USCIS	February 1, 2017	
	Expand existing asylum working group to develop policies/regulations that streamline removals	ICE	Immediate	
	Issue guidance to officers outlining necessary changes to credible fear and reasonable fear screening	USCIS	February 28, 2017	
	Launch a 30-day review of the CF/RF screening processes and make recommendations for changes	USCIS	March 15, 2017	
	Assess current process for handling Unaccompanied Alien Children and their illegally present family members	ICE	March 15, 2017	Note: In conjunction with HHS and DOJ
	Assess current training standards for UACs and develop training plan and	ICE	July 15, 2017	

	curriculum, as appropriate.			
12) Authorize all officers and employees of the US to access and perform actions on Federal lands (Section 12)				
	Determine requirements	OGC	March 25, 2017	
	Coordinate MOAs or policy changes with the Department of the Interior	OGC	March 25, 2017	May include coordination with other departments or agencies
	Issue guidance for state, local, and federal employees re access.	OGC	March 25, 2017	
13) Attorney General shall prioritize prosecutions of offenses with a nexus to the Southern Border (Section 13)				
	Gather examples of applicable DHS cases and provide to DOJ	ICE	2/18/2017	
14) Statistical data on aliens apprehended at or near the Southern Border (Section 14)				
	Develop reporting strategy and format	PLCY	March 25, 2017	
	Establish data reporting protocols for monthly posting	PLCY	March 25, 2017	
15) EO Implementation Progress Report (Section 16)				
	Develop draft progress report for submission to the President	PLCY	April 1, 2017	

	Circulate report for clearance	PLCY	April 1, 2017	
	Submit report to POTUS	PLCY	April 25, 2017	

ENHANCING PUBLIC SAFETY IN THE INTERIOR				
Status	**Tasks**	**Lead**	**Due Date**	**Key Progress/Issues**
1) Enforcement Priorities (Section 5)				
	Review relevant policies, regulations and forms.	ICE	Immediate	
	Issue guidance directing application of the new enforcement priorities and rescind prior guidance	ICE	February 25, 2017	
	Develop plan to increase number of special agents and analysts to expand Operation Community Shield, both with TDY and permanent staff	ICE	February 25, 2017	
	Develop reporting mechanism and metrics to assess capacity and success of the new policy	ICE	February 15, 2017	
2) Civil Penalties and Fines (Section 6)				
	Identify all relevant civil fine/penalty provisions and recommend necessary guidance/regulatory changes.	ICE	February 17, 2017	
3) Hire and Train 10,000 ICE Immigration Officers – Operation Community Shield (Section 7)				
	Establish Integrated Project	USM/CHCO	Immediate	

	Team on Hiring			
	Work with OPM to identify policies/processes to enhancing hiring capacity/abilities	USM/CHCO	February 15, 2017	
	Develop resource estimates for current and out-years	ICE	February 15, 2017	
	Develop phased hiring plan, including funding, facilities, and training needs	ICE	February 15, 2017	
	Identify ways to streamline veteran hiring efforts	CHCO	February 15, 2017	
	Assess FLETC capacity and develop necessary plan to support new hire training	FLETC	February 15, 2017	
	Initiate Hiring	ICE	February 28, 2017	
4) 287(g) Partnerships (Section 8 - See # 10 in Border Security EO)				
5) Hold Sanctuary Jurisdictions Accountable and Reestablish Secure Communities (Section 9)				
	Identify jurisdictions that fail to comply	ICE	Ongoing	
	Develop process for notification to jurisdictions that will lose federal grants for noncompliance	FEMA	February 28, 2017	
	Provide info on Federal grant	FEMA	Upon	

	money received by sanctuary jurisdictions to OMB		request	
	Update electronic detainer form	ICE	February 15, 2017	
	Report detainer data to assess the impact of the program	ICE	February 28, 2017	
	Develop Declined Detainer Outcome Report and publicly post weekly	ICE	March 15, 2017	
6) Review Previous Immigration Actions and Policies (Section 10)				
	Terminate PEP and re-institute Secure Communities	ICE	Immediate	
	Review relevant policies, regulations, and forms, and rescind/amend/modify as appropriate	ICE	February 15, 2017	
7) DOJ Prosecutions of Immigration Violators (Section 11)				
	Develop a proposal for the creation of an immigration fraud center that will refer cases to the Document Benefit Fraud Task Force for action	ICE	February 25, 2017	
8) Recalcitrant countries (Section 12)				
	Intensify efforts to speed	ICE		

	issuance of travel documents to facilitate removal efforts			
	Identify countries for potential visa sanctions	ICE		
	Accelerate 243(d) cooperation with DOS for countries identified by ICE as uncooperative	ICE		Coordinate with State
	Seek delegation of visa sanction triggering authority from DHS Secretary to ICE Director	OGC		
	Assess domestic and international resource needs to address recalcitrant countries and facilitate removal	ICE		
9) Office for Victims of Crimes (Section 13)				
	Identify resource needs and formulate plan for Victims Office of Immigration Crime (VOICE)	ICE		
10) Privacy Act Application (Section 14)				
	Rescind current policy re Privacy Act application to non-US persons and develop	OGC/PRIV		

	new policy that will govern information handling in the future			

11) EO Implementation Progress Report (Section 16)				
	Develop draft 90-day	PLCY	April 1, 2017	

	progress report for submission to the President			
	Circulate report for clearance	PLCY	April 1, 2017	
	Submit report to POTUS	PLCY	April 25, 2017	
	Develop draft 180-day progress report for submission to the President	PLCY	July 1, 2017	
	Circulate report for clearance	PLCY	July 1, 2017	
	Submit report to POTUS	PLCY	July 25, 2017	
12) Immigration Statistics (Section 16)				
	Develop mechanism for collecting data re status of detainees from BOP, Marshals and State Prisons	PLCY/OIS		
	Publish Reports with data quarterly	PLCY/OIS	Ongoing	

PROTECTING THE NATION FROM FOREIGN TERRORIST TRAVEL				
Status	**Tasks**	**Lead Component**	**Timeline**	**Key Progress/Issues**
1) Suspension of issuance of visas and other immigration benefits to Nationals of countries of particular concern (Section 3)				
	Suspend non-immigrant entry of nationals from Iran, Iraq, Somalia, Sudan, Libya, Syria, and Yemen		January 27, 2017	
✓	Issue guidance to CBP, USCIS, TSA, and ICE staff	DHS FO	Immediate	
✓	Develop national interest waiver process for NIVs/LPRs	CBP	Immediate	
	Resume non-immigrant admission of nationals from Iran, Iraq, Somalia, Sudan, Libya, Syria, and Yemen after 90 days of issuance, depending on results of review		March 28, 2017	
2) Implement uniform screening standards for all immigration programs (Section 4)				
	Convene working group on data collection	I&A		
	Launch review to assess info needed from countries			
	Develop and execute communications and diplomatic engagement strategy			
	Produce report containing analysis on the results of foreign partner			

	responses and recommendation on countries to be included or barred.			
	Submit initial report to POTUS		2/26/17	Follow on reports at 90 and 120 days.
	Produce operational implementation plan to make changes to forms, systems, regulations, public notices			
	Work with DOS to notify foreign governments that they have 60 days to provide necessary info			
	Convene Working group on vetting for immigration benefits (including refugees)	PLCY/SCO		
	Develop internal DHS recommendations on vetting enhancements			
	Coordinate with the IC and DOS on enhanced vetting options and produce a proposal for PCC/DC consideration	PLCY/SCO		
	Produce three general progress reports	PLCY/SCO	3/27/2017 + 100 days + 200 days	
3) Realignment of the US Refugee Admissions Program (USRAP) for FY 2017 (Section 5)				
	Suspend the refugee admissions program for 120 days	USCIS	January 27, 2017	
	Suspend all Syrian refugee admissions	USCIS	January 27,	

	indefinitely		2017	
	Produce a report with results of review of the USRAP application and adjudication processes and procedures with recommendations on possible changes to ensure approved refugees do not pose a threat to the security of the US for leadership approval	USCIS		
	Produce a joint determination that in the countries where processing will resume, the additional processes in place are sufficient to ensure security and welfare of the US	USCIS	Prior to the resumption of USRAP	Coordinate with State, DNI
	Resume the USRAP, depending on review.	USCIS	March 28, 2017	
	Produce an operations plan to execute the EO's goal of prioritizing refugee claims made by individuals on the basis of minority religion-based persecution including, where necessary, recommending legislation to POTUS that would assist with prioritization	USCIS		
	Produce two general progress reports on implementation of prioritization of religious refugee claims	USCIS	May 8, 2017 September 18, 2017	

	Develop an operational plan outlining US plans to admit 50,000 refugees in FY 17	USCIS		
	Produce recommendations for how state and locals may have greater involvement in refugee placement or resettlement decisions	USCIS		
	With DOS, produce a report on the estimated long-term costs of the USRAP at the federal, state, and local levels	USCIS		
4) Rescission of Exercise of Authority relating to the Terrorism Grounds of Inadmissibility (Section 6)				
	Review existing exemptions and memoranda in effect under the TRIG process and make recommendations to leadership about rescinding them	OGC		
5) Expedited completion of the Biometric Entry-Exit Tracking System (Section 7)				
	Expedite the completion and implementation of the biometric entry-exit tracking system for all US-bound travelers	CBP		
	Produce three sets of progress reports and period reports thereafter	CBP	April 28, 2017 September 18, 2017 January 27, 2018	

			Every six months after	
6) Visa interview security and reciprocity (Section 8 and 9)				
	Work with DOS to support Section 8 and 9 implementation as needed			
7) Transparency and data collection (Section 10)				
	Develop reporting mechanism to post data on foreign nationals: - Charged/Convicted/Removed for terrorism - Radicalized - Gender based violence - Other major offenses			

From:	Farnam, Julie E
To:	Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	EO Guidance
Date:	Thursday, February 02, 2017 4:13:31 PM
Attachments:	implementation guidance 127 - signed LLS.PDF

Attached please find the EO implementation guidance. OCOMM will also be sending this out to a larger audience and I will post it on the ECN.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba
Acting Director

SUBJECT: Guidance Concerning Executive Order on Immigration

On January 27, President Trump signed an Executive Order entitled "Protecting The Nation From Foreign Terrorist Entry Into The United States." This memorandum provides guidance from the Department of Homeland Security (DHS) regarding the impact of this Executive Order on various immigration benefit requests.

All USCIS employees should be aware of current guidance from DHS, specifically:

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality. Section 3(c) also does not affect applications and petitions by lawful permanent residents outside the United States, or applications and petitions for individuals outside the United States whose approval does not directly confer travel authorization (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated in the Executive Order.

3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.

5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

From:	Farnam, Julie E
To:	Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Thursday, February 02, 2017 4:20:03 PM

Please hold off on disseminated just yet. The copy was not dated. I'll send an updated version in just a minute.

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:13 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R (Michael.R.Borgen@uscis.dhs.gov); Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: EO Guidance

Attached please find the EO implementation guidance. OCOMM will also be sending this out to a larger audience and I will post it on the ECN.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Thursday, February 02, 2017 4:32:16 PM
Attachments:	EO 1-27 implementation guidance signed and dated.pdf

Signed and dated copy attached. Have a good evening!

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Sent: Thursday, February 02, 2017 5:20 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [redacted] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: RE: EO Guidance

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Field Operations Directorate
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[redacted]
(b)(6)

(b)(6)

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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

FEB 2 2017

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba
Acting Director

SUBJECT: Guidance Concerning Executive Order on Immigration

On January 27, President Trump signed an Executive Order entitled "Protecting The Nation From Foreign Terrorist Entry Into The United States." This memorandum provides guidance from the Department of Homeland Security (DHS) regarding the impact of this Executive Order on various immigration benefit requests.

All USCIS employees should be aware of current guidance from DHS, specifically:

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality. Section 3(c) also does not affect applications and petitions by lawful permanent residents outside the United States, or applications and petitions for individuals outside the United States whose approval does not directly confer travel authorization (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated in the Executive Order.

3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.

5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

From:	Campagnolo, Donna P
To:	Cox, Sophia; Moran, Karla; McConnell, James E; Thomas, Ronnie D; Hutchings, Pamela G; Hope, Leslie K
Cc:	Neufeld, Donald W; McCament, James W
Subject:	Updated EO Guidance
Date:	Thursday, February 02, 2017 4:58:34 PM
Attachments:	EO 1-27 implementation guidance signed and dated.pdf

SCOPS Team: Attached is further guidance on the last Executive Order that went out over this past weekend. I will also send this out to the Centers this evening. We hope that this answers many of the outstanding questions that you have. That said, if there is still something that you feel needs to addressed, please let us know as soon as possible.

Have a good night and thanks again for all of your help and support.

Donna Campagnolo
HQ Service Center Operations

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

FEB 2 2017

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Acting Director

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From: Cox, Sophia
To: Campagnolo, Donna P
Subject: RE: Updated EO Guidance
Date: Thursday, February 02, 2017 5:25:00 PM

Thanks!!

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Campagnolo, Donna P
Sent: Thursday, February 02, 2017 5:59 PM
To: Cox, Sophia; Moran, Karla; McConnell, James E; Thomas, Ronnie D; Hutchings, Pamela G; Hope, Leslie K
Cc: Neufeld, Donald W; McCament, James W
Subject: Updated EO Guidance

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Donna Campagnolo
HQ Service Center Operations

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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	Updated QA for EO Guidance
Date:	Thursday, February 02, 2017 7:09:25 PM
Attachments:	QA for EO on Protecting the Nation FINAL.docx

Updated Q&A document is attached, reflecting new language on the treatment of LPRs. This is an update from the document that was distributed yesterday evening. I will also post on the ECN in the morning.

Julie

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:32:13 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R (Michael.R.Borgen@uscis.dhs.gov); Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

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Subject: RE: EO Guidance

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Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: EO Guidance

Attached please find the EO implementation guidance. OCOMM will also be sending this out to a larger audience and I will post it on the ECN.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted]

(b)(6)

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Referred to Department of Homeland Security

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From:	Neufeld, Donald W
To:	Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 6:18:56 AM

I read this to mean the only thing we should continue to hold in SCOPS would be I-730s for beneficiaries outside the United States. Is that accurate?

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Sent: Thursday, February 02, 2017 5:32:13 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
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Subject: EO Guidance (b)(6)

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Field Operations Directorate
U.S. Citizenship and Immigration Services

(b)(6) [redacted]

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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 6:24:00 AM

I think that is generally right for SCOPS. RAIO, especially IO, would have additional things to hold.

From: Neufeld, Donald W
Sent: Friday, February 03, 2017 7:18:52 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
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Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: RE: EO Guidance

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Field Operations Directorate
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Date:	Friday, February 03, 2017 7:21:34 AM

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Date:	Friday, February 03, 2017 7:39:37 AM

And please note that under our current guidance staff can continue to process the I-730s for asylee following to join who are not in the 7 counties. We will of course be reviewing that process just as we review the process for all other benefits as directed under the order, while we continue to process.

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Chief, International Operations Division
U.S. Citizenship and Immigration Services

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To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra

A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

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Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: RE: EO Guidance

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Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: EO Guidance (b)(6)

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Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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From:	Neufeld, Donald W
To:	Groom, Molly M; Nicholson, Maura J; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 8:32:27 AM

To be clear, we are only holding up where the bene is from one of the 7 and is overseas. We are holding whether they are asylee or refugee follow to joins. As I understand it, we aren't actually approving them but are rather "provisionally" approving them subject to final approval after interview. We should get clarification if the provisional approvals are subject to the hold as well, or if they can continue. Also, I would think denials could proceed but we'll hold all pending further guidance.

From: Groom, Molly M
Sent: Friday, February 03, 2017 8:35 AM
To: Nicholson, Maura J; Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

I think that is all the EO provides for but I know Lori is working with DHS on clarifying issues.

From: Nicholson, Maura J
Sent: Friday, February 03, 2017 8:21:31 AM
To: Groom, Molly M; Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

I think the issue we still need clarification on is whether that hold for I-730 beneficiaries outside the US would only be for refugee follow-to-joins (all nationalities) and asylee follow-to-joins who are nationals or duals of one of the 7 countries.

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Sent: Friday, February 03, 2017 7:23:57 AM
To: Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

I think that is generally right for SCOPS. RAIO, especially IO, would have additional things to hold.

From: Neufeld, Donald W
Sent: Friday, February 03, 2017 7:18:52 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
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Subject: EO Guidance

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Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

(b)(6) [redacted]

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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 9:25:54 AM

We also need clarity on whether we can proceed with approving I-131s for Reentry Permits and Refugee Travel Documents. I read the guidance to say we would not hold them, but I want to be sure.

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Subject: RE: EO Guidance (b)(6)

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Field Operations Directorate
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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 9:26:52 AM

That's correct—you can adjudicate for persons in the US.

From: Neufeld, Donald W
Sent: Friday, February 03, 2017 10:26 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
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To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [redacted] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: RE: EO Guidance

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Field Operations Directorate
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[redacted] (b)(6)

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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 9:28:39 AM

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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 10:01:01 AM

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Joanna Ruppel
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USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 10:05:29 AM

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Subject: EO Guidance (b)(6)

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Julie Farnam

Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

(b)(6) [redacted]

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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 10:10:00 AM

There is language already on the AP docs and this was discussed with the Department.

From: Neufeld, Donald W
Sent: Friday, February 03, 2017 11:05:27 AM
To: Ruppel, Joanna; Groom, Molly M; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
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There is already standard language that the decision to parole will be made at a POE. It would be problematic to try to introduce special language for only certain I-512s.

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Shouldn't we be providing some kind of notice to those of the 7 nationalities who may have an I-131 approved that they may not be able to get back into the U.S.? I worry about giving a signal that by approving the request, they won't have a problem returning. CBP has guidance that they would need a waiver to get back in.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

(b)(6) [redacted]

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Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States
Date: Friday, February 03, 2017 10:20:18 AM
Attachments: EO Forms List (TENTATIVE) FEB 2 2017 V3.pdf

Good morning,

Thank you for your work on the deliverables already completed. I appreciate everyone's timely responses.

The next big deliverable we have is in regards to Sec. 4a and 4b of the Protecting the Nation from Foreign Terrorist Entry EO. Proposals related to the items below are due to me by COB Friday, February 17, 2017. FDNS has the overall lead on this deliverable, but there will also be several working groups that may be co-coordinated by other directorates with FDNS. Here is the specific language from the EO:

> "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."

Because there are a lot of pieces to this section and because the pieces affect different directorates, we will likely need a few working groups to tackle this one. As discussed at the meeting yesterday, these are the proposed working groups:

- Interviews (FOD to co-lead)
- Identity Document Database
- Identity verification
- Form revisions (OP&S proposal attached)
- Immigrant integration (OoC to co-lead)

As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS	2/17/2017
Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS		2/17/2017
Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT	2/17/2017
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS	2/17/2017
Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S	2/17/2017
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS		2/17/2017
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS	2/17/2017
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO		2/28/2017
Review of asylum referrals/credible fear determinations	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC	3/15/2017
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO		3/20/2017
Budgetary/Staffing Needs	All EOs	N/A	MGMT		Immediate

Plan related to FY17 refugee entries	Protecting the Nation from Foreign Terrorist Entry	5d	RAIO	TBD
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	Immediate
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO	TBD

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
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From: Levine, Laurence D
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy; Deshommes, Samantha L
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States
Date: Friday, February 03, 2017 10:30:44 AM

Adding Samantha from OP&S

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6) [redacted]

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Sent: Friday, February 03, 2017 11:20 AM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
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Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS	2/17/2017
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Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

(b)(6) [redacted]

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From: Valverde, Michael
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States
Date: Friday, February 03, 2017 10:57:30 AM

Everyone—

As Julie mentions below, FOD was designated to co-lead with FDNS the **interview portion** of Section 4 (a) Implementing Uniform Screening Standards for All Immigration Programs. The relevant interview portions of Section 4(a) are as follows:

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Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

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Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS		2/17/2017
Immigrant integration*	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS	2/17/2017
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Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO		TBD

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

(b)(6) [redacted]

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Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States
Date: Friday, February 03, 2017 11:07:11 AM

Now adding Lisette. Apologies for the double email.

From: Valverde, Michael
Sent: Friday, February 03, 2017 11:57 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
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Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

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From: Neufeld, Donald W
To: Cox, Sophia; McCament, James W
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States
Date: Friday, February 03, 2017 11:14:50 AM

Yes, we definitely want I-765 applicants to go to an ASC. It's also possible we may want some or all non-immigrant EOS/COS to go to an ASC as well for identity confirmation. In fact, this may be the time to impose an ASC visit on anyone stateside at least once to confirm/lock identity. I'm thinking in the future where we are person-centric and everyone needs a hardened account to transact business with us. Even if we don't require it for everyone immediately it would be good to have the option as we continue to transform.

From: Cox, Sophia
Sent: Friday, February 03, 2017 12:00 PM
To: Neufeld, Donald W; McCament, James W
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Hi. Responding only to you so we can discuss internally. One of the things we have been wanting to do for a very long time is require anyone filing an I-765 to go to an ASC, but OCC said they didn't think we have the authority to do it, so it never got put into motion. This might be the ideal time to revive those discussions. Also, FYI, the we have form revisions in process to the I-485 and I-765 that have 3 lines for the applicant to indicate all other names used. [redacted] (b)(5)
[redacted] You would still need to check the file for documents with other names but at least these additional names listed on the form would go into the up-front check, as opposed to the alias check downstream. So potentially you might find something just a little sooner rather than later.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Farnam, Julie E
Sent: Friday, February 03, 2017 11:20 AM
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- Immigrant integration (OoC to co-lead)

As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS	2/17/2017
Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS		2/17/2017
Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT	2/17/2017
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS	2/17/2017
Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S	2/17/2017
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS		2/17/2017
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS	2/17/2017
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO		2/28/2017
Review of asylum referrals/credible fear determinations	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC	3/15/2017
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO		3/20/2017
Budgetary/Staffing Needs	All EOs	N/A	MGMT		Immediate
Plan related to FY17 refugee entries	Protecting the Nation from Foreign Terrorist Entry	5d	RAIO		TBD
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO		Immediate
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO		TBD

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

(b)(6) [redacted]

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From: Campagnolo, Donna P
To: Cox, Sophia; Neufeld, Donald W; McCament, James W
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States
Date: Friday, February 03, 2017 11:16:51 AM

Hi Sophia. Thanks for asking. I just responded to Michael and let him know that you will be our POC for the forms/policy issues and that Ron and April will be for the identify and fraud issues. Will that work?

Thanks again.

Donna Campagnolo
HQ Service Center Operations

From: Cox, Sophia
Sent: Friday, February 03, 2017 12:07 PM
To: Neufeld, Donald W; McCament, James W; Campagnolo, Donna P
Subject: FW: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Hi. Just want to be sure I understand my role what if anything I should be doing right now. Michael Valverde said FOD has the lead on the items listed below, which includes interview protocols, fraud detection, assessing likelihood to commit criminal/terrorist acts, and forms revisions. OP&S drew up a list of candidates for form revisions. Regarding fraud/interview protocols and assessing security/criminal risks, I certainly am glad to represent SCOPS in meetings with FDNS, but am checking in case Ron or April would be better suited because they have the background in security screening and vetting, which I do not have, and they work closely with FDNS. Again, I am very glad to do it; just want to make sure you have the right person on the job for those particular pieces. ☺ Regarding the forms, I assume OP&S will be calling a meeting. I can reach out to Larry Levine.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
(b)(6) [redacted]

From: Valverde, Michael
Sent: Friday, February 03, 2017 11:57 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Everyone—

As Julie mentions below, FOD was designated to co-lead with FDNS the **interview portion** of Section 4 (a) Implementing Uniform Screening Standards for All Immigration Programs. The relevant interview portions of Section 4(a) are as follows:

1. The development of a uniform screening standard and procedure, such as in-person interviews;
2. A mechanism to ensure that the applicant is who the applicant claims to be;
3. 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;
4. Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; and
5. A mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

I know a lot of work has been done already in various manners that impacts this goal and can be utilized for this task. We would like to convene the process for articulating how the interview process has been and/or can be enhanced (best practices, new policies, new tools/systems, resources, and/or additional questions) to ensure we are using our interviews in the best way to inform our eligibility, credibility and national security/public safety determinations.

Lisette Kvortek will serve as the FOD working group coordinator and will work with the FDNS POC to organize the work. I'd ask that folks self-identify as a responsible party and name a POC representing your office. Since work is due on the 17th, we'd like to get started asap.

Thank you.

From: Farnam, Julie E
Sent: Friday, February 03, 2017 11:20 AM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Good morning,

Thank you for your work on the deliverables already completed. I appreciate everyone's timely responses.

The next big deliverable we have is in regards to Sec. 4a and 4b of the Protecting the Nation from Foreign Terrorist Entry EO. Proposals related to the items below are due to me by COB Friday, February 17, 2017. FDNS has the overall lead on this deliverable, but there will also be several working groups that may be co-coordinated by other directorates with FDNS. Here is the specific language from the EO:

> "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."

Because there are a lot of pieces to this section and because the pieces affect different directorates, we will likely need a few working groups to tackle this one. As discussed at the meeting yesterday, these are the proposed working groups:

- Interviews (FOD to co-lead)
- Identity Document Database
- Identity verification
- Form revisions (OP&S proposal attached)
- Immigrant integration (OoC to co-lead)

As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS	2/17/2017
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Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO		TBD

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

(b)(6) [redacted]

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Worley, Jordan P

From: Blackwood, Pharrah L
Sent: Monday, January 30, 2017 5:20 PM
To: Rankin, Carrie A; Farnam, Julie E; Slattery, Shannon E
Cc: Bourn, Amy M; Steele, Terri L
Subject: Questions on EO for adoptions.

Adding to the questions:

Is South Sudan impacted?
Does the hold include I-600As?
Is the case affected if one of the PAPs is an LPR from one of the seven countries (they would likely not be able to travel to complete adoption proceedings in country, as required by most).
Will the agency reject petitions (e.g. I-600, I-130) from these countries?
Can we process fingerprint refreshes for PAPs adopting children from these countries?
Are we aware of any families who are overseas and unable to travel?

Thank you,

Pharrah L Blackwood |DHS|USCIS| National Benefits Center |International Adoption - Assistant Center Director|
☎: Office [redacted]

(b)(6)

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From: Blackwood, Pharrah L
Sent: Monday, January 30, 2017 10:22 AM
To: Rankin, Carrie A; Farnam, Julie E; Slattery, Shannon E
Subject: RE: Data on EO for adoptions.

We are pulling a report from ACMS so I will confirm shortly.

We have not received guidance on the I-600A, either.

On that note, we actually have three questions:

Is South Sudan impacted?
Does the hold include I-600As?
Is the case affected if one of the PAPs is an LPR from one of the seven countries (they would likely not be able to travel to complete adoption proceedings in country, as required by most).
Will the agency reject petitions (e.g. I-600) from these countries?
Can we process fingerprint refreshes for PAPs adopting children from these countries?

Thank you,

From: Rankin, Carrie A
Sent: Monday, January 30, 2017 8:38 AM
To: Farnam, Julie E; Blackwood, Pharrah L; Slattery, Shannon E
Subject: RE: Data on EO for adoptions.

Pharrah – are the Yemeni and Sudanese cases noted below Form I-600s or Form I-600As?

From: Farnam, Julie E
Sent: Monday, January 30, 2017 8:51 AM
To: Blackwood, Pharrah L; Slattery, Shannon E; Rankin, Carrie A
Subject: RE: Data on EO for adoptions.

Thanks, Pharrah, for the quick work.

From: Blackwood, Pharrah L
Sent: Monday, January 30, 2017 8:40 AM
To: Farnam, Julie E; Slattery, Shannon E; Rankin, Carrie A
Subject: Data on EO for adoptions.

FYI below. More to come as we run some official reports. Will run 130s, too.

Pharrah L Blackwood |DHS|USCIS| National Benefits Center / International Adoption
Assistant Center Director
[redacted] (b)(6)

From: Paulin, Bruce A
Sent: Monday, January 30, 2017 8:32:22 AM
To: Blackwood, Pharrah L
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Pharrah,
Just a quick run through of ACMS shows we have some open cases. The Iranian cases are not yet assigned. Shelly has the Yemeni cases, and Trevor has the Sudanese cases. Not as fancy as a Robin report, but something to start with.
Iran 2 I-600A 1 I-600 cases, Yemen 1 family, Sudan 2 families

Bruce Paulin
Non-Hague International Adoptions Supervisor
National Benefits Center, USCIS
[redacted] (b)(6)

From: Cowan, Robert M
Sent: Saturday, January 28, 2017 11:07 AM
To: #NBC CIS Broadcast
Cc: Renaud, Daniel M; Valverde, Michael
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Colleagues,

Please see the message below from AD Daniel Renaud. Per his instructions please cease taking final action on those petitions and applications where the applicant or beneficiary is a citizen or national from any of the listed countries. If you encounter a case that falls into this category please set it aside for the time being. We'll issue further guidance early next week. Thanks for your help in this matter.

Robert Cowan
Center Director/National Benefits Center

[redacted] (b)(6)

Sent from a mobile device

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12:16 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud

Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Worley, Jordan P

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 12:40 PM
To: Farnam, Julie E
Subject: RE: Cases Pending in Field Offices and NBC

Will do. Thanks.

From: Farnam, Julie E
Sent: Sunday, January 29, 2017 1:36:16 PM
To: Renaud, Daniel M
Subject: RE: Cases Pending in Field Offices and NBC

Okay. If you need anything else, please let me know. I should have the bandwidth this week to stay on top of my HQ duties as well.

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 1:35:02 PM
To: Farnam, Julie E
Subject: RE: Cases Pending in Field Offices and NBC

I'll send it in a few minutes.

From: Farnam, Julie E
Sent: Sunday, January 29, 2017 1:34:11 PM
To: Renaud, Daniel M
Subject: RE: Cases Pending in Field Offices and NBC

Did you want me to send it?

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 1:33:11 PM
To: Farnam, Julie E
Subject: RE: Cases Pending in Field Offices and NBC

We are clear to send an abridged version of the message on N400s and N600s. We think AOS are ok, but that's not confirmed.

From: Farnam, Julie E
Sent: Sunday, January 29, 2017 1:28:36 PM
To: Renaud, Daniel M
Subject: FW: Cases Pending in Field Offices and NBC

Did we receive any additional updates?

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 9:57:28 AM
To: Renaud, Daniel M; Renaud, Tracy L
Cc: Valverde, Michael; Kvortek, Lisette E; Farnam, Julie E; Neufeld, Donald W
Subject: RE: Cases Pending in Field Offices and NBC

Please wait till I'm off the 10:00 call.

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 9:47:02 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Valverde, Michael; Kvortek, Lisette E; Farnam, Julie E; Neufeld, Donald W
Subject: RE: Cases Pending in Field Offices and NBC

I am going to send out a message today instructing offices to proceed with scheduled naturalization ceremonies until further notice. I think they need clarity on how to handle early-week ceremonies.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 9:44:02 AM
To: Renaud, Daniel M; Renaud, Tracy L
Cc: Valverde, Michael; Kvortek, Lisette E; Farnam, Julie E; Neufeld, Donald W
Subject: RE: Cases Pending in Field Offices and NBC

It can wait until Monday.

Thanks Dan,
Lori

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 9:43:11 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Valverde, Michael; Kvortek, Lisette E; Farnam, Julie E; Neufeld, Donald W
Subject: RE: Cases Pending in Field Offices and NBC

We should have the information you want on the 13,000. The N-form data might take until Monday. If you need it today, I can ask someone to go in today and start the data pull.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 9:27:59 AM
To: Renaud, Daniel M; Renaud, Tracy L
Cc: Valverde, Michael; Kvortek, Lisette E; Farnam, Julie E; Neufeld, Donald W
Subject: RE: Cases Pending in Field Offices and NBC

You should get the C4 data too and I know they are going to ask for a break down of the 13,000.

LEt's keep OCOM and OLA in the loop. DHS is doing press while we are still trying to figure this out. So the more our folks know the better.

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 7:42:20 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Valverde, Michael; Kvortek, Lisette E; Farnam, Julie E; Neufeld, Donald W
Subject: Cases Pending in Field Offices and NBC

NER ran a scrape of C3 data. Field Ops has 13,376 pending case filed by or on behalf of an individual from one of the 7 countries. That number, of course is limited to cases that can be identified through systems data, and does not account for cases with missing data in the system or dual citizens where the third country was listed. Its close enough, though to get an idea of the number of impacted cases.

Since it appears the EO does not apply to the citizenship line of business, we will hold off on a run of C4.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Worley, Jordan P

From:	Groom, Molly M
Sent:	Saturday, January 28, 2017 10:14 PM
To:	Scialabba, Lori L; Carter, Jeffrey T (Jeff); Valverde, Michael; Neufeld, Donald W; Busch, Philip B; Renaud, Tracy L; Renaud, Daniel M; Ruppel, Joanna; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc:	Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M; Walters, Jessica S; Young, Todd P
Subject:	RE: Clearance for Extreme Vetting Q&A

I did misunderstand. We will push the legal discussion as far as we can to get answers to inform your policy discussion which may be useful to some points more than others. Still all are consumed with real live situations at ports and in courts. So answers slow.

2-USCIS does adjudicate certain visas --but not adjudicating doesn't suspend entry like 212(f) suggests.

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 11:01:59 PM
To: Groom, Molly M; Carter, Jeffrey T (Jeff); Valverde, Michael; Neufeld, Donald W; Busch, Philip B; Renaud, Tracy L; Renaud, Daniel M; Ruppel, Joanna; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M; Walters, Jessica S; Young, Todd P
Subject: RE: Clearance for Extreme Vetting Q&A

Thanks Molly. I should have been a little clearer on the intent of this. Its just to get the conversation started with DHS. This is for policy discussion, It's not for public consumption. I think much of what youa re suggestion is perfect for public statements. I put the explanations in so DHS knows why we are taking the position we are for each question.

2. I think if we use the word visa we're going to not be allowed to continue to adjudicate them. We don't do visas. Do we?

3. I'd really like to get the go ahead to continue doing as much as possible in the refugee arena. I like your statement for public consumption.

4. I like this for a statement for OCOM to use.

5. I'm assuming we can adjudicate asylum requests but we should get clarification.

From: Groom, Molly M
Sent: Saturday, January 28, 2017 10:38:07 PM
To: Scialabba, Lori L; Carter, Jeffrey T (Jeff); Valverde, Michael; Neufeld, Donald W; Busch, Philip B; Renaud, Tracy L; Renaud, Daniel M; Ruppel, Joanna; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Now we are aware of at least two TROs, so I am not sure how quickly we will get anything cleared or agreement on what the impact is. But that said I offer the following comments for consideration. (b)(5)

[redacted]

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 10:07:19 PM
To: Carter, Jeffrey T (Jeff); Valverde, Michael; Neufeld, Donald W; Busch, Philip B; Renaud, Tracy L; Groom, Molly M; Renaud, Daniel M; Ruppel, Joanna; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Here we go. I've added Todd and Jessica for clean up once I have reactions because these answers could go any number of ways. I"m just getting a sense of our answer here. It's not pretty or diplomatic.

1. THe EOs are to protect the NS and safety of the U.S. From persons entering our country from the designated countries and does not apply to people in the U.S. Applying for adjustment of status. (OCC check me on this.). I know the EO uses language like all immigration benefits but the details address visa issuance to NIVs and IVs. Maybe the intent is to include adjustment but as long as this answer isn't completely ridiculous I'd like to start here.

2. USCIS will continue to adjudicate various petitions and applications. Visas are not issued by USCIS

3. Yes, in light of the language in the EO we will continue these refugee interviews.

4. THis will be done on a case by case basis. (We will need some standards for this)

5. This will be done on a case by case basis. (Ditto on standards and procedures)

6. Yes.

Let's hear what everyone h as to say.

Lori

From: Carter, Jeffrey T (Jeff)
Sent: Saturday, January 28, 2017 9:06:15 PM
To: Valverde, Michael; Neufeld, Donald W; Busch, Philip B; Renaud, Tracy L; Groom, Molly M; Scialabba, Lori L; Renaud, Daniel M; Ruppel, Joanna; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

All:

We have been asked by DHS to draft and clear within USCIS responses to the questions we sent up earlier.

Also, FYI, attached is what CBP submitted back to DHS OPA. We will be adding to that document so the questions should similarly be framed as media inquiries and I have taken a stab at that below.

DHS has asked for our responses as soon as possible tonight. Please send to me and I will forward them along.

Thanks,

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services
[redacted] (b)(6)
Please visit www.uscis.gov for news and information.

1. Does the Executive Order apply to I-485 applications to adjust to LPR status here in the U.S.?

2. Does this impact USCIS ability to adjust visas of those eligible to adjust in the U.S., such as a family based petition or an employment based petition?

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

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

5. Can the exception for refugee admission be used in I-730 cases?

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

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

USCIS will continue to adjudicate N-400 applications for naturalization and administer the oath of citizenship for approved candidates who remain eligible.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 5:38 PM
To: Neufeld, Donald W; Busch, Philip B; Renaud, Tracy L; Groom, Molly M; Scialabba, Lori L; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

We are doing the same. Our folks should talk, probably. Shelley Goodwin is our point. Who is yours?

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 5:33:11 PM
To: Busch, Philip B; Renaud, Tracy L; Groom, Molly M; Scialabba, Lori L; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Many more than I would have expected. We have folks running reports to see what we have pending in C3 and ELIS for applicants, beneficiaries and requesters from the 7 countries. We should have that Monday afternoon.

From: Busch, Philip B
Sent: Saturday, January 28, 2017 4:33:44 PM
To: Renaud, Tracy L; Neufeld, Donald W; Groom, Molly M; Scialabba, Lori L; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Regarding COS and EOS, it occurred to me to wonder to what extent there actually are nonimmigrants from those countries. Numbers aren't huge, but they are there. For FY 2015 per DHS yearbook, total nonimmigrant admissions for nationals of these countries were:
Iraq, 21,381
Iran, 35,266
Libya, 3,879
Yemen, 5,549
Sudan, 4,792
Syria, 16,018
Somalia, 359

Numbers for the two preceding years were similar. There are also tables further breaking it down by category ut I didn't dig into it that deeply.

hil

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om: Renaud, Tracy L
nt: Saturday, January 28, 2017 4:12:21 PM
: Neufeld, Donald W; Groom, Molly M; Scialabba, Lori L; Busch, Philip B; Renaud, Daniel M; Carter, Jeffrey T (Jeff);

Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Thanks Don. We will add it.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] *(desk)*
(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 3:58 PM
To: Renaud, Tracy L; Groom, Molly M; Scialabba, Lori L; Busch, Philip B; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Tracy,

I saw the forwarded questions. I would like to add the EOS/COS issue as a corollary to the I-485 question.

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 3:33:46 PM
To: Groom, Molly M; Scialabba, Lori L; Busch, Philip B; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

All-

The 2:45 call did not address any of our outstanding issues. The call centered on a group of travel ready refugees and a discussion on whether to recommend applying a waiver allowing them to travel and be admitted. However, there is a WH principals' call at 4:00 that Lori will be on and we were encouraged to send our questions forward in advance of that call so DHS can either get us answers based on their knowledge or address the questions during the 4:00 call. Lori will be forwarding those questions. Stay tuned, we may have some guidance on at least some of our issues later today.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] *(desk)*
(b)(6)

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rom: Groom, Molly M
ent: Saturday, January 28, 2017 2:03 PM
: Scialabba, Lori L; Busch, Philip B; Renaud, Daniel M; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Ruppel, Joanna; lverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Neufeld, Donald W; McCament, James W
: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
bject: RE: Clearance for Extreme Vetting Q&A

we were not clear on whether it applied to adjustment but were looking for clarity. Maybe there is still time get another answer?

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 1:59:11 PM
To: Busch, Philip B; Renaud, Daniel M; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

I can see reading it that way but we've already been told it applies to adjustment applications.

From: Busch, Philip B
Sent: Saturday, January 28, 2017 1:56:25 PM
To: Renaud, Daniel M; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

I think that's the case with all benefits within the country, isn't it? The EO says examine benefit processes but the only thing it cuts off is entry into the United States from abroad, as I read it. Is that others' understanding? So if we mention natz, which I am certainly not suggesting we shouldn't, then we probably should expand the item to cover other benefits within the US. Thanks, Phil

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From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 1:49:28 PM
To: Renaud, Tracy L; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

I'd like to keep it in the document going to OPA that we may proceed with both making final decisions on pending N-400 petitions and administering the oath to eligible applicants from the 7 whose N-400s have been approved.

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 1:35:15 PM
To: Carter, Jeffrey T (Jeff); Ruppel, Joanna; Renaud, Daniel M; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

ff,

osed this question to DHS HQ just this morning because we had a 1:00 ceremony at the WAS field office th five individuals from the seven countries. I got a response back from DHS just before 1:00 indicating that were good to go ahead with naturalizing those individuals. So, the answer is no, it does not apply to didates for naturalization.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] desk)
(b)(6)

From: Carter, Jeffrey T (Jeff)
Sent: Saturday, January 28, 2017 1:26:12 PM
To: Renaud, Tracy L; Ruppel, Joanna; Renaud, Daniel M; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

+ Angie

OPA just called – they would like anything we can provide within the hour so they can hold a call with CBP and others who are getting bombarded with media inquiries and prepare S1 to return Hill calls.

One question I could see for us, even though it is somewhat answered in the first question below: Does the Executive Order apply to those currently being adjudicated for naturalization?

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services
[redacted] (b)(6)
Please visit www.uscis.gov for news and information.

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 1:13 PM
To: Ruppel, Joanna; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M
Subject: RE: Clearance for Extreme Vetting Q&A

I am adding Jess, Molly and Phil back in again and also adding SCOPS. Jess is working to gather the questions you have all sent so far and compile them on one document. Once she has those together Lori and I will look at them to see which are internal questions and which might warrant public facing Q&A. So if you have sent your questions to Jess we should be all set.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] *desk)*
(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 1:09 PM
To: Renaud, Daniel M; Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Nicholson, Maura J

(b)(6

(b)(6

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Worley, Jordan P

From: Goodwin, Shelley M
Sent: Monday, January 30, 2017 7:04 AM
To: #NER-DD-FOD-COS; #NER-OPS; #NER SISOs and Section Managers
Cc: Pietropaoli, Lori A; Haag, Andrew P; Fontanez, Andrew V
Subject: RE: Executive Order: Fact Sheet

Per information shared with field leadership over the weekend, field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Thanks

Shelley M. Goodwin
Northeast Region I Associate Regional Director, Operations I USCIS [redacted] (b)(6)

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From: Goodwin, Shelley M
Sent: Monday, January 30, 2017 7:43 AM
To: #NER-DD-FOD-COS; #NER-OPS; #NER SISOs and Section Managers
Cc: Pietropaoli, Lori A; Haag, Andrew P; Fontanez, Andrew V
Subject: RE: Executive Order: Fact Sheet

It is imperative that you ensure staff members fully understand that we are holding all pending cases for the seven countries only and with the exception of N400s and N600s. I have had questions about cases that are not from these countries. Place these cases in an RPC for now and we will get you a national RPC for mandatory use by all field offices hopefully by 11:30 am along with a report to help you locate and segregate any of these cases in your offices. The most important thing is to ensure your staff is aware that if they encounter any cases (other than N400 and N600) that they hold the cases.

Thank you!

Shelley M. Goodwin
Northeast Region I Associate Regional Director, Operations I USCIS [redacted] (b)(6)

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From: Goodwin, Shelley M
Sent: Monday, January 30, 2017 7:18 AM
To: #NER-DD-FOD-COS; #NER-OPS; #NER SISOs and Section Managers
Cc: Pietropaoli, Lori A; Haag, Andrew P; Fontanez, Andrew V

Subject: Executive Order: Fact Sheet
Importance: High

Field Leadership

In addition to the brief update sent last night, please see the following and attached for more information.

Thanks
Shelley

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

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

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

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

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

Authorities

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

Actions

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

Importantly, however, lawful permanent residents of the United States traveling on a valid I-551 will be allowed to board U.S. bound aircraft and will be assessed for exceptions at arrival ports of entry, as appropriate. The entry of these individuals, subject to national security checks, is in the national interest. Therefore, we expect swift entry for these individuals.

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

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

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

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

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

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

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

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

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

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

Shelley M. Goodwin
Northeast Region I Associate Regional Director, Operations I USCIS [redacted] (b)(6)

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From: Goodwin, Shelley M
Sent: Sunday, January 29, 2017 9:54 PM
To: #NER-DD-FOD-COS; #NER-OPS; #NER SISOs and Section Managers

Cc: Pietropaoli, Lori A; Haag, Andrew P; Fontanez, Andrew V
Subject: Update: Executive Order
Importance: High

Field Leadership

Just a brief update based on where we stand with the information shared over the weekend regarding the recent executive order.

As noted, offices must immediately begin holding all pending cases, with the exception of N600s and N400s, filed by or on behalf of someone from the seven countries outlined in the executive order until additional guidance is provided. We are putting the final touches on a report for all field offices that will assist you with identifying the cases that must be retrieved and held in abeyance. This report will provide you with the NFTS location of these cases in your respective offices. Further, we will provide you with a standard NFTS code that all offices must use for the purpose of holding these cases. Until you receive the report and NFTS code, it is imperative that offices ensure that all staff members are aware of the need to identify and hold these filings without further adjudication.

Many of you have asked whether we can expect additional information to assist with addressing customer and stakeholder inquiries. I am sure you can all appreciate how fluid this situation is at the present time. We don't have talking points for customer service or outreach at this point and we have no deadline by which we expect to have those. We can answer questions about the status of the work that we adjudicate. Beyond that, we cannot and should not respond. I know this may be frustrating to the staff and public alike but unfortunately we simply do not have any additional information. We will be certain to share anything we receive as soon as it is disseminated.

Thank you and stay tuned! (b)(6)

Shelley M. Goodwin
Northeast Region I Associate Regional Director, Operations I USCIS [redacted]

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Worley, Jordan P

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 3:00 PM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Field Offices may continue to adjudicate N-400 and N-600 applications and administer the oath of citizenship for approved candidates who remain eligible. This message lifts the hold on citizenship applications and petitions.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12:16 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been

approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Worley, Jordan P

From: Groom, Molly M
Sent: Monday, January 30, 2017 6:28 AM
To: Slattery, Shannon E; Levine, Laurence D; Renaud, Daniel M; Neufeld, Donald W; Walters, Jessica S; Busch, Philip B; Kleczek, Marguerite P (Ania)
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E; Elder, Phillip D
Subject: RE: Executive Order

Plus Phil, Ania and Philip

From: Slattery, Shannon E
Sent: Sunday, January 29, 2017 11:24:08 PM
To: Levine, Laurence D; Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E
Subject: RE: Executive Order

+ Lisette Kvortek and Julie Farnam

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:52 PM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

All – I asked the regs team to give us an idea of the tie frames for doing and re-doing forms as well as regs:

For forms , if, for instance, we have to add new vetting questions, OMB approval can be accomplished relatively quickly as an emergency action (compared to the normal process).
Steps and qualifications for emergency OMB approval:
1) OP&S division, operational directorates, OCC, and RCD collaborate on the amended form and/or instructions.
2) RCD prepares the relevant PRA supporting documents (Supporting Statement, etc.) working with OIDP and Office of Privacy
3) Draft a memo justifying the emergent need (e.g., the EO), signed by USCIS CIO and DHS CIO.
4) RCD submits the package to OMB. OMB approval under emergency will only be valid for 6 months. To extend the validity of the OMB approval beyond 6 months, RCD would need to publish the 60- and 30-day Notices as normal and then resubmit the package to OMB.
As a side note, the interior enforcement EO took away the Privacy Act protections that the USG had extended to non-citizens (by policy I believe). This change may significantly impact how the Privacy Act is interpreted w/r/t USCIS forms and systems, and may or may not cause changes to our Privacy Threshold Analyses which support the PRA process. We need to get a legal opinion on whether our PTAs, etc. will change because of this, and if we can update the relevant PRA

supporting documents as they come up in the queue (i.e. as RCD starts work upon expiration) or if this needs to be implemented immediately (which would be a significant workload).

For regs, the time it took to get the EA rules out from the Nov. 20, 2014 memo are good barometers of the average timeline when there is WH support and it's moving as an emergency action:

- Average of 12-16 months for drafting and publishing an NPRM (but note that there was already some work done on EA before the 11/2014 announcement)
- Average of 6-8 months to review public comments, draft final rule, and publish the final rule.

Caveats: 1) The above assumes a relatively hands-off approach of OGC staff-level attorneys and economists prior to moving to OGC FO, S1 FO, and OMB. Also assumes that the timelines for S1 FO review will be similarly expedited (i.e. a matter of hours wherein the Assistant General Counsel briefs S1 and obtains signature). 2) The "effective date" will largely depend on the speed that our computer systems can be stood up. 3) Also, of course, depends on the number and complexity of public comments received and the continued availability of monetary resources to fund contractor support of our regulatory projects (comment analysis).

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:42 AM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Ok - thanks

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM

To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M

Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

---

om: Renaud, Daniel M
nt: Saturday, January 28, 2017 11:34:16 AM
: Walters, Jessica S
Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, lly M
ject: FW: Executive Order

will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well

as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order
I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

Don't know if you can get any clarification but DHS HQ needs to know what's going on.

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted]
We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted]

(b)(6)

Worley, Jordan P

From: Renaud, Daniel M
Sent: Monday, January 30, 2017 7:59 AM
To: Farnam, Julie E; Valverde, Michael
Cc: Kvortek, Lisette E; Slattery, Shannon E
Subject: RE: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

I'm fine to share this with the field, since it is a press release its cleared. As of right now, we are holding all cases except N-400s and N-600s. I'd want to make sure we do not confuse the field and have some of them read the Press release as an indication to proceed on I-485s.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Farnam, Julie E
Sent: Monday, January 30, 2017 8:34 AM
To: Renaud, Daniel M; Valverde, Michael
Cc: Kvortek, Lisette E; Slattery, Shannon E
Subject: RE: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

Will we be sharing this message with the field? We are still currently holding AOS cases.

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 6:36 PM
To: Valverde, Michael; Farnam, Julie E; Kvortek, Lisette E; Slattery, Shannon E
Subject: FW: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

FYI

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Sunday, January 29, 2017 6:24:02 PM
To: Ruppel, Joanna; Renaud, Daniel M; Neufeld, Donald W
Subject: FW: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

FYI

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted](desk)
(b)(6)

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 6:19:32 PM
To: Scialabba, Lori L; Renaud, Tracy L; Atkinson, Ronald A; Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Groom, Molly M; Melero, Mariela
Subject: FW: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

From: DHS Press Office
Sent: Sunday, January 29, 2017 11:15:58 PM
To: Alfonso, Angelica M
Subject: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

Press Office
U.S. Department of Homeland Security

Press Release

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

STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

WASHINGTON – In applying the provisions of the president's executive order, 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.

###

Unsubscribe

Office of Public Affairs · 202-282-8010 · mediainquiry@hq.dhs.gov

U.S. Department of Homeland Security · Washington, DC 20016

Worley, Jordan P

From: Valverde, Michael
Sent: Monday, January 30, 2017 1:29 PM
To: Young, Claudia F; Rinehart, Brett R; Quimby, Christopher M (Chris); Sapko, Jeffrey M; Spencer, Julie C
Cc: Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Wheelock, Amy J
Subject: RE: Status as of Monday AM

Folks—
In case it bears saying again, let's keep our teams as briefed up as we can so we are all prepared and have the same context for when the next task comes up. Thanks

---

From: Valverde, Michael
Sent: Monday, January 30, 2017 9:08 AM
To: Young, Claudia F; Rinehart, Brett R; Quimby, Christopher M (Chris); Sapko, Jeffrey M; Spencer, Julie C
Cc: Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E
Subject: Status as of Monday AM
Importance: High

HQ Leadership Team—
Just so everyone is on the same page:

- We are good to interview, adjudicate, and administer the oath to all N400 applicants;
- Similarly, N600s are good to go;
- We are holding all other requests for immigration benefits from those folks covered by the order (seven countries);
- USCIS has sought guidance on a number of things, including whether or not 485s are covered by the order;
- Other than the public statements made and the fact sheet (attached), there's not too much we can say at this time;

I expect more actionable information to come out through the course of today and hope to provide clarity to folks soon. Thank you all for your work this weekend—please keep raising issues as they come up.

Michael Valverde
Deputy Associate Director, Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

Worley, Jordan P

From: Goodwin, Shelley M
Sent: Sunday, January 29, 2017 8:54 PM
To: #NER-DD-FOD-COS; #NER-OPS; #NER SISOs and Section Managers
Cc: Pietropaoli, Lori A; Haag, Andrew P; Fontanez, Andrew V
Subject: Update: Executive Order

Importance: High

Field Leadership

Just a brief update based on where we stand with the information shared over the weekend regarding the recent executive order.

As noted, offices must immediately begin holding all pending cases, with the exception of N600s and N400s, filed by or on behalf of someone from the seven countries outlined in the executive order until additional guidance is provided. We are putting the final touches on a report for all field offices that will assist you with identifying the cases that must be retrieved and held in abeyance. This report will provide you with the NFTS location of these cases in your respective offices. Further, we will provide you with a standard NFTS code that all offices must use for the purpose of holding these cases. Until you receive the report and NFTS code, it is imperative that offices ensure that all staff members are aware of the need to identify and hold these filings without further adjudication.

Many of you have asked whether we can expect additional information to assist with addressing customer and stakeholder inquiries. I am sure you can all appreciate how fluid this situation is at the present time. We don't have talking points for customer service or outreach at this point and we have no deadline by which we expect to have those. We can answer questions about the status of the work that we adjudicate. Beyond that, we cannot and should not respond. I know this may be frustrating to the staff and public alike but unfortunately we simply do not have any additional information. We will be certain to share anything we receive as soon as it is disseminated.

Thank you and stay tuned!

Shelley M. Goodwin
Northeast Region I Associate Regional Director, Operations I USCIS I [redacted] (b)(6)

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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
Washington, DC 20529

U.S. Citizenship and Immigration Services

Consolidated Response to Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States Section 3(a) ("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)(7)(e)

[redacted]

- Increased information on family tree or relative information

[redacted]

- Certifications of certain documents by foreign governments

[redacted]

Related, but not exclusive to information from foreign governments or other countries: (b)(7)(e)

- A clearinghouse of official documents issued in the U.S. by local/state municipalities
- Better interoperability between DHS, DOS, and NTC systems
- More DHS resources outside the U.S. to complete overseas verification requests

Gillispie, Anna E

From: Symons, Craig M
Sent: Monday, February 06, 2017 4:17 PM
To: Busch, Philip B
Cc: Groom, Molly M
Subject: RE: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion

To try and answer your questions below: (b)(5)

[redacted]

Thanks for raising the issue. I'm curious to know what OGC thinks.

- Craig

From: Busch, Philip B
Sent: Monday, February 06, 2017 3:06 PM
To: Symons, Craig M
Cc: Groom, Molly M
Subject: RE: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion (b)(5)

[redacted]

Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

[redacted] (b)(6)

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From: Symons, Craig M
Sent: Monday, February 06, 2017 2:53 PM
To: Busch, Philip B
Cc: Groom, Molly M
Subject: RE: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion

[redacted] (b)(5)

From: Busch, Philip B
Sent: Monday, February 06, 2017 2:47 PM
To: Symons, Craig M
Cc: Groom, Molly M
Subject: RE: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion

That's very interesting – you're saying that EO section 3(c) doesn't apply to the parole of 7 country nationals into the US?

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Symons, Craig M
Sent: Monday, February 06, 2017 2:43 PM
To: Busch, Philip B
Cc: Groom, Molly M
Subject: RE: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion (b)(5)

[redacted]

From: Busch, Philip B
Sent: Monday, February 06, 2017 2:03 PM
To: Symons, Craig M
Cc: Groom, Molly M
Subject: RE: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion (b)(5)

[redacted]

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Symons, Craig M
Sent: Monday, February 06, 2017 2:01 PM
To: Busch, Philip B
Cc: Groom, Molly M
Subject: RE: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion

Thanks Phil.

(b)(5)

[redacted] Or have we not made a final decision on that point?

From: Busch, Philip B
Sent: Monday, February 06, 2017 1:47 PM
To: Symons, Craig M
Cc: Groom, Molly M
Subject: RE: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion

Thanks Craig, I've passed that on for inclusion with OCC comments.

(b)(5)

[redacted]

Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel

U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Symons, Craig M
Sent: Monday, February 06, 2017 1:40 PM
To: Busch, Philip B
Cc: Groom, Molly M
Subject: RE: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion

I'm still reading the reply, but I thought I would quickly provide one suggestion before the deadline. We may to change the following sentence at the bottom of p. 1 / top of p. 2 from: (b)(5)

[redacted]

- Craig

From: Busch, Philip B
Sent: Monday, February 06, 2017 1:22 PM
To: Symons, Craig M
Cc: Groom, Molly M
Subject: FW: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion
Importance: High

FYI

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services

Referred to Department of Homeland Security

(b)(6

Referred to Department of Homeland Security

Gillispie, Anna E

From: Groom, Molly M
Sent: Monday, February 06, 2017 4:00 PM
To: Symons, Craig M; Busch, Philip B
Subject: RE: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion

(b)(5)

[redacted]

From: Symons, Craig M
Sent: Monday, February 06, 2017 4:45 PM
To: Busch, Philip B
Cc: Groom, Molly M
Subject: RE: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion

Sorry, I've been in meetings all afternoon. In fact, I was just in the middle of responding to your questions. I'll send that separately in a few minutes.

Yes, please do. [redacted] (b)(5)

From: Busch, Philip B
Sent: Monday, February 06, 2017 4:40 PM
To: Symons, Craig M
Cc: Groom, Molly M
Subject: RE: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion

Craig, I think your point about parole and entry is potentially a very important one – I think I should raise it with OGC. Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

This communication, along with any attachments, may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message.

From: Busch, Philip B
Sent: Monday, February 06, 2017 3:06 PM

To: Symons, Craig M
Cc: Groom, Molly M
Subject: RE: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion (b)(5)

[redacted]

Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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That's very interesting – you're saying that EO section 3(c) doesn't apply to the parole of 7 country nationals into the US?

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services

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Gillispie, Anna E

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Sorry, I've been in meetings all afternoon. In fact, I was just in the middle of responding to your questions. I'll send that separately in a few minutes.

Yes, please do. It's our impression that Gene did not think the EO applied to advance parole either.

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Craig, I think your point about parole and entry is potentially a very important one – I think I should raise it with OGC. Thanks, Phil

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Acting Deputy Chief Counsel

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Subject: RE: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion

Thanks Craig, I've passed that on for inclusion with OCC comments. (b)(5)

[redacted]

Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

This communication, along with any attachments, may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message.

From: Symons, Craig M
Sent: Monday, February 06, 2017 1:40 PM
To: Busch, Philip B
Cc: Groom, Molly M
Subject: RE: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion

I'm still reading the reply, but I thought I would quickly provide one suggestion before the deadline. We may to change the following sentence at the bottom of p. 1 / top of p. 2 from:

(b)(5)

[redacted]

- Craig

From: Busch, Philip B
Sent: Monday, February 06, 2017 1:22 PM
To: Symons, Craig M
Cc: Groom, Molly M
Subject: FW: SUBSTANTIVE CMTS ONLY BY 1:45 PM TODAY (MON. 02/06) RE: Draft Gov't Reply - CA9 Stay Motion
Importance: High

FYI

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted]

(b)(6)

This communication, along with any attachments, may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message.

Referred to Department of Homeland Security

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No. 17-35105

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STATE OF WASHINGTON, et al.,
Plaintiffs-Appellees,
v.

DONALD TRUMP, President of the United States, et al.
Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

REPLY IN SUPPORT OF EMERGENCY MOTION FOR STAY PENDING APPEAL

NOEL J. FRANCISCO
Acting Solicitor General

CHAD A. READLER
Acting Assistant Attorney General
AUGUST E. FLENTJE
Special Counsel to the Assistant Attorney General
DOUGLAS N. LETTER
SHARON SWINGLE
H. THOMAS BYRON
LOWELL V. STURGILL JR.
CATHERINE DORSEY
Attorneys, Appellate Staff
Civil Division, Room 7241
U.S. Department of Justice
950 Pennsylvania Ave., NW
Washington, DC 20530

The district court erred in entering a nationwide injunction barring enforcement of multiple sections of the President's Order "Protecting the Nation from Foreign Terrorist Entry into the United States." The Order is a lawful exercise of the President's constitutional and statutory authority over the entry of aliens to the United States and the admission of refugees, which grants him broad discretion to suspend entry of any class of aliens to protect the national interest. Relying on that authority, the President has directed a temporary suspension of entry and the issuance of visas, in order to permit an orderly review and revision of the procedures for screening aliens from countries that have an identified link to terrorism and an increased risk of terrorist activity, *see* 8 U.S.C. § 1187(a)(12). As another district court recently concluded, the President's desire to "ensure that resources are available to review screening procedures and that adequate standards are in place to protect against terrorist attacks," Order § 3(c), provides a "facially legitimate and bona fide" justification that satisfies any constitutional scrutiny that applies. *Louhghalam v. Trump*, Civ. Action No. 17-10154-NMG, Order 18-19 (D. Mass. Feb. 3, 2017); *see also id.* at 10-11, 15-16.

Furthermore, even if injunctive relief were appropriate, the district court's injunction was overbroad. As the White House Counsel's Memorandum clarified, the Order does not apply to long-term permanent residents. The State's remaining challenge is thus limited to "people who have been here and have, overnight, lost

the right to travel, lost the right to visit their families, lost the right to go perform research, lost the right to go speak at conferences around the world." Transcript 15-16; see also *id.* at 7, 8. Putting to the side that the denial of a visa is unreviewable even in a suit brought by the alien, much less by a third party, the only section of the Order to impose those harms is Section 3(c). And the district court's injunction should have been limited to individuals whose interests the State invoked not as *parens patrie*, but because their inability to travel directly imposed some concrete harm on the State.

The State's response barely acknowledges serious legal errors identified in defendants' stay motion. The arguments the State does make are erroneous.

1. Contrary to the State's contention (Response 5-6), this Court has appellate jurisdiction. The district court received briefs from both sides and held an adversary hearing on plaintiffs' motion for injunctive relief. *Cf.* Fed. R. Civ. P. 65(b) (temporary restraining order (TRO) may issue "without written or oral notice to the adverse party"). Moreover, the injunction contains no expiration date, and the State concedes (Response 6) that, under the proposed schedule, it will remain in effect for at least 15 days. *Cf.* Fed. R. Civ. P. 65(b)(2) (TRO should not be imposed for more than 14 days). The injunction is therefore immediately appealable, *see Service Employees v. Nat'l Union of Healthcare Workers*, 598 F.3d 1061, 1067 (9th Cir. 2010), as the district court itself contemplated. Transcript 44

(stating that court would enter written order "so that by the time the Ninth Circuit opens on Monday, [the parties will] be in a position to be able to seek review of it"); *id.* 51.

2. Plaintiffs argue (Response 7-8) that the injunction does not impose any irreparable harm. But the injunction reinstates procedures that the President determined were inadequate to "stop attacks by foreign nationals who were admitted to the United States." Order § 1; *see also id.* § 2. The Order temporarily suspends entry of aliens from seven countries that have previously been identified by Congress and the Executive Branch as posing a heightened risk of terrorism. *See* 8 U.S.C. § 1187(a)(12)(A); https://www.dhs.gov/news/20016/02/18/ dhs-announcees-further-travel-restrictions-visa-waiver-program. The issuance of visas will be resumed once existing screening practices can be put in place "to prevent infiltration [into this Nation] by foreign terrorists or criminals," Order § 3(c). Similarly, the temporary suspension of the U.S. refugee program will be lifted once the Secretaries of State and Homeland Security, in consultation with the Director of National Intelligence, 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." The potential national security harms resulting from the compelled application of procedures that the President has

determined to be inadequate to protect the Nation cannot be undone. Nor can the harm to our constitutional separation of powers.

3. Washington also lacks standing to challenge the Order. The State continues to assert that university faculty and students are prevented from flying, but vague allegations about harm to universities' reputation or mission are not sufficiently concrete for standing. Nor is speculation about a possible loss in tax revenue due to a potential decrease in foreign visitors. Were the Court to find standing based on incidental impacts to the State's treasury, virtually any change in federal policy could prompt an Article III dispute, an approach the Supreme Court decisively has rejected. *See DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 341 (2006).[1]

The State also invokes a *parens patriae* theory based on an interest in preventing "grievous harms on [the State's] residents." Response 13. But a State lacks the authority to sue "as the representative of its citizens" in order to protect them from the operation of federal law. *Massachusetts v. Mellon*, 262 U.S. 447, 485-86 (1923); *State of South Carolina v. Katzenbach*, 383 U.S. 301, 324 (1966); *compare Alfred L. Snapp & Son, Inc. v. Puerto Rico ex rel. Barez*, 458 U.S. 592 (1982) (finding standing to sue to invoke the protections of federal law);

[1] *City of Sausalito v. O'Neill*, 386 F.3d 1186 (9th Cir. 2004), is not to the contrary. In that case, there was a direct link between the challenged construction project and the alleged injury to the adjacent City's natural resources, aesthetic, and economy. 386 F.3d at 1199.

Massachusetts v. EPA, 549 U.S. 497, 520 n.17 (2007) (noting "critical difference" between permitting a State to assert the rights of its citizens under federal law and attempting to protect its citizens from operation of federal law).

The State invokes the "special solicitude" for states referred to in *Massachusetts v. EPA*, but there, Massachusetts sought to enforce a congressionally created "procedural right" to protect its "sovereign territory." 549 U.S. at 519-20, 522-23. Here, the State's interest in protecting its territory is not at issue, and the State has identified no other comparable injury to any legally protected rights.

4. Furthermore, the State has no legally protected interest implicated by the Order. It is indisputable that, under the statutory scheme governing the issuance of visas, the grant of a visa does not confer any right of admission into the United States to the alien, 8 U.S.C. § 1201(h), and the Secretary of State "may, at any time, in his discretion, revoke such visa or other documentation." *Id.* § 1201(i). In cases in which a visa is revoked, there is no right of judicial review "except in the context of a removal proceeding," and only if the visa revocation "provides the sole ground for removal." *Id.* As a matter of constitutional protection, even an alien admitted into this country, who has as a result come within the protection of the Fifth Amendment's due process clause, has no protected property or liberty interest in the retention of his visa. *Knoetze v. U.S. Dep't of State*, 634 F.2d 207,

212 (5th Cir. 1981). A fortiori, a State cannot challenge the denial of a visa to a third-party alien.

5. Finally, the injunction was improper because Washington is unlikely to succeed on the merits of its claims.

a. Washington's primary claim of injury is the inability of aliens from the seven countries identified in Section 3(c) of the Order, and who reside in Washington, to travel abroad, for fear that they will not be admitted back into the United States upon their return.

The President has discretion under 8 U.S.C. § 1182(f) to suspend the entry of any class of aliens into the United States, and the exclusion of aliens is also "a fundamental act of sovereignty * * * inherent in the executive power to control the foreign affairs of the nation." *Knauff v. Shaughnessy*, 338 U.S. 537, 542 (1950). The State does not address the text of § 1182(f), or the extensive caselaw relating to the exclusion of aliens from the United States. And although the State suggests that it is somehow impermissible for the President to rely on § 1182(f) "to impose a *categorical* ban on admission" on the basis that '*some* members of a class *might* engage in misconduct" (Response 23), the statute's sweeping grant of authority to suspend the entry "of any class of aliens," "for such period as [the President] shall deem necessary," whenever the President finds that it would be "detrimental to the

interests of the United States," clearly authorizes a categorical suspension to prevent a risk to the Nation.

b. Rather than acknowledge the established law precluding judicial review of the denial or revocation of a visa to an alien, the State asserts that the Order violates the constitutional rights of lawful permanent residents. Response at 10, 15 & n.3, 16. But as defendants have explained, and the White House Counsel's Memorandum clarifies, Exhibit D, the Executive Order simply does not apply to lawful permanent residents.

The Order applies only to aliens who lack lawful permanent resident status, most of whom are aliens outside the United States who have not been admitted to this country. Under *Kleindiest v. Mandel*, 408 U.S. 753 (1972), the President's legitimate and rational explanation for the suspension of visas to those aliens is sufficient to establish its constitutionality. *See also Loughalam*, Order 18-19. The State's due process and equal protection arguments thus fail.

Washington invokes Justice Kennedy's opinion in *Kerry v. Din*, 135 S. Ct. 2128 (2015), for the proposition that courts should "look behind the stated motives for exclusion" of a non-resident alien. But Justice Kennedy's decision endorses the "reasoning and the holding in *Mandel*," recognizing "the congressional power to make rules for the exclusion of aliens, and the ensuing power to delegate authority to the Attorney General to exercise substantial discretion in that field."

Id. at 2141. The State claims that it has made a sufficiently particularized showing of bad faith to "look behind the stated motives for exclusion" in the Order, Response 10, but its allegations are not meaningfully different from the allegations in. *Mandel* that the visa denial was because of the alien's advocacy of revolutionary Marxism and world communism, rather than his failure to comply with the terms of prior visas. 408 U.S. at 756. And in both cases, the denial of visas was being reviewed at the behest of U.S. citizens who claimed to have a constitutionally protected interest in the grant of a visa. The State, in contrast, has no such constitutional rights to invoke with respect to the denial of a visa to a resident or non-resident alien.[2]

c. Washington also argues that "courts routinely review executive decisions with far greater security implications than this Order." In those cases, however, the Court was reviewing government actions against individuals who had rights under the U.S. Constitution and/or federal statutes. *See, e.g., Hamdi v. Rumsfeld*, 542 U.S. 507, 535 (2004) (plurality op.) (reviewing the indefinite detention of a U.S. citizen, which was alleged to violate 18 U.S.C. § 4001(a) and the Due Process Clause); *Boumediene v. Bush*, 553 U.S. 723 (2008) (reviewing the detention of

[2] The States' procedural due process argument also fails because "notice and an opportunity to respond" is not required where, as here, the challenged rule reflects a categorical judgment. *Cf. Bi-Metallic Inv. Co. v. Colorado*, 239 U.S. 441, 445 (1915) ("[w]here a rule of conduct applies to more than a few people," individuals affected do not "have a constitutional right to be heard before a matter can be decided"); *see also Din*, 135 S. Ct. at 2144 (Breyer, J., dissenting).

aliens held to have constitutionally protected interest in habeas corpus review). Those cases do not override longstanding precedent that aliens outside the United States have no right or interest in their admission to the United States protected by the Due Process Clause, *Knauff v. Shaughnessy*, 338 U.S. 537, 543 (1950), and that any constitutional challenge by a United States resident to the denial of a visa is reviewed under the deferential standard set out in *Mandel*.

d. Washington continues to argue that the President's temporary suspension of the issuance of visas under Section 3(c) of the Order contravenes 8 U.S.C. § 1152(a)(1)(A). This statutory restriction does not apply to entry at all, and it is not properly understood to restrict § 1182(f)'s broad grant of discretionary authority, particularly as applied to direct a review and revision of procedures for processing visa applications and to temporarily suspend issuing visas pending completion of that review. *See* 8 U.S.C. § 1152(a)(1)(B). Furthermore, as a matter of statutory construction a court should, whenever possible, "interpret two seemingly inconsistent statutes to avoid a potential conflict," *California ex rel. Sacramento Metro. Air Quality Mgmt. Dist. v. United States*, 215 F.3d 1005, 1012 (9th Cir. 2000), and should interpret "the specific [to] govern[] the general." *RadLAX Gateway Hotel v. Amalgamated Bank*, 132 S. Ct. 2065, 2070-71 (2012). Here, the two statutory provisions are easily reconciled: § 1152(a)(1)(A) establishes a general default rule that applies in the absence of Presidential action,

while § 1182(f) governs the specific instance in which the President determines that entry of a "class of aliens" would be "detrimental to the interests of the United States." The placement of the anti-discrimination rule within § 1152 further indicates that the rule is not intended to curb the President's authority under § 1182(f). Had Congress intended to impose an overarching prohibition on nationality-based distinctions, it presumably would have enacted it as a general provision of the INA, rather than as a subpart of a subsection addressing the implementation of nationality-based numerical limitations for the issuance of immigrant visas.

e. The State's Establishment Clause claim is also without merit. As the district court properly held in *Louhghalam*, Order 13, the Executive Order is "neutral with respect to religion."

Washington relies on *Larson v. Valente*, 456 U.S. 228 (1982), but that holding is limited to cases where a government statute or practice "explicitly discriminates against a certain religious group." *Sep. of Church & State Comm. v. City of Eugene*, 95 F.3d 617, 623 (9th Cir. 1996). Laws that "give relief to a religious minority" "are in tune with the Bill of Rights," *Kong v. Scully*, 341 F.3d 1132, 1141 (9th Cir. 2003), and Section 5(b) of the Order applies equally to all religious minorities seeking refugee status "on the basis of religious-based persecution," not just admissions for nationals of the seven countries of concern.

As the district court recognized in *Louhghalam*, Section 5(b) "could be invoked to give preferred refugee status to a Muslim individual in a country that is predominantly Christian." Order 13. It does not impose any unconstitutional burden on the exercise of a particular faith.

6. Regardless of the district court's evaluation of the merits and the plaintiff's likelihood of success, the injunction entered by the district court is fatally.

Plaintiff plainly cannot show that the Order is invalid in all of its applications given that, at a minimum, unadmitted and nonresident aliens have no constitutional rights. *United States v. Verdugo-Urquidez*, 494 U.S. 259, 269 (1990). Accordingly, the district court should not have enjoined application of the Order with respect to any aliens outside the United States, nor provisions of the Order—including Section 5(a) and 5(c)—that apply only to aliens outside United States. The State contends (Opposition 9 n.2) that it need not show that the Order is unlawful in all of its applications because it is bringing an as-applied, rather than a facial, challenge because it challenges only portions of the Order. But the State sought and obtained relief consistent with a facial challenge, enjoining sections 3(c), and 5(a), (b), (c), (e) *in toto*, and nationwide rather than with respect to just limited applications of those provisions. *See, e.g., Center for Competitive Politics v. Harris*, 784 F.3d 1307, 1314 (9th Cir. 2015)). Had the Order been enjoined as

applied, the injunction would have been limited to application of Section 3(c) to the State (or, at most, to resident aliens in the State whose visa denials imposed concrete harm on the State).

Furthermore, plaintiffs conceded below that their challenge to Section 5(b) is not ripe for review. See Transcript 15 (section 5(b) claim "does not necessarily require immediate injunction"). The State has failed to justify any relief—let alone emergency injunctive relief—with respect to this provision.

CONCLUSION

For the foregoing reasons, defendants respectfully request that the Court enter a stay pending appeal of the district court's February 3, 2017, injunctive order.

Respectfully submitted,

NOEL J. FRANCISCO
/s/ Noel J. Francisco
Acting Solicitor General

CHAD A. READLER
Acting Assistant Attorney General
AUGUST E. FLENTJE
Special Counsel to the Assistant Attorney General
DOUGLAS N. LETTER
SHARON SWINGLE
H. THOMAS BYRON
LOWELL V. STURGILL JR.
CATHERINE DORSEY
Attorneys, Appellate Staff
Civil Division, Room 7241
U.S. Department of Justice
950 Pennsylvania Ave., NW

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2017, I filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. All participants in the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

s/ Lowell V. Sturgill Jr.
Lowell V. Sturgill Jr.

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Reply in Support of Emergency Motion for Stay Pending Appeal complies with the type-volume limitation of Fed. R. App. P. 27 because it contains words. This Motion complies with the typeface and the type style requirements of Fed. R. App. P. 27 because this brief has been prepared in a proportionally spaced typeface using Word 14-point Times New Roman typeface.

s/ Lowell V. Sturgill Jr.
Lowell V. Sturgill Jr.

Gillispie, Anna E

From: Groom, Molly M
Sent: Monday, February 06, 2017 8:40 AM
To: Symons, Craig M
Subject: RE: The 2 issues re individuals inside US

Yes, DOS would issue a new one. So I agree we need to DOS to speak to that piece. Waiver discussion continues. Will update you.

From: Symons, Craig M
Sent: Monday, February 06, 2017 8:48 AM
To: Groom, Molly M
Subject: RE: The 2 issues re individuals inside US

(b)(5)

Much improved. A suggestion: [redacted]

From: Groom, Molly M
Sent: Monday, February 06, 2017 12:57:40 AM
To: Symons, Craig M
Subject: RE: The 2 issues re individuals inside US

And here are the edits we recommended.

From: Groom, Molly M
Sent: Sunday, February 05, 2017 11:39 PM
To: Symons, Craig M
Subject: RE: The 2 issues re individuals inside US

Let's touch base tomorrow. That's probably best.

From: Symons, Craig M
Sent: Sunday, February 05, 2017 11:36 PM
To: Groom, Molly M
Subject: RE: The 2 issues re individuals inside US

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Thanks Molly. I'm a little confused by the attached statement. [redacted]

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Gillispie, Anna E

From: Symons, Craig M
Sent: Saturday, February 04, 2017 9:21 PM
To: Symons, Craig M
Subject: FW: ADDS/CMTS/EDITS BY 6:00 PM TODAY (SAT. 02/04) RE: DRAFT Declaration for State of Washington/EO Case

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From: Symons, Craig M
Sent: Saturday, February 04, 2017 10:18:58 PM
To: Hamilton, Gene
Subject: RE: ADDS/CMTS/EDITS BY 6:00 PM TODAY (SAT. 02/04) RE: DRAFT Declaration for State of Washington/EO Case

(b)(5)

One more thought -

http://travel.state.gov/content/visas/english/fees/presidential-proclamations.html

Have a good evening,
Craig

From: Hamilton, Gene
Sent: Saturday, February 04, 2017 9:37:42 PM
To: Symons, Craig M
Subject: RE: ADDS/CMTS/EDITS BY 6:00 PM TODAY (SAT. 02/04) RE: DRAFT Declaration for State of Washington/EO Case

Thanks, Craig!

From: Symons, Craig M
Sent: Saturday, February 4, 2017 9:04 PM
To: Hamilton, Gene <gene.hamilton@hq.dhs.gov>
Subject: FW: ADDS/CMTS/EDITS BY 6:00 PM TODAY (SAT. 02/04) RE: DRAFT Declaration for State of Washington/EO Case

Hi Gene,

(b)(5)

FYI... I heard DHS edits already went to DOJ and that we're already over our word limit. But I think the

- Craig

From: Symons, Craig M
Sent: Saturday, February 04, 2017 8:32:26 PM
To: Groom, Molly M
Cc: Miller, Caitlin E; Busch, Philip B; Kelliher, Brian; Baroukh, Nader; Noferi, Mark; Levy, Jason
Subject: RE: ADDS/CMTS/EDITS BY 6:00 PM TODAY (SAT. 02/04) RE: DRAFT Declaration for State of Washington/EO Case

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Ok. Good. It just seemed to me that [redacted] Thanks again.

- Craig

From: Groom, Molly M
Sent: Saturday, February 04, 2017 8:26:43 PM
To: Symons, Craig M
Cc: Miller, Caitlin E; Busch, Philip B
Subject: RE: ADDS/CMTS/EDITS BY 6:00 PM TODAY (SAT. 02/04) RE: DRAFT Declaration for State of Washington/EO Case

We did talk about [redacted] Thanks so much for raising it.

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From: Symons, Craig M
Sent: Saturday, February 04, 2017 8:21:32 PM
To: Groom, Molly M
Cc: Miller, Caitlin E; Busch, Philip B
Subject: RE: ADDS/CMTS/EDITS BY 6:00 PM TODAY (SAT. 02/04) RE: DRAFT Declaration for State of Washington/EO Case

Hi Molly,

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[redacted]

I couldn't see your comment boxes on this device. [redacted]

Thanks for all of your work on this.

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Gillispie, Anna E

From: Groom, Molly M
Sent: Saturday, February 04, 2017 7:37 PM
To: Symons, Craig M; Cox, Reid
Cc: Miller, Caitlin E; Busch, Philip B; Kelliher, Brian; Baroukh, Nader; Noferi, Mark; Levy, Jason
Subject: RE: ADDS/CMTS/EDITS BY 6:00 PM TODAY (SAT. 02/04) RE: DRAFT Declaration for State of Washington/EO Case

Adding Reid at OGC who I believe is incorporating comments.

If it doesn't make it in tonight, I think it will be even more important when we get deeper into this issue.

From: Symons, Craig M
Sent: Saturday, February 04, 2017 8:25:40 PM
To: Groom, Molly M
Cc: Miller, Caitlin E; Busch, Philip B; Kelliher, Brian; Baroukh, Nader; Noferi, Mark; Levy, Jason
Subject: RE: ADDS/CMTS/EDITS BY 6:00 PM TODAY (SAT. 02/04) RE: DRAFT Declaration for State of Washington/EO Case

Adding OGC...

From: Symons, Craig M
Sent: Saturday, February 04, 2017 8:21:32 PM
To: Groom, Molly M
Cc: Miller, Caitlin E; Busch, Philip B
Subject: RE: ADDS/CMTS/EDITS BY 6:00 PM TODAY (SAT. 02/04) RE: DRAFT Declaration for State of Washington/EO Case

Hi Molly, (b)(5)

[redacted]

I couldn't see your comment boxes on this device. [redacted]

Thanks for all of your work on this.

- Craig

From: Miller, Caitlin E
Sent: Saturday, February 04, 2017 7:08:16 PM
To: Symons, Craig M
Cc: Groom, Molly M
Subject: RE: ADDS/CMTS/EDITS BY 6:00 PM TODAY (SAT. 02/04) RE: DRAFT Declaration for State of Washington/EO Case

Hi Craig,

Attached are our comments on the stay brief.

Best,

Caitlin Miller (formerly Shay)
Associate Counsel, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Ave., NW, Suite 3100
Mail Stop 2121
Washington, DC 20529-2121
[redacted] (b)(6)

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From: Miller, Caitlin E
Sent: Saturday, February 04, 2017 6:14 PM
To: Symons, Craig M
Cc: Groom, Molly M
Subject: FW: ADDS/CMTS/EDITS BY 6:00 PM TODAY (SAT. 02/04) RE: DRAFT Declaration for State of Washington/EO Case

Hello Craig,

Molly asked that I include you in our emails providing comments on drafts of briefs/declarations for the Washington appeal. I inadvertently left you off of the email, but our comments on a declaration are attached. We are reviewing the stay brief now, with a 7pm deadline. I will include you on our response!

Best,

Caitlin Miller (formerly Shay)
Associate Counsel, Litigation and National Security Coordination Division

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IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STATE OF WASHINGTON, et al.,
Plaintiffs-Appellees,

v.

DONALD TRUMP, President of the United States, et al.
Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

EMERGENCY MOTION
UNDER CIRCUIT RULE 27-3 FOR ADMINISTRATIVE STAY
AND MOTION FOR STAY PENDING APPEAL

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CIRCUIT RULE 27-3 CERTIFICATE

The undersigned counsel certifies that the following is the information required by Circuit Rule 27-3:

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(2) Facts showing the existence and nature of the emergency

As set forth more fully in the motion, the district court has entered a nationwide injunction barring enforcement of provisions of an Executive Order issued pursuant to constitutional and statutory authority to address national security concerns, which is imposing irreparable harm on the defendants and the general public. The injunction contravenes the constitutional separation of powers; harms the public by thwarting enforcement of an Executive Order issued by the nation's elected representative; and second-guesses the President's expert national security judgment about the quantum of risk posed by the admission of certain classes of aliens and the best means of minimizing that risk.

(3) When and how counsel notified

The undersigned counsel notified counsel for the plaintiffs by email on February 4, 2017, of the defendants' intent to file this motion. Service will be effected by electronic service through the CM/ECF system.

INTRODUCTION

The President of the United States has made a complex national security judgment that "[d]eteriorating 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," and that our nation accordingly must take steps "to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism." Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States (Jan. 27, 2017) (Executive Order) (Exhibit A).

Under his constitutional authority to control the admission of aliens into this country, and his congressionally delegated authority under 8 U.S.C. § 1182(f) to "suspend the entry of * * * any class of aliens" whose entry "would be detrimental to the interests of the United States," the President has directed a 90-day suspension of entry for individuals from seven countries previously identified as posing a heightened risk; a 120-day suspension of the U.S. Refugee Admissions Program; and an indefinite suspension of entry of Syrian nationals as refugees until the President determines that sufficient changes to the refugee program have been made "to ensure that admission of Syrian refugees is consistent with the national interest." Exec. Order §§ 3(c), (5)(a), (c). That Order is a lawful exercise of the

political branches' plenary control over the admission of aliens into the United States.

The district court nevertheless issued an immediate, nationwide injunction barring the enforcement of those and additional provisions of the Executive Order.

A stay of this injunction is warranted pending appeal. The injunction raises legal questions of the highest magnitude, and the government is likely to succeed on appeal. The injunction conflicts with the basic principle that the decision whether to admit an alien into the United States rests exclusively with the federal political branches. *See Landon v. Plasencia*, 459 U.S. 21, 32 (1982) ("[A]n alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative."). It also contravenes the considered judgment of Congress that the President should have the unreviewable authority to suspend the admission of any class of aliens. The district court's decision gave virtually no explanation why the State of Washington has a high likelihood of success on the merits of its claims. And it entered the injunction at the behest of the State of Washington, which is not subject to the Executive Order, has not shown that it is injured by the Order, and brings a facial challenge. The scope of the injunction is also overbroad.

The balance of harms here weighs strongly in favor of a stay pending appeal, as well as an immediate administrative stay pending consideration of the request for a full stay pending appeal. The injunction immediately harms the public by second-guessing and thwarting enforcement of an Executive Order issued by the President, based on his national security judgment about the quantum of risk posed by the admission of certain classes of aliens. As the President acted in accordance with both statutory and constitutional authorization, the relief irreparably harms our system of government by contravening constitutional separation of powers principles. The State, by comparison, has identified only modest, speculative harms it would suffer from enforcement of the Executive Order, which could in any event be minimized by expediting appeal.

BACKGROUND

A. The Immigration and Nationality Act

In the Immigration and Nationality Act of 1952 ("INA"), 8 U.S.C. §§ 1101 *et seq.*, as amended, Congress established the legal framework for deciding which aliens may enter and remain in the United States. Congress expressly granted the President broad discretionary authority, whenever he "finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States," to "suspend the entry of all aliens or any class of

aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate * * *." 8 U.S.C. § 1182(f).

Every President over the last thirty years has invoked this authority,[1] including to restrict certain classes of aliens based on nationality. President Reagan suspended entry of certain Cuban nationals as immigrants into the United States. *See* 1986 WL 796773 (Aug. 22, 1986). President Clinton largely suspended entry of Sudanese officials of Sudan, a country also addressed in the current Executive Order. *See* 1996 WL 33673860 (Nov. 22, 1996).

Congress likewise has drawn distinctions based on nationality in the immigration laws. In 2015, Congress excluded nationals of Iraq and Syria from a program permitting entry into the United States as a nonimmigrant without a visa (*i.e.*, an alien admitted on a temporary basis). Pub. L. No. 114-113, 129 Stat. 2242, 2990 (2015) (codified at 8 U.S.C. § 1187(a)(12)). Congress also created a process by which the Executive Branch could designate additional "Countries or areas of concern," for exclusion of a country's nationals. *See id.* § 1187(a)(12)(D). As of February 2016, the Executive Branch had extended that exclusion to nationals of Iran, Sudan, Libya, Somalia, and Yemen, in an effort to ensure that

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[1] *See, e.g.*, Presidential Proclamation 5517 (President Reagan); Exec. Order No. 12,324 (President Reagan); Exec. Order No. 12,807 (President George H.W. Bush); Presidential Proclamation 6958 (President Clinton); Presidential Proclamation 8342 (President George W. Bush); Presidential Proclamation 8693 (President Obama); Exec. Order No. 13,694 (President Obama); Exec. Order No. 13,726 (President Obama).

the visa waiver program's "requirements are commensurate with the growing threat from foreign terrorist fighters." *See* https://www.dhs.gov/news/2016/02/18/dhs-announces-further-travel-restrictions-visa-waiver-program. Significantly, the seven countries excluded from the visa waiver program are the same countries covered by Section 3(c) of the Executive Order.

B. Presidential Authority over Foreign Affairs and National Security

In addition to his statutory authority to deny entry to certain classes of aliens, the President has broad constitutional authority in this area. *See* U.S. Const., art. II, § 2 ("Commander in Chief" power, and authority to "make treaties" and "appoint ambassadors"), § 3 (power to "receive ambassadors"). Article II confers upon the President expansive authority over foreign affairs, national security, and immigration. *See, e.g., Knauff v. Shaughnessy*, 338 U.S. 537, 542 (1950) ("The exclusion of aliens is a fundamental act of sovereignty * * * inherent in the executive power to control the foreign affairs of the nation.").

C. The President's Executive Order

Invoking these constitutional and statutory authorities, the President issued an Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States." (Exhibit A). The Order is intended "to protect the American

people from terrorist attacks by foreign nationals admitted to the United States." Executive Order § 2.

The Order directs a number of actions in the interests of national security. *See id.* §§ 2-11. The Secretary of Homeland Security is directed to conduct an immediate review to identify the "information needed from any country * * * to determine that [an] individual seeking [an immigration-related] benefit is who the individual claims to be and is not a security or public-safety threat." *Id.* § 3(a). The Order also directs a process for requesting necessary information from foreign governments that do not supply such information, and consequences for countries not providing it. *See id.* § 3(d)-(f).

While that review is ongoing, the Executive Order suspends entry for 90 days of aliens from the seven countries identified in 8 U.S.C. § 1187(a)(12). *Id.* § 3(c). Exceptions may be made on a case-by-case basis. *Id.* § 3(g). The suspension of entry does ***not*** apply to lawful permanent residents of the United States (*i.e.*, an immigrant admitted with the privilege of residing permanently in the United States, 8 U.S.C. § 1101(a)(2)). *See* Feb. 1, 2017 Memorandum (Exhibit B).

The Executive Order also suspends the U.S. refugee program for 120 days to permit a review of the "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."

Executive Order § 5(a). Once the refugee program is resumed, the Secretary of State is 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." *Id.* § 5(b). The Order permits the entry of individual refugees on a case-by-case basis during suspension of the program. *Id.* § 5(e).

Finally, the Executive Order suspends entry of nationals of Syria as refugees even after resumption of the refugee program, predicated upon the President's finding pursuant to 8 U.S.C. § 1182(f) that such entry "is detrimental to the interests of the United States." *Id.* § 5(c). Such suspension will continue until the President determines that sufficient changes have been made to the refugee program "that admission of Syrian refugees is consistent with the national interest." *Id.*

D. Procedural History

The State of Washington brought this action on January 30, 2017, asserting a constitutional and statutory claims against the United States, the President, the Secretary of Homeland Security, and the Secretary of State. Complaint (Exhibit C). On the same day, Washington moved for a temporary restraining order. R3. Washington subsequently amended its complaint to add the State of Minnesota as a plaintiff. See R8, 17.

Defendants opposed Washington's motion. R50. Thereafter, at the February 3, 2017 hearing, the district court orally issued a nationwide injunction, to take effect immediately, barring enforcement of sections 3(c), 5(a)-(c), and 5(e) of the Executive Order. See Transcript _ (Exhibit C). The court also denied defendants' motion to stay its order. See *id.* _.

The district court subsequently issued a written order enjoining defendants from enforcing Sections 3(c), 5(a), and 5(c) of the Executive Order, and enjoining any prioritization of refugee claims of certain religious minorities pursuant to Sections 5(b) and 5(e). See R52 (Exhibit D). The injunction is "granted on a nationwide basis," and prohibits enforcement of the specified sections "at all United States borders and ports of entry pending further orders from this court." R52, pp. 5-6.

ARGUMENT

An immediate stay pending appeal is appropriate in this case because the Government can make (1) a strong showing of likelihood of success on appeal; (2) a likelihood that it will be irreparably harmed absent a stay; (3) a diminished prospect that petitioners will be substantially harmed if the court grants a stay; and (4) a public interest in granting a stay. *See Hilton v. Braunskill*, 481 U.S. 770, 776 (1987).

This Court has jurisdiction over the appeal under 28 U.S.C. § 1292(a)(1). Although temporary restraining orders are ordinarily not appealable, this Court has jurisdiction over appeals from "interlocutory orders of the district courts pertaining to injunctions"; "the essence of the order, not its moniker," determines appealability. *Service Employees* v. *Nat'l Union of Healthcare*, 598 F.3d 1061, 1067 (9th Cir. 2010). Where, as here, the "district court holds an adversary hearing and the basis for the court's order was strongly challenged," and the length of the injunction (in this case, indefinite) "exceeds the ordinary duration" of temporary restraining orders, classification of the order as a TRO is "unlikely" and the order is instead properly treated as an appealable injunctive order. *Id.*

A. The Government Is Likely to Succeed on Appeal.

In entering an injunctive order, the district court reasoned that the State of Washington was likely to succeed on the merits of their claims.[2] That conclusion, however, ignores the serious questions as to the State's standing to bring suit and the merits of its claims.

1. The State Lacks Article III Standing to Bring this Action.

Like any party, a State must establish standing, which requires showing "an invasion of a legally protected interest" that is "concrete and particularized" and

[2] Because the State of Minnesota, which was added as a plaintiff in the amended complaint, did not move for interim injunctive relief, we address only the standing of the Washington.

"actual or imminent, not 'conjectural' or 'hypothetical.'" *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560-61 (1992).

The district court reasoned that the Executive Order "adversely affects the States' residents in areas of employment, education, business, family relations, and freedom to travel," and that these harms "extend to the States by virtue of their roles as *parens patriae* of the residents living within their borders." R52, at 4-5. But the Supreme Court long ago established that a state cannot bring a *parens patriae* action against federal defendants. *See Massachusetts v. Mellon*, 262 U.S. 447, 485-86 (1923). In dismissing Massachusetts' challenge to a federal statute designed to "protect the health of mothers and infants," the Court explained that "it is no part of [a state's] duty or power to enforce [its citizens'] rights in respect of their relations with the federal government." *Id.* at 485-86; accord *South Caroline v. Katzenbach*, 383 U.S. 301, 324 (1966).

The district court here also reasoned that "the States themselves are harmed by virtue of the damage that implementation of the Executive Order has inflicted upon the operations and missions of their public universities and other institutions of higher learning, as well as injury to the States' operations, tax bases, and public funds." R52, p.5. These alleged harms are neither concrete nor particularized.

With respect to Washington's public universities, most if not all of the students and faculty members the State identifies are not prohibited from entering

the United States, and others' alleged difficulties are hypothetical or speculative.[3] That is particularly true given the waiver authority granted by the Executive Order in cases in which issuance of a visa or other immigration benefit would be in the national interest. *See* Executive Order §§ 3(g), 5(e). Furthermore, any assertion of harm to the universities' reputations and ability to attract students is insufficiently concrete to show standing. *See Whitmore v. Arkansas*, 495 U.S. 149, 155 (1990). And although Washington suggested that the Executive Order might affect its recruitment efforts and child welfare system, it conceded that it could not identify any currently affected state employees, nor any actual impact on its child welfare system. *See* Schumacher Decl. ¶ 7, ECF No. 17-5; Strus Decl., ECF No. 17-6. Speculation does not establish injury in fact. *Whitmore*, 495 U.S. at 158.[4]

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Washington's contentions regarding its tax base and public funds are equally flawed, particularly given the lack of any direct link between the State's status as a tax collector and the challenged Executive action. *See Florida v. Mellon*, 273 U.S.

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[3] *See, e.g.*, Second Riedinger Decl. ¶¶ 3-7, ECF No. 17-2 (allegations about lawful permanent residents, who are not impacted by the Executive Order); Boesenberg Decl. ¶ 6, ECF No. 17-3 (same); Second Riedinger Decl. ¶ 8 (asserting that certain countries may "ban * * * U.S. travelers" in response to the Executive Order); Second Chaudhry Decl. ¶ 8, ECF No. 17-4 (alleging one faculty member may not be able to return to the university at a future date).

[4] Washington cited no case recognizing the standing of a State to bring an Establishment Clause challenge, and it is not clear how a State can suffer "spiritual or psychological harm" or have "religious beliefs" that can be "stigmatized." *Catholic League for Religious & Civil Rights v. City & Cty. of San Francisco*, 624 F.3d 1043, 1051-52 (9th Cir. 2010).

at 17-18 (finding no standing based on Florida's allegation that challenged law would diminish tax base by inducing citizens to remove property from the state); *Iowa ex rel. Miller v. Block*, 771 F.2d 347, 353 (8th Cir. 1985) (state's assertion that challenged action would "forc[e] unemployment up and state tax revenues down" insufficient for standing).

2. The Order Is a Valid Exercise of the Executive's Constitutional Power and Authority Granted by Congress

The Executive Order was issued pursuant to Congress' broad delegation of authority to the President to "suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate." 8 U.S.C. § 1182(f). The express delegation from Congress, coupled with the President's own Article II powers over foreign affairs and national security, mean that the President's "authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate." *Zivotofsky ex rel. Zivotofsky v. Kerry*, 135 S. Ct. 2076, 2083-84 (2015).

In the immigration context specifically, "[t]he Supreme Court has 'long recognized the power to expel or exclude aliens as a fundamental sovereign attribute exercised by the Government's political departments largely immune from judicial control.'" *Cardenas v. United States*, 826 F.3d 1164, 1169 (9th Cir. 2016) (quoting *Fiallo v. Bell*, 430 U.S. 787, 792 (1977)). "When Congress

delegates this plenary power to the Executive, the Executive's decisions are likewise generally shielded from administrative or judicial review." *Cardenas*, 826 F.3d at 1169.[5]

The Order falls squarely within the express delegation in 8 U.S.C. § 1182(f) of "the extreme power to prevent the entry of any alien or groups of aliens into this country as well as the lesser power to grant entry to such person or persons with any restriction on their entry as he may deem to be appropriate." *Mow Sun Wong v. Campbell*, 626 F.2d 739, 744 n.9 (9th Cir. 1980); accord *Haitian Refugee Ctr., Inc. v. Baker*, 953 F.2d 1498, 1507 (11th Cir. 1992). As noted above (at pp. **pincite**), prior Presidents have repeatedly invoked this authority to suspend entry of certain classes of aliens, at least twice drawing distinctions based on nationality. In reviewing an Executive Order directing the interdiction and forcible repatriation of undocumented aliens outside the territorial waters of the United States, the Supreme Court found it "perfectly clear that 8 U.S.C. § 1182(f) * * * grants the President ample power to establish a naval blockade that would simply deny *illegal Haitian migrants* the ability to disembark on our shores." *Sale v. Haitian Ctrs.*

[5] As an example of Executive authority in this area, under the long-established doctrine of consular non-reviewability, a non-resident alien outside the United States has no right to judicial review of a consular officer's denial of a visa. *See Capistrano v. Dep't of State*, 267 F. App'x 593, 594 (9th Cir. 2008). Even a petitioning U.S. citizen has no legally protected interest with respect to an alien's separate visa application. *See Saavedra Bruno v. Albright*, 197 F.3d 1153, 1164 (D.C. Cir. 1999).

Council, Inc., 509 U.S. 155, 164 n.13, 187 (1993) (emphasis added). Courts have also repeatedly affirmed that "[d]istinctions on the basis of nationality may be drawn in the immigration field by the Congress or the Executive." *Narenji v. Civiletti*, 617 F.2d 745, 747 (D.C. Cir. 1979); *see also Jean v. Nelson*, 727 F.2d 957, 978 n.30 (11th Cir. 1984) (en banc), *aff'd*, 472 U.S. 846 (1985); *Rajah v. Mukasey*, 544 F.3d 427, 435 (2d Cir. 2008).

Washington argued in district court that the President's authority under § 1182(f) is limited by 8 U.S.C. § 1152(a)(1)(A), which provides, with certain exceptions, that "no person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of the person's race, sex, nationality, place of birth, or place of residence." But this restriction applies only to the "issuance of an immigrant visa"—meaning that it does not apply to nonimmigrant visas or to refugees (who generally do not enter the United States with a visa). In addition, § 1152(a)(1)(B) makes clear that the statute does not "limit the authority of the Secretary of State to determine the procedures for the processing of immigrant visa applications * * *." This reveals that the Executive Order, in part or in whole, is not covered by the restrictions of subsection (A), because it governs the procedures for suspending and then resuming the processing of certain visa applications. *See, e.g.*, Executive Order §§ 3(a), 5(a).

More fundamentally, § 1152(a)(1)(A) is not properly understood to constrain § 1182(f)'s broad grant of discretionary authority. As a matter of statutory construction a court should, whenever possible, "interpret two seemingly inconsistent statutes to avoid a potential conflict," *California ex rel. Sacramento Metro. Air Quality Mgmt. Dist. v. United States*, 215 F.3d 1005, 1012 (9th Cir. 2000), and should interpret "the specific [to] govern[] the general." *RadLAX Gateway Hotel v. Amalgamated Bank*, 132 S. Ct. 2065, 2070-71 (2012). Here, the two statutory provisions are easily reconciled: § 1152(a)(1)(A) establishes a general default rule that applies in the absence of Presidential action, while § 1182(f) governs the specific instance in which the President determines that entry of a "class of aliens" would be "detrimental to the interests of the United States." That reconciling construction is also consistent with the practice of prior Presidents of drawing nationality-based distinctions under § 1182(f), as well as the nationality-based distinctions drawn by Congress and the Executive in enacting and implementing § 1187(a)(12). Washington's interpretation, in contrast, would lead to the untenable result that the United States could not suspend entry of nationals of a country with which the United States is at war.[6]

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[6] The placement of the anti-discrimination rule within § 1152 further indicates that the rule is not intended to curb the President's authority under § 1182(f). Had Congress intended to impose an overarching prohibition on nationality-based distinctions, it presumably would have enacted it as a general provision of the INA, rather than as a subpart of a subsection addressing the

3. The District Court Improperly Second-Guessed the Executive's National Security Determinations Underlying the Executive Order

By its plain terms, 8 U.S.C. § 1182(f) vests complete discretion in the President to determine whether "the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States," for the period "as he shall deem necessary," and to impose such conditions of entry as "he may deem appropriate." The President's exercise of this discretion "is not limited to circumstances defined in the statute," and "the statute provides no discernable standards" for reviewing his determination. *Haitian Refugee Ctr., Inc. v. Baker*, 789 F. Supp. 1552, 1575-76 (S.D. Fla. 1991); *see also Webster v. Doe*, 486 U.S. 592, 594, 600-01 (1988) (holding that similar statutory language vested the Director of Central Intelligence with complete discretion over employee discharges, and thus judicial review was precluded).

Furthermore, judicial review of the President's determination that suspension of entry of certain classes of aliens was necessary at this moment to protect national security would implicate the federal political branches' plenary constitutional authority over foreign affairs, national security, and immigration. *See, e.g., Harisiades v. Shaughnessy*, 342 U.S. 580, 588-89 (1952) ("[A]ny policy toward aliens is vitally and intricately interwoven with contemporaneous policies

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implementation of nationality-based numerical limitations for the issuance of immigrant visas.

in regard to the conduct of foreign relations, the war power, and the maintenance of a republican form of government."). "[I]t is not within the province of any court, unless expressly authorized by law, to review the determination of the political branch of the Government to exclude a given alien." *Knauff*, 338 U.S. at 543; *see also INS v. Aguirre-Aguirre*, 526 U.S. 415, 425 (1999) ("[J]udicial deference to the Executive Branch is especially appropriate in the immigration context where officials 'exercise especially sensitive political functions that implicate questions of foreign relations.'").

The Constitution vests the Executive with the duty of protecting our Nation's security, and Congress has specifically empowered the President to suspend the entry of categories of aliens if he finds that their entry would be detrimental to the national interest. There is accordingly no basis for the Judiciary to second-guess the President's determinations in that regard. *See Al Haramain Islamic Found., Inc. v. Dep't of Treasury*, 686 F.3d 965, 980 (9th Cir. 2012) (judiciary "owe[s] unique deference to the executive branch's determination that we face 'an unusual and extraordinary threat to the national security' of the United States" (quoting an Executive Order)).

Washington argued that the district court should disregard the President's stated rationale for issuing the Executive Order because it was prompted by religious animus toward Islam. That argument is inconsistent with *Kleindienst v.*

Mandel, 408 US. 753 (1972), which held that, "when the Executive exercises" immigration authority "on the basis of a facially legitimate and bona fide reason, the courts will [not] look behind the exercise of that discretion[.]" *Id.* at 770. Here, the Executive Order undeniably states a facially legitimate and bona fide reason—ensuring "the "proper review and maximum utilization of available resources for the screening of foreign nationals" and "that adequate standards are established to prevent infiltration by foreign terrorists." Executive Order, § 3(c); *cf. Kerry v. Din*, 135 S. Ct. 2128, 2140 (2015) (Kennedy, J., concurring) (noting that *Mandel*'s "reasoning has particular force in the area of national security"). The Order thus "provides a 'reasonably conceivable state of facts [which concerns national security] and that could provide a rational basis for the classification." *Louhghalam v. Trump*, Civ. No. 17-10154-NMG, Order, at 11 (D. Mass. Fe. 3, 2017). The judicial inquiry envisioned by the States would create substantial separation-of-powers problems, by permitting probing of the President's subjective motive in issuing the Order. *Cf. United States v. O'Brien*, 391 U.S. 367, 383-84 (1968) (inquiry into the subjective motives of members of Congress is a "hazardous matter").

4. The State's Constitutional Challenges Are Without Merit

Washington raises equal protection and procedural due process challenges under the Fifth Amendment, but "[t]he word 'person' in the context of the Due

Process Clause of the Fifth Amendment cannot * * * be expanded to encompass the States of the Union." *Katzenbach*, 383 U.S. at 323-24; *see also Premo v. Martin*, 119 F.3d 764, 771 (9th Cir. 1997). Nor can Washington invoke the Fifth Amendment rights of its citizens against the federal government. *See Katzenbach*, 383 U.S. at 324.

Furthermore, the majority of individuals who are affected by the Executive Order are non-resident aliens outside the United States, who have no constitutional rights relating to their entry into the United States. *See Kleindienst v. Mandel*, 408 U.S. 753, 762 (1972) (deeming it "clear" that "an unadmitted and nonresident alien" "had no constitutional right of entry to this country as a nonimmigrant or otherwise."); *Plasencia*, 459 U.S. at 32. This is fatal to Washington's facial challenges, which require it to show that there is no constitutionally valid application of the Executive Order.

Washington argued in district court that Section 5(b) of the Order violates the Establishment Clause by "giv[ing] preference to Christian refugees while disadvantaging Muslim refugees." TRO Mot. at 7. That is wrong. Section 5(b) provides an accommodation for refugees from each country that participates in the refugee program, not just those specified in sections 3(a) & (c). As a result, section 5(b) does not "tilt the scales in favor of Christian refugees at the expense of Muslims," TRO Mot. at 12, but rather is neutral with respect to religion. See

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Louhghalam, Civ. No. 17-10154-NMG, Order, at 13 (Section 5(b) does not favor Christians over Muslims in violation of the Establishment Clause because it "could be invoked to give preferred refugee status to a Muslim individual in a country that is predominantly Christian"). Nor is Washington's Establishment Clause challenge to Section 5(b) ripe for review, since that section does not take effect for at least 120 days (*i.e.*, "Upon the resumption of USRAP admissions").

5. The District Court Improperly Issued a Nationwide Injunction.

The district court also erred by prohibiting enforcement of the Executive Order provisions at issue "on a nationwide basis." R52, p. 5. An injunction should extend no further "than necessary to provide complete relief to plaintiffs." *Madsen v. Women's Health Ctr., Inc.*, 512 U.S. 753, 765 (1994) (quoting *Califano v. Yamasaki*, 442 U.S. 682, 702 (1979); *see also Lewis v. Casey*, 518 U.S. 343, 358 (1996). The district court's order violates this rule by extending beyond the two state plaintiffs in this case, and to all jurisdictions nationwide, including the District of Massachusetts, which has just upheld the Executive Order against constitutional challenges similar to those presented here, *Louhghalam*, Civ. No. 17-10154-NMG, Order, at 18-19. "Courts ordinarily should not award injunctive relief that would cause substantial interference with another court's sovereignty." *United States v. AMC Ent., Inc.*, 549 F.3d 760, 770 (9th Cir. 2008).

B. The Balance of Harms Weighs Strongly in Favor of a Stay.

The balance of harms also favors a stay of the district court's injunction pending this Court's expedited consideration of the government's appeal.

First, the district court's injunctive order imposes irreparable harm on the government by barring enforcement of the Executive Order in a manner that intrudes heavily on the constitutional separation of powers. Judicial intrusion on the political branches' exclusive authority over the admission of aliens, by violating the separation of powers, in itself constitutes irreparable injury. *See, e.g.*, *Adams*, 570 F.2d at 954 (vacating preliminary injunction that directed action by the Secretary of State in foreign affairs, which "deeply intrude[d] into the core concerns of the executive branch"). Stays have repeatedly been granted in similar contexts to prevent a significant breach of inter-branch comity. *See, e.g., INS v. Legalization Assistance Project*, 510 U.S. 1301, 1306 (1993) (O'Connor, J., in chambers) (staying district court injunction interfering with the government's execution of immigration statute, noting that injunction was "an improper intrusion by a federal court into the workings of a coordinate branch of the Government"); *Schweiker v. McClure*, 452 U.S. 1301, 1302-03 (1981) (Rehnquist, J., in chambers); *Committee on Judiciary of U.S. House of Representatives v. Miers*, 542 F.3d 909, 911 (D.C. Cir. 2008).

Second, the district court's order contravenes the considered national security judgment of the President that the admission of certain classes of aliens at

this time to the United States, under the existing screening and visa-issuance procedures, poses an unacceptable risk to the safety of the nation. "'[N]o governmental interest is more compelling than the security of the Nation.'" *Jifry v. FAA*, 370 F.3d 1174, 1183 (D.C. Cir. 2004) (quoting *Haig v. Agee*, 453 U.S. 280, 307 (1981)). "[T]he Government's interest in combating terrorism is an urgent objective of the highest order." *Holder v. Humanitarian Law Project*, 130 S. Ct. 2705, 2724 (2010). "It is rarely appropriate for courts to intervene in matters closely related to national security." *Merida Delgado v. Gonzales*, 428 F.3d 916, 920 (10th Cir. 2005) (citing *Haig v. Agee*, 453 U.S. 280, 292 (1981)).

This is particularly true as to predictive judgments about the potential national security threat posed by a class of aliens and the level of risk to accept. A reviewing court would not be well-equipped to ascertain the quantum of risk, or a reasonable margin of error in assessing risk. *Cf. Oryszak v. Sullivan*, 576 F.3d at 525-26 ("'*Egan* teaches plainly that review of the breadth of [the margin of error acceptable in assessing the security risk posed by an individual] is outside the authority of a nonexpert body.'" (quoting *Krc*, 905 F.2d at 395) (alternation in original)); *Kaplan v. Conyers*, 733 F.3d 1148, 1166 (Fed. Cir. 2012) (en banc) (holding that courts cannot review Department of Defense's determination regarding an employee's eligibility to occupy a sensitive position that implicates national security). Judicial second-guessing of the President's national security

suffers is sufficient to tilt the balance. Furthermore, the federal government's appeal could be significantly expedited in order to minimize any prejudice to the State.

Given the substantial harms posed by the district court's order, the defendants also respectfully request that this Court enter an immediate administrative stay pending consideration of the merits of this motion. If the Court declines to enter an administrative stay, however, the defendants request that the Court order expedited briefing of this motion.

CONCLUSION

For the foregoing reasons, the defendants respectfully request that the Court enter an immediate administrative stay pending consideration of this motion. If the Court declines to enter an immediate administrative stay, the defendants request that the Court order expedited briefing of the motion. The defendants also request that the Court enter a stay pending appeal of the district court's February 3, 2017, injunctive order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on XXXXXX, I filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. All participants in the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

s/ Lowell V. Sturgill Jr.
Lowell V. Sturgill Jr.

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Attachment C

Attachment D
Order Denying Defendants' Motion to Stay (XXXX)

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ATTORENY CLIENT PRIVILEGED
ATTORNEY WORK PRODUCT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON, *et al.*,

Plaintiffs,

vs.

DONALD TRUMP, *et al.*,

Defendants

No. 2:17-cv-00141 (JLR)

DECLARATION OF DAVID J. GLAWE

I, David J. Glawe, pursuant to 28 U.S.C. § 1746, and based upon my personal knowledge and information made known to me from official records reasonably relied upon by me in the course of my employment, hereby declare as follows relating to the above-titled matter.

1. I am the **[official title]**. Prior to acting in this position, I was the Assistant Commissioner, Office of Intelligence and Investigative Liaison, U.S. Customs and Border Protection. Prior to joining the Department of Homeland Security, I served as a Senior National Intelligence Service Officer in the Office of the Director of National Intelligence, responsible for overseeing and integrating all aspects of the U.S. Intelligence Community's collection and analytic efforts regarding threat finance and transnational organized crime. I was a Senior Agent of the Federal Bureau of Investigation for **[time period]**. I have been a law enforcement officer for twenty-two years. I have an expertise in targeting the illicit movement of money involving counterintelligence, counter-proliferation, and terrorist and criminal networks worldwide.

2. **[CURRENT ROLE DESCRIPTION]**. I am familiar with the security threats that the

United States faces overseaes, at its borders, and within the country. I am also familiar with the efforts DHS has taken both with respect to the resources and strategic framework in place to respond to these threats.

3. On January 27, 2017, the President issued Executive Order 13769 entitled, "*Protecting the Nation from Foreign Terrorist Entry into the United States*" (the Executive Order). The Executive Order putslaees specific travel restrictions in place to address particular areas of the world that pose a unique threat to the United States. Specifically, the Executive Order affects nationals of seven nations: Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen. The Executive Order builds upon recognition by both Congress and the previous Administration that these countries pose a unique threat to the United States, and travel from these countries requires additional scrutiny and vigilance. The Executive Order also places additional restrictions on worldwide refugee travel to the United States.

4. Consistent with the requirements of the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, the then-Secretary of Homeland Security, Jeh Johnson, certified to Congress that Yemen, Somalia, and Libya should join those countries specifically listed by Congress as countries where nationality or, travel to or from may represent a heightened threat to the United States.

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5. Preventing the entry into the United States of individuals who are from areas of particular concern is consistent with protecting the United States from the heightened threat of terrorism from nationals from areas of active conflict, including direct conflict with terrorist organizations.

Country Specific Threats

6. Each of the countries specified in the Executive Order for additional travel restrictions

poses a substantial risk to American security. —For instance, as explained below, Iraq, Syria, Libya, Somalia and Yemen are active conflict zones with extensive operational and organizational presence of ISIS, Al Qaeda and their affiliates. There is no meaningful governance structure in vast swaths of the territory of each of these countries. The governments of these countries each lack the structure which would allow them to meaningfully share information related to individuals seeking to travel to the United States, such as information regarding terrorism, or to substantially cooperated with the United States on effective counterterrorism efforts. This lapse is particularly critical given that the most effective way to combat the risk to the national security is to share information with partner governments about their nationals and the risk that they may pose.

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a. **Iraq.** The nation of Iraq is currently an active combat zone. The Iraqi army is engaged against ISIS forces present in Iraq. This is a fluid and evolving situation, for instance, as the Iraqi army seeks to regain full operational control within Mosul. At the same time, many Iraqi nationals have joined forces with ISIS. Iraq is politically unstable, and lacks a meaningful government presence in large portions of the country. It is unable to provide adequate cooperation to the United States in the advance review of any Iraqi nationals seeking to come to the United States ~~as a refugee or on~~ a non-immigrant or immigrant ~~visa~~. The increased pressure on ISIS may encourage ISIS fighters to flee the battlefield and attempt to enter the United States through the refugee program, or by obtaining non-immigrant or immigrant visas at U.S. diplomatic posts abroad.

b. **Iran.** Iran has been linked to sponsorship of various terrorist organizations, including Al Qaeda and remains designated as a state sponsor of terrorism. Iran has permitted Al

Qaeda to use its country as a facilitation hub, permitting funds and fighters to transit its borders. Iran has also contributed to broader instability in the region by providing a base for terrorist organizations, particularly Al Qaeda, to transport fighters to unstable situations in South Asia and Syria. Iran also does not cooperate with the United States or its allies in counterterrorism efforts and, critically, in the sharing of information about potential high-risk individuals.

c. **Libya.** Libya remains an active combat zone, and there is no effective governmental control over significant parts of its territory and currently lacks a permanent United States diplomatic post. Libyan commerce has been significantly affected by regular instability and political violence since its civil war in 2011. The threat has grown exponentially since 2012, when ISIS started to aggressively conduct operations in Tripoli. Weak intelligence and security services are ill-equipped to prevent ISIS's creation of a foothold in Libya and, as a result, in North Africa. Its law enforcement have lacked the capacity to detect, deter and respond to terrorist and other violent incidents. Security and law enforcement officials have been targeted in kidnappings and assassinations, further eroding the ability of that government to address threats on its own security. This power vacuum has created opportunities for terrorist groups to exploit the lack of central institutions within Libya. Given its instability, Libya cannot effectively cooperate with American counterterrorism efforts.

d. **Somalia.** Somalia's central government is in its infancy, as the first central government since 1991 formed in August 2012. However, it has not proved to be a stable government and the United States does not currently maintain a permanent diplomatic

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post in Somalia. The extremist group Al Shabaab has maintained its presence in Somalia for years, taking advantage of the weak institutions and porous borders. Al Shabaab's terrorist attacks are also growing in sophistication, moving from small arms and explosives to a mortar shelling at Kismayo International Airport and a smuggled IED aboard Daalo Airlines flight 159. And this sophistication has already been shown to be part of a competent external operations capability. For instance, the attacks on the Westgate Mall in Nairobi, Kenya and Garissa University, Kenya, were well-planned and well-executed, and involved sophisticated intelligence collection, surveillance and reconnaissance of the target. The United States has every indication that Al Shabaab, centered in Somalia, intends to continue, including through global outreach for individuals to join their efforts. Given the political instability, lack of governmental control, and presence of an increasingly sophisticated, focused, terrorist organization, individuals traveling from Somalia pose a unique potential risk to the United States. There is little question that at this moment, Somalia cannot cooperate with the United States in its counterterrorism efforts.

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e. **Sudan.** Sudan is a politically unstable country and is designated as a state sponsor of terrorism. The Sudanese government has been unwilling or unable to collaborate with the United States on its counterterrorism efforts, including information-sharing about high-risk individuals who may try to enter the United States ~~as a refugee or~~ on an immigrant or non-immigrant visa.

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f. **Syria.** Syrian forces are engaged in military and counterterrorism efforts against ISIS, placing pressure on its strongholds in Raqqa and throughout Northern Syria. If these

efforts are successful, ISIS fighters may attempt to flee the battlefield and attempt to enter the United States through its refugee program or by obtaining non-immigrant or immigrant visas at diplomatic posts abroad. Additionally, Syria is a politically unstable country, and its government lacks effective control of significant parts of Syrian physical territory. Indeed, the situation in Syria is unstable to the extent that the United States does not currently have a permanent diplomatic post within the country. Given this instability and the inability or unwillingness of Syrian authorities to cooperate fully with the United States in the advance review of individuals seeking to travel to the United States on an immigrant or non-immigrant visa, individuals arriving from Syria place a significant strain on American national security and travel screening resources.

g. **Yemen.** Like the other countries described above, Yemen also currently experiences political instability and lacks effective governmental control over significant portions of the country. Terrorist organizations, including Al-Qa'ida in the Arabian Peninsula (AQAP) and ISIS have exploited the political and security vacuum left by conflict between the Temini government and the Houthi-led opposition. Involvement by other countries, such as Iran, taken together with sectarian divides between Shia and Sunni have given a greater foothold for AQAP and ISIS in this area. Yemen's military and security forces have been degraded by current conflicts within the country, and it is also unable to cooperate with the United States in its counterterrorism efforts. The situation is so unstable that the United States currently does not have a permanent diplomatic post within Yemen. Most individuals who seek to travel to the United States must travel to Djibouti in order to obtain travel documents.

7. The seven countries identified above pose unique risks because they each include heightened numbers of individuals who are likely to be members of or exposed to terrorist or extremist groups. These seven countries also impose significant operational hurdles to the United States because they cannot or do not cooperate with American counterterrorism efforts. In short, these countries place some of the highest security strain on American national security resources, and they also present some of the most significant challenges to developing the operational awareness needed to safely and efficiently process legitimate travel into the United States. These challenges are a sharp contrast to other countries that may present a number of high-risk nationals but that provide extensive cooperation with the United States government to detect these individuals and separate them from legitimate travel.

Mission Improvements from Executive Order

8. The temporary restrictions on travel outlined in the Executive Order are essential to enable DHS to effectively serve its mission of providing adequate screening procedures to ensure protection of the American homeland. This mission is a challenge each day, given the number of individuals that pass through ports of entry every day upon arriving in the United States. CBP officers processed more than 382 million travelers at air, land, and sea ports of entry in fiscal year 2015. In fiscal year 2016, on average, CBP processed over 1.1 million travelers a day. This amounts to an average of over 300,000 individuals arriving at air-ports every single day. CBP processed over 387 million travelers at air, land, and sea ports of entry in FY 2016, including over 326,000 international air passengers and crew on an average day. Additionally, in Fiscal Year 2016 alone, CBP officers arrested 8,129 individuals at ports of entry who were wanted for serious crimes. Officers also identified 274,821 inadmissible individuals

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at ports of entry.

9. Given the volume of travel that crosses the United States borders on any particular day, it is reasonable to pause the entry of ~~those~~ individuals from these seven countries ~~without~~ under the travel restrictions established by the Executive Order. The Executive Order establishes a process for DHS to devote its full attention to ensuring that those who seek to travel to the United States from these uniquely risky countries, instead of forcing CBP to make critical determinations about national security risks for immigrant and non-immigrant visa holders and refugees from these high risk areas alongside the hundreds of thousands of other travelers who present themselves at airports every day.

10. Indeed, even in the first week of implementing the Executive Order, DHS was able to identify critical gaps that create security vulnerabilities for the United States. These gaps exist in terms of additional data sources that need to be made available to agencies involved in granting immigration benefits to support effective risk assessment, including critical classified information, as well as information from foreign partners to help identify travel to and from conflict zones. This information is not currently available to U.S. immigration agencies.

11. For example, financial information is one of the best means for law enforcement, intelligence, and immigration agencies to identify links between individual applicants for immigration benefits and terrorist networks. Based on lessons learned from the week of implementing the Executive Order, DHS is expanding partnerships with the Financial Crimes Enforcement Network (FinCEN) within the Department of Treasury to fully utilize this financial data. This includes developing better mechanisms to allow interface between this information and the DHS immigration benefits screening.

12. Additionally, by implementing the Executive Order, it has become clear to DHS that there is a need to enhance vetting capabilities by expanding coordination with the Federal Bureau of Investigation's (FBI's) National Crime Information Center (NCIC) to ensure that DHS obtains the most up to date information regarding individuals who may pose a risk to the United States.

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13. DHS is also investigating ways to expand its use of social media information and intelligence-gathering operations while preserving privacy protections for individuals. Both the American public and foreign travelers from the United States will benefit from safer travel as a result of this cooperation. If the Executive Order cannot continue in effect, both classes of individuals will lose this benefit because this increased cooperation will be developed and implemented without the benefit of travel restrictions to provide additional security in the interim period while these strategies are employed.

14. Implementation of the Executive Order has highlighted the critical importance of increasing the interaction between the immigration agencies and classified intelligence community holdings.

Institutional Efficiencies Lost

15. In the week that the Executive Order has been in effect, DHS, particularly CBP, and its inter-agency partners have gained substantial institutional knowledge and developed significant experience in implementing the terms of the Executive Order efficiently and professionally. For example, DHS has been engaged around the clock since the Executive Order went into effect with its partners within other agencies, including the Departments of State and Justice to ensure that the Executive Order is fully implemented. If the Executive Order ~~is~~ continues to be

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restrained or enjoined, CBP will irreparably lose this vast institutional knowledge that it has already built and begin anew with its enforcement cooperation strategies when any judicial restrictions on enforcement of the Executive Order are lifted.

16. Education of travelers and private carriers engaged in the travel industry has also been essential to eliminate any confusion surrounding the Executive Order. Over the past week, DHS has provided significant education outreach to air carriers and travelers so that they understand the full effect of the Executive Order. This education effort will be irreparably nullified by the restraining order, as travelers will again be confused if the Executive Order again takes effect following a favorable ruling from the court.

Immigration Process Challenges

17. Given DHS's broad mission, I am also familiar with the general threats the homeland faces from terrorism. The cultivation of home-grown violent extremism and promotion of terrorism by sending money from the United States to foreign terrorist groups are particular concerns. Any ~~immigration~~ immigrant or non-immigrant benefits that are granted to individuals during any time that the Executive Order is enjoined or restrained ~~will~~ could provide permanent benefits to their recipients. For example, a foreign national from Somalia who travels to the United States during this time who has been ~~exposed to or~~ involved in extremism ~~will~~ may make permanent, beneficial contacts in the United States. Contacts in the United States who may be predisposed to extremist beliefs ~~will~~ may also have new and permanent connections outside the United States. Given the substantial risk that these countries present to the United States, once an individual is permitted to enter, there is a risk to American security.

18. The Executive Order bars the entry of individuals from the seven named countries who

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hold immigrant visas. Yet, once an individual is admitted to the United States on ~~such~~ an immigrant visa, that individual becomes a lawful permanent resident of the United States. ~~There is no mechanism to remove such an individual other than~~If any of those individuals become removable, there is no mechanism to remove such an individual other than full immigration removal proceedings. Those proceedings place the burden on the United States to prove removability for those lawful permanent residents within the United States. This is often extremely difficult for individuals about whom there is classified information but the use of which would substantially risk the sources and methods of collection of that very data.

19. ~~For~~ If any individuals currently outside the United States who hold immigrant visas, are~~who were~~ permitted to enter as lawful permanent residents, and become removable, the subsequent removal proceedings, including any appeals through the Circuit Courts may take **[time period]**. (b)(5)

20. Thus, even if a lawful permanent resident may be placed in removal proceedings, particularly where there is a need to detain such an individual, the United States will bear substantial costs related to the removal and detention processes. Depending on the nature of the charges and the jurisdiction where an individual is detained, moreover, the government may be permitted to detain the individual in its custody throughout the removal proceedings.

21. Even for those individuals who simply enter on a nonimmigrant visa, there are significant concerns with the rate of those who do not depart at the time required by their visas. Individuals who are placed in removal proceedings, where not detained, often do not appear at their immigration hearings. (b)(5)

22. These difficulties are compounded by state and local entity's refusal to cooperate with

Federal entities seeking to remove individuals. This failure to cooperate with removal efforts leaves the federal government's resources with respect to removal efforts stretched to the limit.

23. Yet, to the extent that the United States is required to permit individuals to enter, it ~~will have no recourse but to~~ may have to expend law enforcement efforts to identify individuals already present, locate those individuals and go through full removal proceedings if the individual were to become removable as an overstay or for some other reason.

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[redacted]

24. The Executive Order is a necessary response to allow DHS and other Federal agencies to respond to unique operational challenges and threats posed by a small number of countries. A stoppage in execution of the Order will irreparably undermine DHS's mission of protecting America's homeland.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.

Executed on this 5th day of February 2017, in Washington, DC.

David J. Glawe

Referred to Department of Homeland Security

Referred to Department of Homeland Security

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IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STATE OF WASHINGTON, et al.,
Plaintiffs-Appellees,

v.

DONALD TRUMP, President of the United States, et al.
Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

EMERGENCY MOTION
UNDER CIRCUIT RULE 27-3 FOR ADMINISTRATIVE STAY
AND MOTION FOR STAY PENDING APPEAL

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Acting Solicitor General

CHAD A. READLER
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CIRCUIT RULE 27-3 CERTIFICATE

The undersigned counsel certifies that the following is the information required by Circuit Rule 27-3:

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(2) Facts showing the existence and nature of the emergency

As set forth more fully in the motion, the district court has entered a nationwide injunction barring enforcement of provisions of an Executive Order issued pursuant to constitutional and statutory authority to address national security concerns, which is imposing irreparable harm on the defendants and the general public. The injunction contravenes the constitutional separation of powers; harms the public by thwarting enforcement of an Executive Order issued by the nation's elected representative; and second-guesses the President's expert national security judgment about the quantum of risk posed by the admission of certain classes of aliens and the best means of minimizing that risk.

(3) When and how counsel notified

The undersigned counsel notified counsel for the plaintiffs by email on February 4, 2017, of the defendants' intent to file this motion. Service will be effected by electronic service through the CM/ECF system.

(4) Submissions to the district court

The defendants requested a stay from the district court on February 3, 2017, which the district court orally denied.

s/ Lowell V. Sturgill Jr.
LOWELL V. STURGILL JR.

INTRODUCTION

The President of the United States has made a complex national security judgment that "[d]eteriorating 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," and that our nation accordingly must take steps "to ensure that those approved for admission do not intend to harm Americans and that they have no ties to terrorism." Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States (Jan. 27, 2017) (Executive Order) (Exhibit A).

Under his constitutional authority to control the admission of aliens into this country, and his congressionally delegated authority under 8 U.S.C. § 1182(f) to "suspend the entry of * * * any class of aliens" whose entry "would be detrimental to the interests of the United States," the President has directed a 90-day suspension of entry for individuals from seven countries previously identified as posing a heightened risk; a 120-day suspension of the U.S. Refugee Admissions Program; and an indefinite suspension of entry of Syrian nationals as refugees until the President determines that sufficient changes to the refugee program have been made "to ensure that admission of Syrian refugees is consistent with the national interest." Exec. Order §§ 3(c), (5)(a), (c). That Order is a lawful exercise of the

political branches' plenary control over the admission of aliens into the United States.

The district court nevertheless issued an immediate, nationwide injunction barring the enforcement of those and additional provisions of the Executive Order.

A stay of this injunction is warranted pending appeal. The injunction raises legal questions of the highest magnitude, and the government is likely to succeed on appeal. The injunction conflicts with the basic principle that the decision whether to admit an alien into the United States rests exclusively with the federal political branches. *See Landon v. Plasencia*, 459 U.S. 21, 32 (1982) ("[A]n alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application, for the power to admit or exclude aliens is a sovereign prerogative."). It also contravenes the considered judgment of Congress that the President should have the unreviewable authority to suspend the admission of any class of aliens. The district court's decision gave virtually no explanation why the State of Washington has a high likelihood of success on the merits of its claims. And it entered the injunction at the behest of the State of Washington, which is not subject to the Executive Order, has not shown that it is injured by the Order, and brings a facial challenge. The scope of the injunction is also overbroad.

The balance of harms here weighs strongly in favor of a stay pending appeal, as well as an immediate administrative stay pending consideration of the request for a full stay pending appeal. The injunction immediately harms the public by second-guessing and thwarting enforcement of an Executive Order issued by the President, based on his national security judgment about the quantum of risk posed by the admission of certain classes of aliens. As the President acted in accordance with both statutory and constitutional authorization, the relief irreparably harms our system of government by contravening constitutional separation of powers principles. The State, by comparison, has identified only modest, speculative harms it would suffer from enforcement of the Executive Order, which could in any event be minimized by expediting appeal.

BACKGROUND

A. The Immigration and Nationality Act

In the Immigration and Nationality Act of 1952 ("INA"), 8 U.S.C. §§ 1101 *et seq.*, as amended, Congress established the legal framework for deciding which aliens may enter and remain in the United States. Congress expressly granted the President broad discretionary authority, whenever he "finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States," to "suspend the entry of all aliens or any class of

aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate * * *." 8 U.S.C. § 1182(f).

Every President over the last thirty years has invoked this authority,[1] including to restrict certain classes of aliens based on nationality. President Reagan suspended entry of certain Cuban nationals as immigrants into the United States. *See* 1986 WL 796773 (Aug. 22, 1986). President Clinton largely suspended entry of Sudanese officials of Sudan, a country also addressed in the current Executive Order. *See* 1996 WL 33673860 (Nov. 22, 1996).

Congress likewise has drawn distinctions based on nationality in the immigration laws. In 2015, Congress excluded nationals of Iraq and Syria from a program permitting entry into the United States as a nonimmigrant without a visa (*i.e.*, an alien admitted on a temporary basis). Pub. L. No. 114-113, 129 Stat. 2242, 2990 (2015) (codified at 8 U.S.C. § 1187(a)(12)). Congress also created a process by which the Executive Branch could designate additional "Countries or areas of concern," for exclusion of a country's nationals. *See id.* § 1187(a)(12)(D). As of February 2016, the Executive Branch had extended that exclusion to nationals of Iran, Sudan, Libya, Somalia, and Yemen, in an effort to ensure that

[1] *See, e.g.*, Presidential Proclamation 5517 (President Reagan); Exec. Order No. 12,324 (President Reagan); Exec. Order No. 12,807 (President George H.W. Bush); Presidential Proclamation 6958 (President Clinton); Presidential Proclamation 8342 (President George W. Bush); Presidential Proclamation 8693 (President Obama); Exec. Order No. 13,694 (President Obama); Exec. Order No. 13,726 (President Obama).

the visa waiver program's "requirements are commensurate with the growing threat from foreign terrorist fighters." *See* https://www.dhs.gov/news/2016/02/18/dhs-announces-further-travel-restrictions-visa-waiver-program. Significantly, the seven countries excluded from the visa waiver program are the same countries covered by Section 3(c) of the Executive Order.

B. Presidential Authority over Foreign Affairs and National Security

In addition to his statutory authority to deny entry to certain classes of aliens, the President has broad constitutional authority in this area. *See* U.S. Const., art. II, § 2 ("Commander in Chief" power, and authority to "make treaties" and "appoint ambassadors"), § 3 (power to "receive ambassadors"). Article II confers upon the President expansive authority over foreign affairs, national security, and immigration. *See, e.g., Knauff v. Shaughnessy*, 338 U.S. 537, 542 (1950) ("The exclusion of aliens is a fundamental act of sovereignty * * * inherent in the executive power to control the foreign affairs of the nation.").

C. The President's Executive Order

Invoking these constitutional and statutory authorities, the President issued an Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States." (Exhibit A). The Order is intended "to protect the American

people from terrorist attacks by foreign nationals admitted to the United States." Executive Order § 2.

The Order directs a number of actions in the interests of national security. *See id.* §§ 2-11. The Secretary of Homeland Security is directed to conduct an immediate review to identify the "information needed from any country * * * to determine that [an] individual seeking [an immigration-related] benefit is who the individual claims to be and is not a security or public-safety threat." *Id.* § 3(a). The Order also directs a process for requesting necessary information from foreign governments that do not supply such information, and consequences for countries not providing it. *See id.* § 3(d)-(f).

While that review is ongoing, the Executive Order suspends entry for 90 days of aliens from the seven countries identified in 8 U.S.C. § 1187(a)(12). *Id.* § 3(c). Exceptions may be made on a case-by-case basis. *Id.* § 3(g). The suspension of entry does ***not*** apply to lawful permanent residents of the United States (*i.e.*, an immigrant admitted with the privilege of residing permanently in the United States, 8 U.S.C. § 1101(a)(2)). *See* Feb. 1, 2017 Memorandum (Exhibit B).

The Executive Order also suspends the U.S. refugee program for 120 days to permit a review of the "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."

Executive Order § 5(a). Once the refugee program is resumed, the Secretary of State is 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." *Id.* § 5(b). The Order permits the entry of individual refugees on a case-by-case basis during suspension of the program. *Id.* § 5(e).

Finally, the Executive Order suspends entry of nationals of Syria as refugees even after resumption of the refugee program, predicated upon the President's finding pursuant to 8 U.S.C. § 1182(f) that such entry "is detrimental to the interests of the United States." *Id.* § 5(c). Such suspension will continue until the President determines that sufficient changes have been made to the refugee program "that admission of Syrian refugees is consistent with the national interest." *Id.*

D. Procedural History

The State of Washington brought this action on January 30, 2017, asserting a constitutional and statutory claims against the United States, the President, the Secretary of Homeland Security, and the Secretary of State. Complaint (Exhibit C). On the same day, Washington moved for a temporary restraining order. R3. Washington subsequently amended its complaint to add the State of Minnesota as a plaintiff. See R8, 17.

Defendants opposed Washington's motion. R50. Thereafter, at the February 3, 2017 hearing, the district court orally issued a nationwide injunction, to take effect immediately, barring enforcement of sections 3(c), 5(a)-(c), and 5(e) of the Executive Order. See Transcript _ (Exhibit C). The court also denied defendants' motion to stay its order. See *id.* _.

The district court subsequently issued a written order enjoining defendants from enforcing Sections 3(c), 5(a), and 5(c) of the Executive Order, and enjoining any prioritization of refugee claims of certain religious minorities pursuant to Sections 5(b) and 5(e). See R52 (Exhibit D). The injunction is "granted on a nationwide basis," and prohibits enforcement of the specified sections "at all United States borders and ports of entry pending further orders from this court." R52, pp. 5-6.

ARGUMENT

An immediate stay pending appeal is appropriate in this case because the Government can make (1) a strong showing of likelihood of success on appeal; (2) a likelihood that it will be irreparably harmed absent a stay; (3) a diminished prospect that petitioners will be substantially harmed if the court grants a stay; and (4) a public interest in granting a stay. *See Hilton v. Braunskill*, 481 U.S. 770, 776 (1987).

This Court has jurisdiction over the appeal under 28 U.S.C. § 1292(a)(1). Although temporary restraining orders are ordinarily not appealable, this Court has jurisdiction over appeals from "interlocutory orders of the district courts pertaining to injunctions"; "the essence of the order, not its moniker," determines appealability. *Service Employees* v. *Nat'l Union of Healthcare*, 598 F.3d 1061, 1067 (9th Cir. 2010). Where, as here, the "district court holds an adversary hearing and the basis for the court's order was strongly challenged," and the length of the injunction (in this case, indefinite) "exceeds the ordinary duration" of temporary restraining orders, classification of the order as a TRO is "unlikely" and the order is instead properly treated as an appealable injunctive order. *Id.*

A. The Government Is Likely to Succeed on Appeal.

In entering an injunctive order, the district court reasoned that the State of Washington was likely to succeed on the merits of their claims.[2] That conclusion, however, ignores the serious questions as to the State's standing to bring suit and the merits of its claims.

1. The State Lacks Article III Standing to Bring this Action.

Like any party, a State must establish standing, which requires showing "an invasion of a legally protected interest" that is "concrete and particularized" and

[2] Because the State of Minnesota, which was added as a plaintiff in the amended complaint, did not move for interim injunctive relief, we address only the standing of the Washington.

"actual or imminent, not 'conjectural' or 'hypothetical.'" *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560-61 (1992).

The district court reasoned that the Executive Order "adversely affects the States' residents in areas of employment, education, business, family relations, and freedom to travel," and that these harms "extend to the States by virtue of their roles as *parens patriae* of the residents living within their borders." R52, at 4-5. But the Supreme Court long ago established that a state cannot bring a *parens patriae* action against federal defendants. *See Massachusetts v. Mellon*, 262 U.S. 447, 485-86 (1923). In dismissing Massachusetts' challenge to a federal statute designed to "protect the health of mothers and infants," the Court explained that "it is no part of [a state's] duty or power to enforce [its citizens'] rights in respect of their relations with the federal government." *Id.* at 485-86; accord *South Caroline v. Katzenbach*, 383 U.S. 301, 324 (1966).

The district court here also reasoned that "the States themselves are harmed by virtue of the damage that implementation of the Executive Order has inflicted upon the operations and missions of their public universities and other institutions of higher learning, as well as injury to the States' operations, tax bases, and public funds." R52, p.5. These alleged harms are neither concrete nor particularized.

With respect to Washington's public universities, most if not all of the students and faculty members the State identifies are not prohibited from entering

the United States, and others' alleged difficulties are hypothetical or speculative.[3] That is particularly true given the waiver authority granted by the Executive Order in cases in which issuance of a visa or other immigration benefit would be in the national interest. *See* Executive Order §§ 3(g), 5(e). Furthermore, any assertion of harm to the universities' reputations and ability to attract students is insufficiently concrete to show standing. *See Whitmore v. Arkansas*, 495 U.S. 149, 155 (1990). And although Washington suggested that the Executive Order might affect its recruitment efforts and child welfare system, it conceded that it could not identify any currently affected state employees, nor any actual impact on its child welfare system. *See* Schumacher Decl. ¶ 7, ECF No. 17-5; Strus Decl., ECF No. 17-6. Speculation does not establish injury in fact. *Whitmore*, 495 U.S. at 158.[4]

Washington's contentions regarding its tax base and public funds are equally flawed, particularly given the lack of any direct link between the State's status as a tax collector and the challenged Executive action. *See Florida v. Mellon*, 273 U.S.

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[3] *See, e.g.*, Second Riedinger Decl. ¶¶ 3-7, ECF No. 17-2 (allegations about lawful permanent residents, who are not impacted by the Executive Order); Boesenberg Decl. ¶ 6, ECF No. 17-3 (same); Second Riedinger Decl. ¶ 8 (asserting that certain countries may "ban * * * U.S. travelers" in response to the Executive Order); Second Chaudhry Decl. ¶ 8, ECF No. 17-4 (alleging one faculty member may not be able to return to the university at a future date).

[4] Washington cited no case recognizing the standing of a State to bring an Establishment Clause challenge, and it is not clear how a State can suffer "spiritual or psychological harm" or have "religious beliefs" that can be "stigmatized." *Catholic League for Religious & Civil Rights v. City & Cty. of San Francisco*, 624 F.3d 1043, 1051-52 (9th Cir. 2010).

at 17-18 (finding no standing based on Florida's allegation that challenged law would diminish tax base by inducing citizens to remove property from the state); *Iowa ex rel. Miller v. Block*, 771 F.2d 347, 353 (8th Cir. 1985) (state's assertion that challenged action would "forc[e] unemployment up and state tax revenues down" insufficient for standing).

2. The Order Is a Valid Exercise of the Executive's Constitutional Power and Authority Granted by Congress

The Executive Order was issued pursuant to Congress' broad delegation of authority to the President to "suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on the entry of aliens any restrictions he may deem to be appropriate." 8 U.S.C. § 1182(f). The express delegation from Congress, coupled with the President's own Article II powers over foreign affairs and national security, mean that the President's "authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate." *Zivotofsky ex rel. Zivotofsky v. Kerry*, 135 S. Ct. 2076, 2083-84 (2015).

In the immigration context specifically, "[t]he Supreme Court has 'long recognized the power to expel or exclude aliens as a fundamental sovereign attribute exercised by the Government's political departments largely immune from judicial control.'" *Cardenas v. United States*, 826 F.3d 1164, 1169 (9th Cir. 2016) (quoting *Fiallo v. Bell*, 430 U.S. 787, 792 (1977)). "When Congress

delegates this plenary power to the Executive, the Executive's decisions are likewise generally shielded from administrative or judicial review." *Cardenas*, 826 F.3d at 1169.[5]

The Order falls squarely within the express delegation in 8 U.S.C. § 1182(f) of "the extreme power to prevent the entry of any alien or groups of aliens into this country as well as the lesser power to grant entry to such person or persons with any restriction on their entry as he may deem to be appropriate." *Mow Sun Wong v. Campbell*, 626 F.2d 739, 744 n.9 (9th Cir. 1980); accord *Haitian Refugee Ctr., Inc. v. Baker*, 953 F.2d 1498, 1507 (11th Cir. 1992). As noted above (at pp. **pincite**), prior Presidents have repeatedly invoked this authority to suspend entry of certain classes of aliens, at least twice drawing distinctions based on nationality. In reviewing an Executive Order directing the interdiction and forcible repatriation of undocumented aliens outside the territorial waters of the United States, the Supreme Court found it "perfectly clear that 8 U.S.C. § 1182(f) * * * grants the President ample power to establish a naval blockade that would simply deny *illegal Haitian migrants* the ability to disembark on our shores." *Sale v. Haitian Ctrs.*

[5] As an example of Executive authority in this area, under the long-established doctrine of consular non-reviewability, a non-resident alien outside the United States has no right to judicial review of a consular officer's denial of a visa. *See Capistrano v. Dep't of State*, 267 F. App'x 593, 594 (9th Cir. 2008). Even a petitioning U.S. citizen has no legally protected interest with respect to an alien's separate visa application. *See Saavedra Bruno v. Albright*, 197 F.3d 1153, 1164 (D.C. Cir. 1999).

Council, Inc., 509 U.S. 155, 164 n.13, 187 (1993) (emphasis added). Court have also repeatedly affirmed that "[d]istinctions on the basis of nationality may be drawn in the immigration field by the Congress or the Executive." *Narenji v. Civiletti*, 617 F.2d 745, 747 (D.C. Cir. 1979); *see also Jean v. Nelson*, 727 F.2d 957, 978 n.30 (11th Cir. 1984) (en banc), *aff'd*, 472 U.S. 846 (1985); *Rajah v. Mukasey*, 544 F.3d 427, 435 (2d Cir. 2008).

Washington argued in district court that the President's authority under § 1182(f) is limited by 8 U.S.C. § 1152(a)(1)(A), which provides, with certain exceptions, that "no person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of the person's race, sex, nationality, place of birth, or place of residence." But this restriction applies only to the "issuance of an immigrant visa"—meaning that it does not apply to nonimmigrant visas or to refugees (who generally do not enter the United States with a visa). In addition, § 1152(a)(1)(B) makes clear that the statute does not "limit the authority of the Secretary of State to determine the procedures for the processing of immigrant visa applications * * *." This reveals that the Executive Order, in part or in whole, is not covered by the restrictions of subsection (A), because it governs the procedures for suspending and then resuming the processing of certain visa applications. *See, e.g.*, Executive Order §§ 3(a), 5(a).

More fundamentally, § 1152(a)(1)(A) is not properly understood to constrain § 1182(f)'s broad grant of discretionary authority. As a matter of statutory construction a court should, whenever possible, "interpret two seemingly inconsistent statutes to avoid a potential conflict," *California ex rel. Sacramento Metro. Air Quality Mgmt. Dist. v. United States*, 215 F.3d 1005, 1012 (9th Cir. 2000), and should interpret "the specific [to] govern[]' the general." *RadLAX Gateway Hotel v. Amalgamated Bank*, 132 S. Ct. 2065, 2070-71 (2012). Here, the two statutory provisions are easily reconciled: § 1152(a)(1)(A) establishes a general default rule that applies in the absence of Presidential action, while § 1182(f) governs the specific instance in which the President determines that entry of a "class of aliens" would be "detrimental to the interests of the United States." That reconciling construction is also consistent with the practice of prior Presidents of drawing nationality-based distinctions under § 1182(f), as well as the nationality-based distinctions drawn by Congress and the Executive in enacting and implementing § 1187(a)(12). Washington's interpretation, in contrast, would lead to the untenable result that the United States could not suspend entry of nationals of a country with which the United States is at war.[6]

[6] The placement of the anti-discrimination rule within § 1152 further indicates that the rule is not intended to curb the President's authority under § 1182(f). Had Congress intended to impose an overarching prohibition on nationality-based distinctions, it presumably would have enacted it as a general provision of the INA, rather than as a subpart of a subsection addressing the

3. The District Court Improperly Second-Guessed the Executive's National Security Determinations Underlying the Executive Order

By its plain terms, 8 U.S.C. § 1182(f) vests complete discretion in the President to determine whether "the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States," for the period "as he shall deem necessary," and to impose such conditions of entry as "he may deem appropriate." The President's exercise of this discretion "is not limited to circumstances defined in the statute," and "the statute provides no discernable standards" for reviewing his determination. *Haitian Refugee Ctr., Inc. v. Baker*, 789 F. Supp. 1552, 1575-76 (S.D. Fla. 1991); *see also Webster v. Doe*, 486 U.S. 592, 594, 600-01 (1988) (holding that similar statutory language vested the Director of Central Intelligence with complete discretion over employee discharges, and thus judicial review was precluded).

Furthermore, judicial review of the President's determination that suspension of entry of certain classes of aliens was necessary at this moment to protect national security would implicate the federal political branches' plenary constitutional authority over foreign affairs, national security, and immigration. *See, e.g., Harisiades v. Shaughnessy*, 342 U.S. 580, 588-89 (1952) ("[A]ny policy toward aliens is vitally and intricately interwoven with contemporaneous policies

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implementation of nationality-based numerical limitations for the issuance of immigrant visas.

in regard to the conduct of foreign relations, the war power, and the maintenance of a republican form of government."). "[I]t is not within the province of any court, unless expressly authorized by law, to review the determination of the political branch of the Government to exclude a given alien." *Knauff*, 338 U.S. at 543; *see also INS v. Aguirre-Aguirre*, 526 U.S. 415, 425 (1999) ("[J]udicial deference to the Executive Branch is especially appropriate in the immigration context where officials 'exercise especially sensitive political functions that implicate questions of foreign relations.'").

The Constitution vests the Executive with the duty of protecting our Nation's security, and Congress has specifically empowered the President to suspend the entry of categories of aliens if he finds that their entry would be detrimental to the national interest. There is accordingly no basis for the Judiciary to second-guess the President's determinations in that regard. *See Al Haramain Islamic Found., Inc. v. Dep't of Treasury*, 686 F.3d 965, 980 (9th Cir. 2012) (judiciary "owe[s] unique deference to the executive branch's determination that we face 'an unusual and extraordinary threat to the national security' of the United States" (quoting an Executive Order)).

Washington argued that the district court should disregard the President's stated rationale for issuing the Executive Order because it was prompted by religious animus toward Islam. That argument is inconsistent with *Kleindienst v.*

Mandel, 408 US. 753 (1972), which held that, "when the Executive exercises" immigration authority "on the basis of a facially legitimate and bona fide reason, the courts will [not] look behind the exercise of that discretion[.]" *Id.* at 770. Here, the Executive Order undeniably states a facially legitimate and bona fide reason—ensuring "the "proper review and maximum utilization of available resources for the screening of foreign nationals" and "that adequate standards are established to prevent infiltration by foreign terrorists." Executive Order, § 3(c); *cf. Kerry v. Din*, 135 S. Ct. 2128, 2140 (2015) (Kennedy, J., concurring) (noting that *Mandel*'s "reasoning has particular force in the area of national security"). The Order thus "provides a 'reasonably conceivable state of facts [which concerns national security] and that could provide a rational basis for the classification." *Louhghalam v. Trump*, Civ. No. 17-10154-NMG, Order, at 11 (D. Mass. Fe. 3, 2017). The judicial inquiry envisioned by the States would create substantial separation-of-powers problems, by permitting probing of the President's subjective motive in issuing the Order. *Cf. United States v. O'Brien*, 391 U.S. 367, 383-84 (1968) (inquiry into the subjective motives of members of Congress is a "hazardous matter").

4. The State's Constitutional Challenges Are Without Merit

Washington raises equal protection and procedural due process challenges under the Fifth Amendment, but "[t]he word 'person' in the context of the Due

Process Clause of the Fifth Amendment cannot * * * be expanded to encompass the States of the Union." *Katzenbach*, 383 U.S. at 323-24; *see also Premo v. Martin*, 119 F.3d 764, 771 (9th Cir. 1997). Nor can Washington invoke the Fifth Amendment rights of its citizens against the federal government. *See Katzenbach*, 383 U.S. at 324.

Furthermore, the majority of individuals who are affected by the Executive Order are non-resident aliens outside the United States, who have no constitutional rights relating to their entry into the United States. *See Kleindienst v. Mandel*, 408 U.S. 753, 762 (1972) (deeming it "clear" that "an unadmitted and nonresident alien" "had no constitutional right of entry to this country as a nonimmigrant or otherwise."); *Plasencia*, 459 U.S. at 32. This is fatal to Washington's facial challenges, which require it to show that there is no constitutionally valid application of the Executive Order.

Washington argued in district court that Section 5(b) of the Order violates the Establishment Clause by "giv[ing] preference to Christian refugees while disadvantaging Muslim refugees." TRO Mot. at 7. That is wrong. Section 5(b) provides an accommodation for refugees from each country that participates in the refugee program, not just those specified in sections 3(a) & (c). As a result, section 5(b) does not "tilt the scales in favor of Christian refugees at the expense of Muslims," TRO Mot. at 12, but rather is neutral with respect to religion. See

Louhghalam, Civ. No. 17-10154-NMG, Order, at 13 (Section 5(b) does not favor Christians over Muslims in violation of the Establishment Clause because it "could be invoked to give preferred refugee status to a Muslim individual in a country that is predominantly Christian"). Nor is Washington's Establishment Clause challenge to Section 5(b) ripe for review, since that section does not take effect for at least 120 days (*i.e.*, "Upon the resumption of USRAP admissions").

5. The District Court Improperly Issued a Nationwide Injunction.

The district court also erred by prohibiting enforcement of the Executive Order provisions at issue "on a nationwide basis." R52, p. 5. An injunction should extend no further "than necessary to provide complete relief to plaintiffs." *Madsen v. Women's Health Ctr., Inc.*, 512 U.S. 753, 765 (1994) (quoting *Califano v. Yamasaki*, 442 U.S. 682, 702 (1979); *see also Lewis v. Casey*, 518 U.S. 343, 358 (1996). The district court's order violates this rule by extending beyond the two state plaintiffs in this case, and to all jurisdictions nationwide, including the District of Massachusetts, which has just upheld the Executive Order against constitutional challenges similar to those presented here, *Louhghalam*, Civ. No. 17-10154-NMG, Order, at 18-19. "Courts ordinarily should not award injunctive relief that would cause substantial interference with another court's sovereignty." *United States v. AMC Ent., Inc.*, 549 F.3d 760, 770 (9th Cir. 2008).

B. The Balance of Harms Weighs Strongly in Favor of a Stay.

The balance of harms also favors a stay of the district court's injunction pending this Court's expedited consideration of the government's appeal.

First, the district court's injunctive order imposes irreparable harm on the government by barring enforcement of the Executive Order in a manner that intrudes heavily on the constitutional separation of powers. Judicial intrusion on the political branches' exclusive authority over the admission of aliens, by violating the separation of powers, in itself constitutes irreparable injury. *See, e.g.*, *Adams*, 570 F.2d at 954 (vacating preliminary injunction that directed action by the Secretary of State in foreign affairs, which "deeply intrude[d] into the core concerns of the executive branch"). Stays have repeatedly been granted in similar contexts to prevent a significant breach of inter-branch comity. *See, e.g., INS v. Legalization Assistance Project*, 510 U.S. 1301, 1306 (1993) (O'Connor, J., in chambers) (staying district court injunction interfering with the government's execution of immigration statute, noting that injunction was "an improper intrusion by a federal court into the workings of a coordinate branch of the Government"); *Schweiker v. McClure*, 452 U.S. 1301, 1302-03 (1981) (Rehnquist, J., in chambers); *Committee on Judiciary of U.S. House of Representatives v. Miers*, 542 F.3d 909, 911 (D.C. Cir. 2008).

Second, the district court's order contravenes the considered national security judgment of the President that the admission of certain classes of aliens at

this time to the United States, under the existing screening and visa-issuance procedures, poses an unacceptable risk to the safety of the nation. "'[N]o governmental interest is more compelling than the security of the Nation.'" *Jifry v. FAA*, 370 F.3d 1174, 1183 (D.C. Cir. 2004) (quoting *Haig v. Agee,* 453 U.S. 280, 307 (1981)). "[T]he Government's interest in combating terrorism is an urgent objective of the highest order." *Holder v. Humanitarian Law Project,* 130 S. Ct. 2705, 2724 (2010). "It is rarely appropriate for courts to intervene in matters closely related to national security." *Merida Delgado v. Gonzales*, 428 F.3d 916, 920 (10th Cir. 2005) (citing *Haig v. Agee*, 453 U.S. 280, 292 (1981)).

This is particularly true as to predictive judgments about the potential national security threat posed by a class of aliens and the level of risk to accept. A reviewing court would not be well-equipped to ascertain the quantum of risk, or a reasonable margin of error in assessing risk. *Cf. Oryszak v. Sullivan*, 576 F.3d at 525-26 ("'*Egan* teaches plainly that review of the breadth of [the margin of error acceptable in assessing the security risk posed by an individual] is outside the authority of a nonexpert body.'" (quoting *Krc*, 905 F.2d at 395) (alternation in original)); *Kaplan v. Conyers*, 733 F.3d 1148, 1166 (Fed. Cir. 2012) (en banc) (holding that courts cannot review Department of Defense's determination regarding an employee's eligibility to occupy a sensitive position that implicates national security). Judicial second-guessing of the President's national security

determination in itself imposes substantial harm on the government and the nation at large.

Furthermore, an order barring the Executive Branch from enforcing a Presidential Executive Order inherently imposes harm on the government and the public at large, by thwarting the legal effect of the public's chosen representative. *Cf. New Motor Vehicle Bd. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1351 (1977) (Rehnquist, J., in chambers) ("[A]ny time a State is enjoined by a court from effectuating statutes enacted by representatives of its people, it suffers a form of irreparable injury."); *see also United States v. Oakland Cannabis Buyers' Coop.*, 532 U.S. 483, 497 (2001) (recognizing that, in assessing the public interest, a court must heed "the judgment of Congress, deliberately expressed in legislation," and "the balance that Congress has struck").

Finally, enjoining operative provisions of the Executive Order, which would require the Executive Branch to treat non-resident aliens' visas as valid and potentially would result in their admission into the United States, could cloud the clear legal and factual distinction between their present status as inadmissible aliens not lawfully present in the United States, and their desired status as aliens who were lawfully admitted to this country.

In contrast, the State has not shown that it faces irreparable harm if the Executive Order continues to be enforced, and certainly not that any harm it would

suffers is sufficient to tilt the balance. Furthermore, the federal government's appeal could be significantly expedited in order to minimize any prejudice to the State.

Given the substantial harms posed by the district court's order, the defendants also respectfully request that this Court enter an immediate administrative stay pending consideration of the merits of this motion. If the Court declines to enter an administrative stay, however, the defendants request that the Court order expedited briefing of this motion.

CONCLUSION

For the foregoing reasons, the defendants respectfully request that the Court enter an immediate administrative stay pending consideration of this motion. If the Court declines to enter an immediate administrative stay, the defendants request that the Court order expedited briefing of the motion. The defendants also request that the Court enter a stay pending appeal of the district court's February 3, 2017, injunctive order.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on XXXXXX, I filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. All participants in the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

s/ Lowell V. Sturgill Jr.
Lowell V. Sturgill Jr.

ADDENDUM

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Exhibit A
Executive Order: Protecting the Nation from
Foreign Terrorist Entry into the United States (Jan. 27, 2017)

Exhibit B
Order
(Feb. 3, 2017)

Exhibit C

Attachment C

Attachment D
Order Denying Defendants' Motion to Stay (XXXX)

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ATTORENY CLIENT PRIVILEGED
ATTORNEY WORK PRODUCT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON, *et al.*,

Plaintiffs,

vs.

DONALD TRUMP, *et al.*,

Defendants

No. 2:17-cv-00141 (JLR)

DECLARATION OF DAVID J. GLAWE

I, David J. Glawe, pursuant to 28 U.S.C. § 1746, and based upon my personal knowledge and information made known to me from official records reasonably relied upon by me in the course of my employment, hereby declare as follows relating to the above-titled matter.

1. I am the [**official title**]. Prior to acting in this position, I was the Assistant Commissioner, Office of Intelligence and Investigative Liaison, U.S. Customs and Border Protection. Prior to joining the Department of Homeland Security, I served as a Senior National Intelligence Service Officer in the Office of the Director of National Intelligence, responsible for overseeing and integrating all aspects of the U.S. Intelligence Community's collection and analytic efforts regarding threat finance and transnational organized crime. I was a Senior Agent of the Federal Bureau of Investigation for [**time period**]. I have been a law enforcement officer for twenty-two years. I have an expertise in targeting the illicit movement of money involving counterintelligence, counter-proliferation, and terrorist and criminal networks worldwide.

2. [**CURRENT ROLE DESCRIPTION**]. I am familiar with the security threats that the

United States faces overseaes, at its borders, and within the country. I am also familiar with the efforts DHS has taken both with respect to the resources and strategic framework in place to respond to these threats.

3. On January 27, 2017, the President issued Executive Order 13769 entitled, "*Protecting the Nation from Foreign Terrorist Entry into the United States*" (the Executive Order). The Executive Order putslaces specific travel restrictions in place to address particular areas of the world that pose a unique threat to the United States. Specifically, the Executive Order affects nationals of seven nations: Iraq, Syria, Iran, Sudan, Libya, Somalia, and Yemen. The Executive Order builds upon recognition by both Congress and the previous Administration that these countries pose a unique threat to the United States, and travel from these countries requires additional scrutiny and vigilance. The Executive Order also places additional restrictions on worldwide refugee travel to the United States.

4. Consistent with the requirements of the Visa Waiver Program Improvement and Terrorist Travel Prevention Act of 2015, the then-Secretary of Homeland Security, Jeh Johnson, certified to Congress that Yemen, Somalia, and Libya should join those countries specifically listed by Congress as countries where nationality or, travel to or from may represent a heightened threat to the United States.

(b)(5)

5. Preventing the entry into the United States of individuals who are from areas of particular concern is consistent with protecting the United States from the heightened threat of terrorism from nationals from areas of active conflict, including direct conflict with terrorist organizations.

Country Specific Threats

6. Each of the countries specified in the Executive Order for additional travel restrictions

poses a substantial risk to American security. —For instance, as explained below, Iraq, Syria, Libya, Somalia and Yemen are active conflict zones with extensive operational and organizational presence of ISIS, Al Qaeda and their affiliates. There is no meaningful governance structure in vast swaths of the territory of each of these countries. The governments of these countries each lack the structure which would allow them to meaningfully share information related to individuals seeking to travel to the United States, such as information regarding terrorism, or to substantially cooperated with the United States on effective counterterrorism efforts. This lapse is particularly critical given that the most effective way to combat the risk to the national security is to share information with partner governments about their nationals and the risk that they may pose.

(b)(5)

[redacted]

a. **Iraq.** The nation of Iraq is currently an active combat zone. The Iraqi army is engaged against ISIS forces present in Iraq. This is a fluid and evolving situation, for instance, as the Iraqi army seeks to regain full operational control within Mosul. At the same time, many Iraqi nationals have joined forces with ISIS. Iraq is politically unstable, and lacks a meaningful government presence in large portions of the country. It is unable to provide adequate cooperation to the United States in the advance review of any Iraqi nationals seeking to come to the United States as ~~a refugee or on~~ a non-immigrant or immigrant ~~visa~~. The increased pressure on ISIS may encourage ISIS fighters to flee the battlefield and attempt to enter the United States through the refugee program, or by obtaining non-immigrant or immigrant visas at U.S. diplomatic posts abroad.

b. **Iran.** Iran has been linked to sponsorship of various terrorist organizations, including Al Qaeda and remains designated as a state sponsor of terrorism. Iran has permitted Al

Qaeda to use its country as a facilitation hub, permitting funds and fighters to transit its borders. Iran has also contributed to broader instability in the region by providing a base for terrorist organizations, particularly Al Qaeda, to transport fighters to unstable situations in South Asia and Syria. Iran also does not cooperate with the United States or its allies in counterterrorism efforts and, critically, in the sharing of information about potential high-risk individuals.

c. **Libya.** Libya remains an active combat zone, and there is no effective governmental control over significant parts of its territory and currently lacks a permanent United States diplomatic post. Libyan commerce has been significantly affected by regular instability and political violence since its civil war in 2011. The threat has grown exponentially since 2012, when ISIS started to aggressively conduct operations in Tripoli. Weak intelligence and security services are ill-equipped to prevent ISIS's creation of a foothold in Libya and, as a result, in North Africa. Its law enforcement hasve lacked the capacity to detect, deter and respond to terrorist and other violent incidents. Security and law enforcement officials have been targeted in kidnappings and assassinations, further eroding the ability of that government to address threats on its own security. This power vacuum has created opportunities for terrorist groups to exploit the lack of central institutions within Libya. Given its instability, Libya cannot effectively cooperate with American counterterrorism efforts.

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d. **Somalia.** Somalia's central government is in its infancy, as the first central government since 1991 formed in August 2012. However, it has not proved to be a stable government and the United States does not currently maintain a permanent diplomatic

[redacted]

post in Somalia. The extremist group Al Shabaab has maintained its presence in Somalia for years, taking advantage of the weak institutions and porous borders. Al Shabaab's terrorist attacks are also growing in sophistication, moving from small arms and explosives to a mortar shelling at Kismayo International Airport and a smuggled IED aboard Daalo Airlines flight 159. And this sophistication has already been shown to be part of a competent external operations capability. For instance, the attacks on the Westgate Mall in Nairobi, Kenya and Garissa University, Kenya, were well-planned and well-executed, and involved sophisticated intelligence collection, surveillance and reconnaissance of the target. The United States has every indication that Al Shabaab, centered in Somalia, intends to continue, including through global outreach for individuals to join their efforts. Given the political instability, lack of governmental control, and presence of an increasingly sophisticated, focused, terrorist organization, individuals traveling from Somalia pose a unique potential risk to the United States. There is little question that at this moment, Somalia cannot cooperate with the United States in its counterterrorism efforts.

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[redacted]

e. **Sudan.** Sudan is a politically unstable country and is designated as a state sponsor of terrorism. The Sudanese government has been unwilling or unable to collaborate with the United States on its counterterrorism efforts, including information-sharing about high-risk individuals who may try to enter the United States ~~as a refugee or~~ on an immigrant or non-immigrant visa.

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[redacted]

f. **Syria.** Syrian forces are engaged in military and counterterrorism efforts against ISIS, placing pressure on its strongholds in Raqqa and throughout Northern Syria. If these

efforts are successful, ISIS fighters may attempt to flee the battlefield and attempt to enter the United States through its refugee program or by obtaining non-immigrant or immigrant visas at diplomatic posts abroad. Additionally, Syria is a politically unstable country, and its government lacks effective control of significant parts of Syrian physical territory. Indeed, the situation in Syria is unstable to the extent that the United States does not currently have a permanent diplomatic post within the country. Given this instability and the inability or unwillingness of Syrian authorities to cooperate fully with the United States in the advance review of individuals seeking to travel to the United States on an immigrant or non-immigrant visa, individuals arriving from Syria place a significant strain on American national security and travel screening resources.

g. **Yemen.** Like the other countries described above, Yemen also currently experiences political instability and lacks effective governmental control over significant portions of the country. Terrorist organizations, including Al-Qa'ida in the Arabian Peninsula (AQAP) and ISIS have exploited the political and security vacuum left by conflict between the Temini government and the Houthi-led opposition. Involvement by other countries, such as Iran, taken together with sectarian divides between Shia and Sunni have given a greater foothold for AQAP and ISIS in this area. Yemen's military and security forces have been degraded by current conflicts within the country, and it is also unable to cooperate with the United States in its counterterrorism efforts. The situation is so unstable that the United States currently does not have a permanent diplomatic post within Yemen. Most individuals who seek to travel to the United States must travel to Djibouti in order to obtain travel documents.

7. The seven countries identified above pose unique risks because they each include heightened numbers of individuals who are likely to be members of or exposed to terrorist or extremist groups. These seven countries also impose significant operational hurdles to the United States because they cannot or do not cooperate with American counterterrorism efforts. In short, these countries place some of the highest security strain on American national security resources, and they also present some of the most significant challenges to developing the operational awareness needed to safely and efficiently process legitimate travel into the United States. These challenges are a sharp contrast to other countries that may present a number of high-risk nationals but that provide extensive cooperation with the United States government to detect these individuals and separate them from legitimate travel.

Mission Improvements from Executive Order

8. The temporary restrictions on travel outlined in the Executive Order are essential to enable DHS to effectively serve its mission of providing adequate screening procedures to ensure protection of the American homeland. This mission is a challenge each day, given the number of individuals that pass through ports of entry every day upon arriving in the United States. CBP officers processed more than 382 million travelers at air, land, and sea ports of entry in fiscal year 2015. In fiscal year 2016, on average, CBP processed over 1.1 million travelers a day. This amounts to an average of over 300,000 individuals arriving at air-ports every single day. CBP processed over 387 million travelers at air, land, and sea ports of entry in FY 2016, including over 326,000 international air passengers and crew on an average day. Additionally, in Fiscal Year 2016 alone, CBP officers arrested 8,129 individuals at ports of entry who were wanted for serious crimes. Officers also identified 274,821 inadmissible individuals

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at ports of entry.

9. Given the volume of travel that crosses the United States borders on any particular day, it is reasonable to pause the entry of ~~those~~ individuals from these seven countries ~~without~~ under the travel restrictions established by the Executive Order. The Executive Order establishes a process for DHS to devote its full attention to ensuring that those who seek to travel to the United States from these uniquely risky countries, instead of forcing CBP to make critical determinations about national security risks for immigrant and non-immigrant visa holders and refugees from these high risk areas alongside the hundreds of thousands of other travelers who present themselves at airports every day.

10. Indeed, even in the first week of implementing the Executive Order, DHS was able to identify critical gaps that create security vulnerabilities for the United States. These gaps exist in terms of additional data sources that need to be made available to agencies involved in granting immigration benefits to support effective risk assessment, including critical classified information, as well as information from foreign partners to help identify travel to and from conflict zones. This information is not currently available to U.S. immigration agencies.

11. For example, financial information is one of the best means for law enforcement, intelligence, and immigration agencies to identify links between individual applicants for immigration benefits and terrorist networks. Based on lessons learned from the week of implementing the Executive Order, DHS is expanding partnerships with the Financial Crimes Enforcement Network (FinCEN) within the Department of Treasury to fully utilize this financial data. This includes developing better mechanisms to allow interface between this information and the DHS immigration benefits screening.

12. Additionally, by implementing the Executive Order, it has become clear to DHS that there is a need to enhance vetting capabilities by expanding coordination with the Federal Bureau of Investigation's (FBI's) National Crime Information Center (NCIC) to ensure that DHS obtains the most up to date information regarding individuals who may pose a risk to the United States.

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13. DHS is also investigating ways to expand its use of social media information and intelligence-gathering operations while preserving privacy protections for individuals. Both the American public and foreign travelers from the United States will benefit from safer travel as a result of this cooperation. If the Executive Order cannot continue in effect, both classes of individuals will lose this benefit because this increased cooperation will be developed and implemented without the benefit of travel restrictions to provide additional security in the interim period while these strategies are employed.

14. Implementation of the Executive Order has highlighted the critical importance of increasing the interaction between the immigration agencies and classified intelligence community holdings.

Institutional Efficiencies Lost

15. In the week that the Executive Order has been in effect, DHS, particularly CBP, and its inter-agency partners have gained substantial institutional knowledge and developed significant experience in implementing the terms of the Executive Order efficiently and professionally. For example, DHS has been engaged around the clock since the Executive Order went into effect with its partners within other agencies, including the Departments of State and Justice to ensure that the Executive Order is fully implemented. If the Executive Order ~~is~~ continues to be

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restrained or enjoined, CBP will irreparably lose this vast institutional knowledge that it has already built and begin anew with its enforcement cooperation strategies when any judicial restrictions on enforcement of the Executive Order are lifted.

16. Education of travelers and private carriers engaged in the travel industry has also been essential to eliminate any confusion surrounding the Executive Order. Over the past week, DHS has provided significant education outreach to air carriers and travelers so that they understand the full effect of the Executive Order. This education effort will be irreparably nullified by the restraining order, as travelers will again be confused if the Executive Order again takes effect following a favorable ruling from the court.

Immigration Process Challenges

17. Given DHS's broad mission, I am also familiar with the general threats the homeland faces from terrorism. The cultivation of home-grown violent extremism and promotion of terrorism by sending money from the United States to foreign terrorist groups are particular concerns. Any ~~immigration~~ immigrant or non-immgrant benefits that are granted to individuals during any time that the Executive Order is enjoined or restrained ~~will~~ could provide permanent benefits to their recipients. For example, a foreign national from Somalia who travels to the United States during this time who has been ~~exposed to or~~ involved in extremism ~~will~~ may make permanent, beneficial contacts in the United States. Contacts in the United States who may be predisposed to extremist beliefs ~~will~~ may also have new and permanent connections outside the United States. Given the substantial risk that these countries present to the United States, once an individual is permitted to enter, there is a risk to American security.

18. The Executive Order bars the entry of individuals from the seven named countries who

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hold immigrant visas. Yet, once an individual is admitted to the United States on ~~such~~ an immigrant visa, that individual becomes a lawful permanent resident of the United States. ~~There is no mechanism to remove such an individual other than~~If any of those individuals become removable, there is no mechanism to remove such an individual other than full immigration removal proceedings. Those proceedings place the burden on the United States to prove removability for those lawful permanent residents within the United States. This is often extremely difficult for individuals about whom there is classified information but the use of which would substantially risk the sources and methods of collection of that very data.

19. ~~For~~ If any individuals currently outside the United States who hold immigrant visas, ~~are~~who were permitted to enter as lawful permanent residents, and become removable, the subsequent removal proceedings, including any appeals through the Circuit Courts may take **[time period]**.

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20. Thus, even if a lawful permanent resident may be placed in removal proceedings, particularly where there is a need to detain such an individual, the United States will bear substantial costs related to the removal and detention processes. Depending on the nature of the charges and the jurisdiction where an individual is detained, moreover, the government may be permitted to detain the individual in its custody throughout the removal proceedings.

21. Even for those individuals who simply enter on a nonimmigrant visa, there are significant concerns with the rate of those who do not depart at the time required by their visas. Individuals who are placed in removal proceedings, where not detained, often do not appear at their immigration hearings.

[redacted]

22. These difficulties are compounded by state and local entity's refusal to cooperate with

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Federal entities seeking to remove individuals. This failure to cooperate with removal efforts leaves the federal government's resources with respect to removal efforts stretched to the limit.

23. Yet, to the extent that the United States is required to permit individuals to enter, it ~~will have no recourse but to~~ may have to expend law enforcement efforts to identify individuals already present, locate those individuals and go through full removal proceedings if the individual were to become removable as an overstay or for some other reason.

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[redacted]

24. The Executive Order is a necessary response to allow DHS and other Federal agencies to respond to unique operational challenges and threats posed by a small number of countries. A stoppage in execution of the Order will irreparably undermine DHS's mission of protecting America's homeland.

Pursuant to the provisions of 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.

Executed on this 5th day of February 2017, in Washington, DC.

David J. Glawe

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Gillispie, Anna E

From: Levy, Jason
Sent: Saturday, February 04, 2017 1:26 PM
To: Symons, Craig M
Cc: Baroukh, Nader; Kelliher, Brian; Noferi, Mark
Subject: RE: Washington District TRO

Hi Craig--

Sure thing. I'm adding Nader, Brian and Mark to be sure bases are covered.

Best regards,
Jason

From: Symons, Craig M
Sent: Saturday, February 04, 2017 2:10:31 PM
To: Levy, Jason
Subject: Washington District TRO

Hi Jason,

I just got off a call with CoS Kirstjen Nielsen (as part of a larger call with the political appointees). They asked that I reach out to OGC and request that I be included on calls related to the appeal of the Washington District TRO. I may not need to be on all the calls - just the ones that touch upon USCIS operational issues.

I'm not sure who the OGC POC is for that case. Would it be Nader? Anyway, if you could, please find out and forward on this request to whoever that is.

Thanks,
Craig

Gillispie, Anna E

From: Symons, Craig M
Sent: Saturday, February 04, 2017 1:11 PM
To: Levy, Jason
Subject: Washington District TRO

Hi Jason,

I just got off a call with CoS Kirstjen Nielsen (as part of a larger call with the political appointees). They asked that I reach out to OGC and request that I be included on calls related to the appeal of the Washington District TRO. I may not need to be on all the calls - just the ones that touch upon USCIS operational issues.

I'm not sure who the OGC POC is for that case. Would it be Nader? Anyway, if you could, please find out and forward on this request to whoever that is.

Thanks,
Craig

Gillispie, Anna E

From: Valverde, Michael
Sent: Friday, February 03, 2017 11:07 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Nuebel Kovarik, Kathy; Kvortek, Lisette E
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Now adding Lisette. Apologies for the double email.

From: Valverde, Michael
Sent: Friday, February 03, 2017 11:57 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Everyone—

As Julie mentions below, FOD was designated to co-lead with FDNS the **interview portion** of Section 4 (a) Implementing Uniform Screening Standards for All Immigration Programs. The relevant interview portions of Section 4(a) are as follows:

1. The development of a uniform screening standard and procedure, such as in-person interviews;
2. A mechanism to ensure that the applicant is who the applicant claims to be;
3. 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;
4. Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; and
5. A mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

I know a lot of work has been done already in various manners that impacts this goal and can be utilized for this task. We would like to convene the process for articulating how the interview process has been and/or

can be enhanced (best practices, new policies, new tools/systems, resources, and/or additional questions) to ensure we are using our interviews in the best way to inform our eligibility, credibility and national security/public safety determinations.

Lisette Kvortek will serve as the FOD working group coordinator and will work with the FDNS POC to organize the work. I'd ask that folks self-identify as a responsible party and name a POC representing your office. Since work is due on the 17th, we'd like to get started asap.

Thank you.

From: Farnam, Julie E
Sent: Friday, February 03, 2017 11:20 AM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Duggan, Steven; Walters, Jessica S; Young, Todd P; Swanson, Toni; Renaud, Tracy L; Scialabba, Lori L
Subject: Deliverable Due 2/17--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States

Good morning,

Thank you for your work on the deliverables already completed. I appreciate everyone's timely responses.

The next big deliverable we have is in regards to Sec. 4a and 4b of the Protecting the Nation from Foreign Terrorist Entry EO. Proposals related to the items below are due to me by COB Friday, February 17, 2017. FDNS has the overall lead on this deliverable, but there will also be several working groups that may be co-coordinated by other directorates with FDNS. Here is the specific language from the EO:

> "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."

Because there are a lot of pieces to this section and because the pieces affect different directorates, we will likely need a few working groups to tackle this one. As discussed at the meeting yesterday, these are the proposed working groups:

- Interviews (FOD to co-lead)
- Identity Document Database
- Identity verification
- Form revisions (OP&S proposal attached)
- Immigrant integration (OoC to co-lead)

As of now DHS has not provided a template or format for the proposals (and I'm told one will not be coming this week). Should I receive a template, I will pass it along, but I think for now we can proceed with just writing up the proposal.

The deliverables tracker has been updated on the ECN and now includes all the items and target completion dates that were provided in the DHS Implementation Plan. To summarize some of the upcoming deliverables (Foreign Terrorist Entry EO deliverables should go to me. Steve Duggan is the POC on the Border Security and Enhancing Public Safety in the Interior EOs):

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS
Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS
Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO	
Review of asylum referrals/credible fear determinations	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Budgetary/Staffing Needs	All EOs	N/A	MGMT	
Plan related to FY17 refugee entries	Protecting the Nation from Foreign Terrorist Entry	5d	RAIO	
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO	
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO	

Thank you again and if there are any follow-up questions, please let me or Steve know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

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Gillispie, Anna E

From: Neufeld, Donald W
Sent: Friday, February 03, 2017 8:32 AM
To: Groom, Molly M; Nicholson, Maura J; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Nuebel Kovarik, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

To be clear, we are only holding up where the bene is from one of the 7 and is overseas. We are holding whether they are asylee or refugee follow to joins. As I understand it, we aren't actually approving them but are rather "provisionally" approving them subject to final approval after interview. We should get clarification if the provisional approvals are subject to the hold as well, or if they can continue. Also, I would think denials could proceed but we'll hold all pending further guidance.

From: Groom, Molly M
Sent: Friday, February 03, 2017 8:35 AM
To: Nicholson, Maura J; Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

I think that is all the EO provides for but I know Lori is working with DHS on clarifying issues.

From: Nicholson, Maura J
Sent: Friday, February 03, 2017 8:21:31 AM
To: Groom, Molly M; Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

I think the issue we still need clarification on is whether that hold for I-730 beneficiaries outside the US would only be for refugee follow-to-joins (all nationalities) and asylee follow-to-joins who are nationals or duals of one of the 7 countries.

From: Groom, Molly M
Sent: Friday, February 03, 2017 7:23:57 AM
To: Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
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Field Operations Directorate
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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Gillispie, Anna E

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Subject: RE: EO Guidance

And please note that under our current guidance staff can continue to process the I-730s for asylee following to join who are not in the 7 counties. We will of course be reviewing that process just as we review the process for all other benefits as directed under the order, while we continue to process.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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Field Operations Directorate
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From:	Nicholson, Maura J
Sent:	Friday, February 03, 2017 7:22 AM
To:	Groom, Molly M; Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Nuebel Kovarik, Kathy
Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance

I think the issue we still need clarification on is whether that hold for I-730 beneficiaries outside the US would only be for refugee follow-to-joins (all nationalities) and asylee follow-to-joins who are nationals or duals of one of the 7 countries.

From: Groom, Molly M
Sent: Friday, February 03, 2017 7:23:57 AM
To: Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

I think that is generally right for SCOPS. RAIO, especially IO, would have additional things to hold.

From: Neufeld, Donald W
Sent: Friday, February 03, 2017 7:18:52 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

I read this to mean the only thing we should continue to hold in SCOPS would be I-730s for beneficiaries outside the United States. Is that accurate?

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:32:13 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

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From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:20 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [redacted] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: RE: EO Guidance

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Sent: Thursday, February 02, 2017 5:13 PM
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Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: EO Guidance

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Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

[redacted] (b)(6)

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Gillispie, Anna E

From: Groom, Molly M
Sent: Friday, February 03, 2017 6:24 AM
To: Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Nuebel Kovarik, Kathy
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Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: RE: EO Guidance

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Subject: EO Guidance

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Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Sent: Friday, February 03, 2017 6:19 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Nuebel Kovarik, Kathy
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Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: EO Guidance (b)(6)

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Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Gillispie, Anna E

From:	Farnam, Julie E
Sent:	Thursday, February 02, 2017 7:09 PM
To:	Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Nuebel Kovarik, Kathy
Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	Updated QA for EO Guidance
Attachments:	QA for EO on Protecting the Nation FINAL.docx

Updated Q&A document is attached, reflecting new language on the treatment of LPRs. This is an update from the document that was distributed yesterday evening. I will also post on the ECN in the morning.

Julie

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:32:13 PM
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Subject: RE: EO Guidance

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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

FEB 2 2017

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba Lori Scialabba
Acting Director

SUBJECT: Guidance Concerning Executive Order on Immigration

On January 27, President Trump signed an Executive Order entitled "Protecting The Nation From Foreign Terrorist Entry Into The United States." This memorandum provides guidance from the Department of Homeland Security (DHS) regarding the impact of this Executive Order on various immigration benefit requests.

All USCIS employees should be aware of current guidance from DHS, specifically:

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality. Section 3(c) also does not affect applications and petitions by lawful permanent residents outside the United States, or applications and petitions for individuals outside the United States whose approval does not directly confer travel authorization (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated in the Executive Order.

3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.

5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

Gillispie, Anna E

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 4:32 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Nuebel Kovarik, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance
Attachments: EO 1-27 implementation guidance signed and dated.pdf

Signed and dated copy attached. Have a good evening!

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:20 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [redacted] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: RE: EO Guidance

Please hold off on disseminating just yet. The copy was not dated. I'll send an updated version in just a minute.

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:13 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [redacted] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: EO Guidance

Attached please find the EO implementation guidance. OCOMM will also be sending this out to a larger audience and I will post it on the ECN.

Julie Farnam

Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

This communication, along with any attachments, may contain confidential information and is covered by federal laws governing electronic communications. Electronic communications may also be monitored by the Department of Homeland Security, U.S. Citizenship and Immigration Services. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this in error, please delete this message and all attachments and immediately notify the sender.

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

FEB 2 2017

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba
Acting Director

SUBJECT: Guidance Concerning Executive Order on Immigration

On January 27, President Trump signed an Executive Order entitled "Protecting The Nation From Foreign Terrorist Entry Into The United States." This memorandum provides guidance from the Department of Homeland Security (DHS) regarding the impact of this Executive Order on various immigration benefit requests.

All USCIS employees should be aware of current guidance from DHS, specifically:

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality. Section 3(c) also does not affect applications and petitions by lawful permanent residents outside the United States, or applications and petitions for individuals outside the United States whose approval does not directly confer travel authorization (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated in the Executive Order.

3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.

5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

Gillispie, Anna E

From: Farnam, Julie E
Sent: Wednesday, February 01, 2017 9:04 PM
To: Renaud, Daniel M; Valverde, Michael; Young, Todd P; Walters, Jessica S; Neufeld, Donald W; McCament, James W; Levine, Laurence D; Nicholson, Maura J; Ruppel, Joanna; Lafferty, John L; Strack, Barbara L; Meckley, Tammy M; Mayhew, Michael X; Emrich, Matthew D; Davidson, Andrew J; Hawkins, Donald K; Groom, Molly M; Busch, Philip B; Alfonso, Angelica M; Risch, Carl C; Symons, Craig M; Melero, Mariela; Rosenberg, Ronald M (Ron); Hatchett, Dolline L; Patching, Laura D; Chiorazzi, Anne; Zengotitabengoa, Colleen R; Perry-Elby, Diana D; Kerns, Kevin J; Borgen, Michael R; Nuebel Kovarik, Kathy; DeStefano, Ernest; Anderson, Erik C; Campagnolo, Donna P; Thomas, Ronnie D; Swanson, Toni; Nuebel Kovarik, Kathy; Nicholson, Maura J
Subject: EO Tasking on Information for Adjudications--Due COB 2/2
Attachments: Information from Foreign Governments.doc

Attached is the first cut of information we'd want from other countries to assist in our adjudications process based on the conversation we had this afternoon. For this tasking we just need a list that SCO can incorporate into the larger report they are drafting for this deliverable. Because the final report needs to be provided to the WH within 30 days, please provide any comments/edits/additions by COB tomorrow, February 2, 2017.

Thank you,
Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

This communication, along with any attachments, may contain confidential information and is covered by federal laws governing electronic communications. Electronic communications may also be monitored by the Department of Homeland Security, U.S. Citizenship and Immigration Services. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this in error, please delete this message and all attachments and immediately notify the sender.

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
Washington, DC 20529

U.S. Citizenship and Immigration Services

Consolidated Response to Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States Section 3(a) ("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)(7)(e)

[redacted]

- Increased information on family tree or relative information

[redacted]

- Certifications of certain documents by foreign governments

[redacted]

Related, but not exclusive to information from foreign governments or other countries: (b)(7)(e)

- A clearinghouse of official documents issued in the U.S. by local/state municipalities
- Better interoperability between DHS, DOS, and NTC systems
- More DHS resources outside the U.S. to complete overseas verification requests

Gillispie, Anna E

From: Krebs, Kristie L
Sent: Tuesday, January 31, 2017 2:06 PM
To: Risch, Carl C; Symons, Craig M; Nuebel Kovarik, Kathy
Subject: FW: AD1 Executive Congressonals on EO
Attachments: Sires Letter to DHS USCIS Acting Director on President Trump Executive O....pdf; 3864_001.pdf

FYI

From: Button, Maria G (Gemma)
Sent: Tuesday, January 31, 2017 2:51 PM
To: Krebs, Kristie L
Cc: Carter, Constance L
Subject: AD1 Executive Congressonals on EO

Hi Kristie,

Attached are 2 letters that we have received addressed to AD1 regarding the EO. The Department has received several letters addressed to S1 as well and they all have been assigned to OGC.
CBP has received similar letters.

We cannot respond to the letters addressed to AD1 until we receive language from the Department. DHS is preparing a template letter for these Congressional letters that once approved, we can use.

At this time we are "holding" for the language.

Gemma

Maria Gemma Button
Chief
US Citizenship and Immigration Services
Office of the Executive Secretariat
[redacted] (b)(6)
e-mail: Connect: http://connect.uscis.dhs.gov/org/EXSO/Pages/default.aspx

ALBIO SIRES
8TH DISTRICT, NEW JERSEY

COMMITTEE ON FOREIGN AFFAIRS
SUBCOMMITTEES:
WESTERN HEMISPHERE, RANKING MEMBER
EUROPE, EURASIA, AND EMERGING THREATS

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEES:
HIGHWAYS AND TRANSIT
RAILROADS, PIPELINES, AND HAZARDOUS MATERIALS
ECONOMIC DEVELOPMENT, PUBLIC BUILDINGS, AND EMERGENCY MANAGEMENT

Congress of the United States
House of Representatives
Washington, DC 20515-3013

2342 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-7919

5500 PALISADE AVENUE, SUITE A
WEST NEW YORK, NJ 07093
(201) 558-0800

121 NEWARK AVENUE, SUITE 200
JERSEY CITY, NJ 07302
(201) 309-0301

800 ANNA STREET
ELIZABETH, NJ 07201
(908) 820-0692

HTTP://WWW.SIRES.HOUSE.GOV

January 30, 2017

Lori Scialabba
Acting Director
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
Washington, D.C. 20529-2000

Dear Director Scialabba,

It has come to my attention that several individuals with visas and some with Lawful Permanent Resident (LPR) status have been detained at Newark Liberty International Airport and being denied entry into the United States as a result of the Executive Order issued by President Trump on January 27, 2016. In order to assist my constituents and better understand the implementation of this Executive Order and the scope of issues affecting my constituents, I would like to kindly request the following information from USCIS:

Any and all guidance, directives, and/or policies from the Department of Homeland Security (DHS) regarding the implementation of Executive Order "Protecting the Nation from Terrorist Entry into the United States by Foreign Nationals" and how it is being interpreted and implemented on current visa holders seeking entry into the United States, visa applicants, LPRs, dual citizens, United States citizens and to any other individuals from the seven designated countries in the Executive Order applying for or renewing any of the immigration benefits listed above or any other immigration benefit.

Understanding the implementation of this Executive Order and the scope of the pressing issues affecting my constituents will help my office identify ways to assist them.

Thank you for your consideration.

Sincerely,

Albio Sires
Member of Congress

MIKE THOMPSON
5TH DISTRICT, CALIFORNIA

COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEE ON HEALTH
SUBCOMMITTEE ON TAX POLICY

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515

DISTRICT OFFICES:
2721 NAPA VALLEY CORPORATE DRIVE
NAPA, CA 94558
(707) 226-9898

985 WALNUT AVENUE
VALLEJO, CA 94592
(707) 645-1588

2300 COUNTY CENTER DRIVE, SUITE A100
SANTA ROSA, CA 95403
(707) 542-7182

CAPITOL OFFICE:
231 CANNON HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-3311

WEB: http://mikethompson.house.gov

January 29, 2017

Lori Scialabba
U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
20 Massachusetts Avenue, 4th Floor
Washington, DC 20529

Dear Director Scialabba,

It has come to my attention that my constituent [redacted] may be denied entry to the U.S. at the airport in [redacted] as a result of the Executive Order issued by President Trump on January 27, 2016. (b)(6)

[redacted]

In order to assist my constituents and better understand the implementation of this Executive Order and the scope of issues affecting my constituents, I would like to kindly request the following information from USCIS:

Any and all guidance, directives, and/or policies from the Department of Homeland Security (DHS) regarding the implementation of Executive Order "Protecting the Nation from Terrorist Entry into the United States by Foreign Nationals" and how it is being interpreted and implemented on current visa holders seeking entry into the United States, visa applicants, LPRs, dual citizens, United States citizens and to any other individuals from the seven designated countries in the Executive Order applying for or renewing any of the immigration benefits listed above or any other immigration benefit.

Understanding the implementation of this Executive Order and the scope of the pressing issues affecting my constituents will help my office identify ways to assist them. In addition, I respectfully request every consideration be given to the review of [redacted] entry to the United States.

(b)(6)

Printed on recycled paper.

If you have further questions or require additional evidence, please contact my staff, Rebecca Hermosillo at [redacted] (b)(6)

Thank you in advance for your assistance.

Sincerely,

Mike Thompson

MIKE THOMPSON
Member of Congress

Enclosures
MT/rh

(b)(6)

Office of Congressman Mike Thompson

ADVOCACY AUTHORIZATION

Gillispie, Anna E

From: Risch, Carl C
Sent: Monday, January 30, 2017 12:59 PM
To: Symons, Craig M; Nuebel Kovarik, Kathy
Subject: FW: Information about the Executive Order of Friday
Attachments: QA for EO on Protecting the Nation FINAL.docx

From: Nicholson, Maura J
Sent: Monday, January 30, 2017 1:53 PM
To: RAIO - Oversea Managers
Subject: FW: Information about the Executive Order of Friday

International Managers,

In addition to the Q&A (**for use as talking points only, not to be distributed**) attached here, Secretary Kelly has issued 3 separate statements on the Executive Order signed this past Friday. I've included the links below for your reference. The statements are publicly available on the DHS.gov website, so please feel free to refer people to that information if they have questions about the EO.

Protecting the Nation from Foreign Terrorist Entry to the United States (Fact Sheet)
Statement by Secretary John Kelly on the Entry of Lawful Permanent Residents into the United States
DHS Statement on Compliance with Court Orders and the President's Executive Order

Handling of Inquiries from Foreign Governments
If you receive inquiries from foreign governments about any DHS equities related to the Executive Orders, Matt King, DHS Deputy Assistant Secretary, Policy, has asked that those inquiries be forwarded to him at [redacted] Please do not provide his contact information to parties external to USCIS.

(b)(6)

More information will be forthcoming as soon as it is available.

Thanks,

Maura

From: Ruppel, Joanna
Sent: Monday, January 30, 2017 6:31 AM
To: Baker, Katherine H; Dhabalia, Dimple D; Gill, Lori R; Gipson, Angela E; Kim, Ted H; Lafferty, John L; Nicholson, Maura J; Potts, LeRoy G; Ruppel, Joanna; Sohrakoff, Karen A; Stone, Mary M; Strack, Barbara L; RAIO - Oversea Managers; Aguilar, Kimberly M; Bardini, Emilia M; Boyle, Meghann W; Bundy, Kelsey D; Daum, Robert L; Donis, Antonio; Elliott, John J; Flanagan, Lisa M; Gadson, Irvin C; Heinrich, Lorie R; Ho, Cheri L; Hong, Marianne X; Hussey, Jedidah M; Madsen, Kenneth S; Menges, Patricia A; Mikesell, Hannah K; Papazian, Varsenik L; Pueschel, Tracy W; Radel, David M; Raufer, Susan; Rellis, Jennifer L; Valerin, Kathy D; Varghese, Mathew C; Varghese, Sunil R; RAIO - HQ Managers; Papas, Georgia; Fatica, Erin K; Johnson, Bobbie L; Langlois, Joseph E; Lassen, Brett H; Monica, Donald J; Spalter, Brian M
Subject: Information about the Executive Order of Friday

All,

Gillispie, Anna E

From: Risch, Carl C
Sent: Saturday, January 28, 2017 1:02 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Symons, Craig M; Nuebel Kovarik, Kathy
Subject: DOS Guidance Cable
Attachments: Cable 17-STATE-8708.pdf

Attached is State's guidance cable on implementing yesterday's Executive Order.

Referred to U.S. Department of State

Referred to U.S. Department of State

Referred to U.S. Department of State

Referred to U.S. Department of State

Referred to U.S. Department of State

Shirk, Georgette L

From: Lafferty, John L
Sent: Saturday, January 28, 2017 4:02 PM
To: RAIO - Asylum Field Office Managers
Cc: Kim, Ted H; Mura, Elizabeth E; Caudill-Mirillo, Ashley B; Kirkland, Brooke A; Roberts, Rhonda J; Pilotti, David A; Potts-Hansen, Stephanie N; Tanner, Rebecca S
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Field leadership,

Just wanted to give you a heads-up on instructions you may need to begin implementing on Monday. In light of the language in Friday's Executive Order, we may need to put a hold on decision-making for asylum cases from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. We may also be asked to postpone any scheduled interviews.

On Monday morning, you should plan on preventing any decision document from being issued in person or by mail to a national of any of the above countries unless or until you are instructed otherwise.

You should also review you list of upcoming interviews and be preparing to cancel any scheduled interviews for persons from one of the listed countries. DO NOT cancel any interviews, however, until you receive instructions from HQ on how to proceed. Hopefully, we will have more guidance on the interviews by Monday morning.

Please let Ted and I know if you have any questions.

Thanks!

John

From: Lafferty, John L
Sent: Saturday, January 28, 2017 1:06:38 PM
To: Ruppel, Joanna; Nicholson, Maura J; Strack, Barbara L; Kim, Ted H; Stone, Mary M
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

A literal reading of the EO and cited INA sections would not indicate that this processing suspension applies to the processing of asylum applications, but I understand why it might be wise to cancel interviews and place on hold cases from the relevant countries while we await additional guidance. Unless you want us to hold off, I will issue such guidance by e-mail today.

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 11:46:47 AM
To: Nicholson, Maura J; Strack, Barbara L; Lafferty, John L; Kim, Ted H; Stone, Mary M
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

FYI.

I think we also need guidance on how this applies to asylum. May want to cancel interviews and place in hold asylum applicants from these countries.

I am hoping we can work with the front office to get a memo to all USCIS staff to be issued Monday.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 8:37:07 AM
To: Scialabba, Lori L; Renaud, Tracy L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna
Cc: McCament, James W
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

I just sent this to the centers.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:35 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary

hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Shirk, Georgette L

From: Lafferty, John L
Sent: Sunday, January 29, 2017 11:11 AM
To: RAIO - Asylum Field Office Managers
Cc: Kim, Ted H; Caudill-Mirillo, Ashley B; Mura, Elizabeth E; Roberts, Rhonda J; Kirkland, Brooke A; Pilotti, David A; Tanner, Rebecca S; Potts-Hansen, Stephanie N
Subject: FW: RAIO's most time sensitive issues for Executive Order Implementation
Attachments: Executive Order on terrorism - RAIO questions.docx

Everyone,

As of the moment, the instructions I sent out yesterday stay in place until we get further instruction from agency/department leadership. As you can see from the below chain, Joanna has notified leadership of our present instructions and is seeking further guidance.

Given what is happening at the airports, I understand that some additional guidance is needed on CF/RF processing. CF/RF screenings should continue for anyone who is placed into ER and is referred to us after making a fear claim, or anyone subject to reinstatement or admin removal order who is referred to us after making a fear claim. We confer no benefit in the screening process, so our work in these areas should continue unless/until we are instructed otherwise.

Please feel free to continue to submit any questions that you may have.

John

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 8:42:27 PM
To: Walters, Jessica S
Cc: Strack, Barbara L; Stone, Mary M; Lafferty, John L; Kim, Ted H; Nicholson, Maura J; Scialabba, Lori L; Renaud, Tracy L
Subject: RAIO's most time sensitive issues for Executive Order Implementation

Jessica,

Attached please find a preliminary list of implementation issues for RAIO. These are ones that are most time sensitive, in that we need to get guidance out to the field as soon as possible – by Sunday evening, if possible.

This does not include the most urgent issue regarding the list of individuals State is requesting to exempt so they can travel, which is being worked separately.

Let me know if you have questions. Also including content in the message in case that is helpful for those on phones.

Thanks,

Joanna

RAIO Time Sensitive Questions on the Executive Order

Refugee Processing – what can continue?

For reference - current circuit rides:

1. Cape Town, South Africa (total number of cases is 166) – deployed through February 3:
   a. 92% nationality is Somali – Claims are mostly based on religious beliefs (different interpretations of Islam than Al Shabaab)
   b. 8% nationality is Democratic Republic of Congo – Claims are nationality claims based on tribe.
2. Indonesia (total number of cases is 130) – deployed through February 10:
   a. 95% nationality is Burmese – religious minority Rohingya population
   b. 5% nationality is Afghan – No claim info available
3. Vienna (RAD CR – one officer is currently onsite processing cases) – deployed through February 24:
   a. 100% from Iran – claims are religious persecution as either Assyrian/Armenian Christians or Bahai
   b. Note that these cases must obtain special visas to enter Austria and can only remain in Vienna for a very limited amount of time.

Urgent time-sensitive questions (need answers by Sunday evening, if possible):

1. Can the officer in Vienna resume interview on Monday? In light of the "notwithstanding" language at Sec. 5(e), we propose that he continue w/interviews as planned.

   In particular, that section says that the USRAP can use discretion to admit refugees during the 120-day suspension "when admitting the person would enable the United States to conform its conduct to a preexisting international agreement..." We have such an agreement w/Austria. What we are proposing is not actually ADMISSIONS, however, but continuing w/RAD interviews, which seems in keeping with the intent and spirit of this provision. Since these applicants are Iranian religious minorities, we believe that their future admission would need to be assessed under the 90-day rule in Sec. 3.

2. Can we continue interviewing in Indonesia? We recommend that we continue, at least for the Rohingya population. PRM's guidance to RSC's is to continue processing around the world and just to cancel travel for the affected population, and we are working with them on determining best course of action for this caseload.

3. Should we continue interviews in South Africa? We think it would not be the best use of resources to continue to interview this population and intend to move forward to curtail those interviews. We are consulting with PRM.

4. Should we continue interviews in Moscow? We have Lautenberg interviews scheduled in Moscow all week. This includes P1s and Lautenberg (largely Ukrainian religious minorities traveling in from the Ukraine for their interviews). Some of the P-1s travel in from remote areas. Our proposed plan:

   Where someone may already be in transit, we intend to continue with the interview if the individual was a Lautenberg or other religious minority, even though we are all still awaiting guidance on how the religious minority exception may be defined. For those other P1s, we intend to collect prints and inform them of the suspension, but not conduct an interview. We don't want to continue interviewing if we may have to do reinterviews later based on a new or amended approach to processing.

5. We believe we have P-1s also scheduled in New Delhi. Would follow same approach as above.

Less Urgent:

6. Should we resume planning scheduling CR for Nauru (originally planned for Feb. 5-6, but suspended). We believe this falls under the "preexisting international agreement" provision is the USG agreement w/Australia concerning Nauru. State believes that having visible evidence of progress is important to both the Australian gov't and to the refugees, whose hopelessness has led to violence, self-harm, non-compliance, etc.

Asylum Processing:

1. Does the suspension apply to processing affirmative asylum applications filed by individuals from the countries on the list?

   - We have notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise.
   - We have told them to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

Refugee Travel Documents:

Should USCIS continue to issue refugee travel documents (domestically and abroad) to those not on the list? IO currently has a number of pending requests for refugee documents and the vast majority are Iraqi and the individuals are currently in Iraq. Will issue guidance to suspend processing those on the list, but what about the others?

TRIG:

Should we tell staff to hold off on approving cases for existing TRIG exemptions while all exemptions are being reviewed for possible rescission?

I-730's Processed Abroad:

1. Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list (e.g., China)? State's guidance to consular officers is to continue processing those. We have not issued any yet.
2. If we issued a travel document to a refugee FTJ or an asylee FTJ from one of the 7 countries before the 1/27/17 E.O. and the beneficiary hasn't traveled yet, should we try to get the travel document or packet back?

RAIO Time Sensitive Questions on the Executive Order

Refugee Processing – what can continue?

For reference - current circuit rides:

1. Cape Town, South Africa (total number of cases is 166) – deployed through February 3:
    a. 92% nationality is Somali – Claims are mostly based on religious beliefs (different interpretations of Islam than Al Shabaab)
    b. 8% nationality is Democratic Republic of Congo – Claims are nationality claims based on tribe.
2. Indonesia (total number of cases is 130) – deployed through February 10:
    a. 95% nationality is Burmese – religious minority Rohingya population
    b. 5% nationality is Afghan – No claim info available
3. Vienna (RAD CR – one officer is currently onsite processing cases) – deployed through February 24:
    a. 100% from Iran – claims are religious persecution as either Assyrian/Armenian Christians or Bahai
    b. Note that these cases must obtain special visas to enter Austria and can only remain in Vienna for a very limited amount of time.

Urgent time-sensitive questions (need answers by Sunday evening, if possible):

1. Can the officer in Vienna resume interview on Monday? In light of the "notwithstanding" language at Sec. 5(e), we propose that he continue w/interviews as planned.

    In particular, that section says that the USRAP can use discretion to admit refugees during the 120-day suspension "when admitting the person would enable the United States to conform its conduct to a preexisting international agreement..." We have such an agreement w/Austria. What we are proposing is not actually ADMISSIONS, however, but continuing w/RAD interviews, which seems in keeping with the intent and spirit of this provision. Since these applicants are Iranian religious minorities, we believe that their future admission would need to be assessed under the 90-day rule in Sec. 3.

2. Can we continue interviewing in Indonesia? We recommend that we continue, at least for the Rohingya population. PRM's guidance to RSC's is to continue processing around the world and just to cancel travel for the affected population, and we are working with them on determining best course of action for this caseload.

3. Should we continue interviews in South Africa? We think it would not be the best use of resources to continue to interview this population and intend to move forward to curtail those interviews. We are consulting with PRM.

4. Should we continue interviews in Moscow? We have Lautenberg interviews scheduled in Moscow all week. This includes P1s and Lautenberg (largely Ukrainian religious

minorities traveling in from the Ukraine for their interviews). Some of the P-1s travel in from remote areas. Our proposed plan:

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Monica, Donald J

From: Nicholson, Maura J
Sent: Friday, January 27, 2017 8:28 AM
To: Monica, Donald J; Langlois, Joseph E; Johnson, Bobbie L; Spalter, Brian M; Lassen, Brett H; Fatica, Erin K
Cc: Kliska, Jennifer R
Subject: RE: circuit ride update

Just new trips scheduled to deploy on or before Feb 15. We are staying the course at present on already deployed CRs.

From: Monica, Donald J
Sent: Thursday, January 26, 2017 8:16:59 PM
To: Nicholson, Maura J; Langlois, Joseph E; Johnson, Bobbie L; Spalter, Brian M; Lassen, Brett H; Fatica, Erin K
Cc: Kliska, Jennifer R
Subject: RE: circuit ride update

Re: cancelling CRs. Does that include terminating CRs in currently in process (Indonesia for APAC), or just new trips?

From: Nicholson, Maura J
Sent: Friday, January 27, 2017 6:59 AM
To: Langlois, Joseph E; Johnson, Bobbie L; Monica, Donald J; Spalter, Brian M; Lassen, Brett H; Fatica, Erin K
Cc: Kliska, Jennifer R
Subject: RE: circuit ride update

All,

State/PRM, RAD, and IO spoke this evening to coordinate and determine next steps with respect to refugee processing. Latest we've heard is that the EO will be signed tomorrow, so we still don't have final language which will be key in determining handling of on-going CRs in Cape Town and Indonesia (RAD also has a circuit rider interviewing Lautenbergs in Vienna now), and refugee processing in our field offices. The final EO language will also help inform processing of Lautenbergs in MOS, and other religious minorities (including Rohingya in Indonesia). We need to continue to interview refugee cases until told otherwise.

In the meantime, though, we are cancelling all CRs scheduled to depart between now and February 15, consistent with RAD. This includes the fingerprinting CR to Malta that departs Monday. PRM has notified their RSCs of these cancellations.

RAD, IO and PRM will have a standing daily meeting for the foreseeable future to coordinate, as needed.

More info and guidance to follow when available. Please let me know if you have any questions.

Thanks,

Maura

From: Nicholson, Maura J
Sent: Wednesday, January 25, 2017 6:19 PM

Subject: FW: circuit ride update

All,

FYI that RAD is suspending CRs through February 15 in light of the Executive Order that is expected tomorrow and which will affect refugee processing. We will be awaiting implementing guidance from DHS once the order is signed and can then assess what action we may need to take on our 2 currently deployed CRs and those scheduled for departure in February. We'll also then get a sense of how our I-730 caseloads will be affected.

I'm sure you've seen drafts online of the executive order as well as much press about what's likely coming, but we don't know what, if anything, of what's been reported may get changed in the final hours before the EO is signed.

FYI,

Maura

From: Stone, Mary M
Sent: Wednesday, January 25, 2017 4:17 PM
To: Ruppel, Joanna; Nicholson, Maura J
Subject: FW: circuit ride update

From: Strack, Barbara L
Sent: Wednesday, January 25, 2017 4:03:19 PM
To: RAIO - Refugee1
Subject: FW: circuit ride update

From: Strack, Barbara L
Sent: Wednesday, January 25, 2017 3:37:28 PM
To: Strack, Barbara L
Subject: circuit ride update

Dear RAD staff – I know that many of you have seen draft copies of an Executive Order related to the USRAP that is expected to be finalized and signed tomorrow. In light of this anticipated announcement, we've determined that it would be prudent to suspend circuit rides that are scheduled to depart between now and February 15.

We are also suspending the remaining PDBs planned for this week.

For our TDYers who are here in DC, we will be sharing information as soon as possible about travel arrangements for returning to home offices.

I hope to share more information tomorrow.

Barbara

Monica, Donald J

From: Nicholson, Maura J
Sent: Saturday, January 28, 2017 6:33 AM
To: Langlois, Joseph E; Johnson, Bobbie L; Monica, Donald J; Spalter, Brian M; Lassen, Brett H; Fatica, Erin K
Cc: Kliska, Jennifer R
Subject: RE: circuit ride update

All,

This evening, the EO affecting refugee processing was signed, however we have not yet seen the final text. We believe we will need to stop processing refugees on Monday – I should know more and will confirm later this weekend. DHS is aware of our 2 on-going CRs as well as RAD's in Vienna, and I hope to soon let you know whether we'll need to have our travelers curtail. We are also seeking guidance from DHS on Lautenberg processing in MOS and whether that will be able to continue.

In the meantime, please have your offices cancel all travel document pick-ups for I-730s (both refugee and asylee FTJs) for the next week. That will give us some time to get direction from DHS on the impact that today's EO will have on I-730 processing. We will also coordinate with State early next week on steps taken with respect to that caseload.

It will take some time to get the DHS implementing guidance for the EO, so I appreciate your patience while we sort out precisely what the impact of the EO will be. I will be sure to share any information with you as I can – and please do not hesitate to pose questions so that I can ensure we get the answers you need.

Thanks,

Maura

From: Nicholson, Maura J
Sent: Thursday, January 26, 2017 6:59 PM
To: Langlois, Joseph E; Johnson, Bobbie L; Monica, Donald J; Spalter, Brian M; Lassen, Brett H; Fatica, Erin K
Cc: Kliska, Jennifer R
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In the meantime, though, we are cancelling all CRs scheduled to depart between now and February 15, consistent with RAD. This includes the fingerprinting CR to Malta that departs Monday. PRM has notified their RSCs of these cancellations.

RAD, IO and PRM will have a standing daily meeting for the foreseeable future to coordinate, as needed.

Thanks,

Maura

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I hope to share more information tomorrow.

Barbara

Monica, Donald J

From: Sanders, Gregory L
Sent: Saturday, January 28, 2017 11:00 AM
To: Monica, Donald J; APAC FOD
Subject: RE: circuit ride update

Receipt acknowledged. We await further instructions on current INDO CR. I will notify IRC of BKK urban interview cancellations, etc.

Gregory L. Sanders
Bangkok Field Office Director, APAC
Office: [redacted] (b)(6)

From: Monica, Donald J
Sent: Saturday, January 28, 2017 10:07 AM
To: APAC FOD
Subject: FW: circuit ride update

FODs:

Please confirm receipt of this message when you read it.

See below. This relates to the refugee Executive Order. As noted, it was signed, but HQ/IO has not yet seen it. Of immediate priority is that we are cancelling both refugee and I-730 interviews (both refugee and asylee FTJ), as well as the pick of travel packets by I-730 applicants. While Maura's email mentions cancelling I-730 travel package pickups, but does not mention cancelling interviews, in a separate reply to an inquiry from EMEA she indicates that for now interviews should also be cancelled.

More to follow as info becomes available.

Don

From: Nicholson, Maura J
Sent: Saturday, January 28, 2017 6:33 AM
To: Langlois, Joseph E; Johnson, Bobbie L; Monica, Donald J; Spalter, Brian M; Lassen, Brett H; Fatica, Erin K
Cc: Kliska, Jennifer R
Subject: RE: circuit ride update

All,

This evening, the EO affecting refugee processing was signed, however we have not yet seen the final text. We believe we will need to stop processing refugees on Monday – I should know more and will confirm later this weekend. DHS is aware of our 2 on-going CRs as well as RAD's in Vienna, and I hope to soon let you know whether we'll need to have our travelers curtail. We are also seeking guidance from DHS on Lautenberg processing in MOS and whether that will be able to continue.

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Thanks,

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To: Langlois, Joseph E; Johnson, Bobbie L; Monica, Donald J; Spalter, Brian M; Lassen, Brett H; Fatica, Erin K
Cc: Kliska, Jennifer R
Subject: RE: circuit ride update

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More info and guidance to follow when available. Please let me know if you have any questions.

Thanks,

Maura

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Sent: Wednesday, January 25, 2017 6:19 PM
To: Langlois, Joseph E; Johnson, Bobbie L; Monica, Donald J; Spalter, Brian M
Cc: Lassen, Brett H; Fatica, Erin K; Kliska, Jennifer R
Subject: FW: circuit ride update

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We are also suspending the remaining PDBs planned for this week.

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I hope to share more information tomorrow.

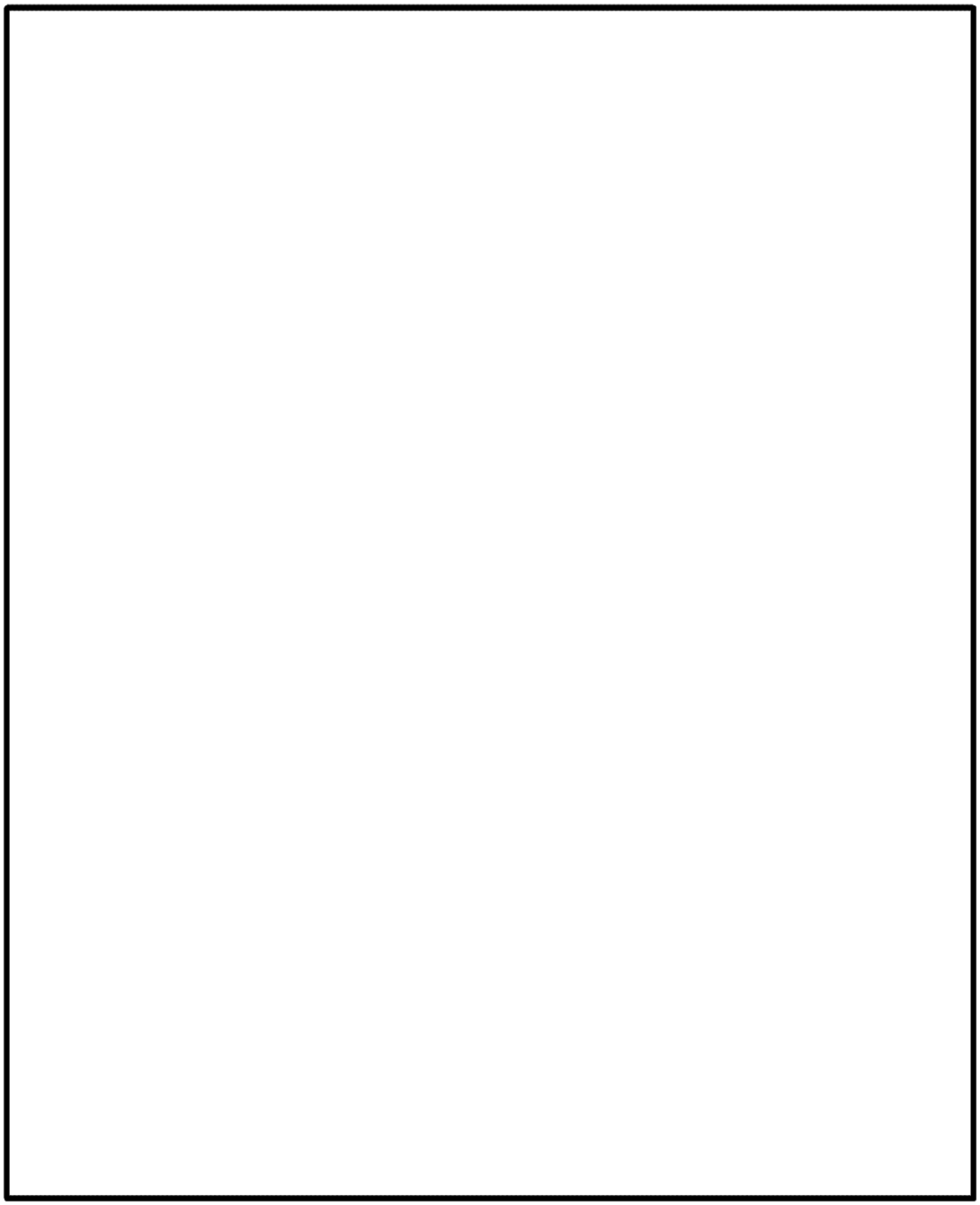
Barbara

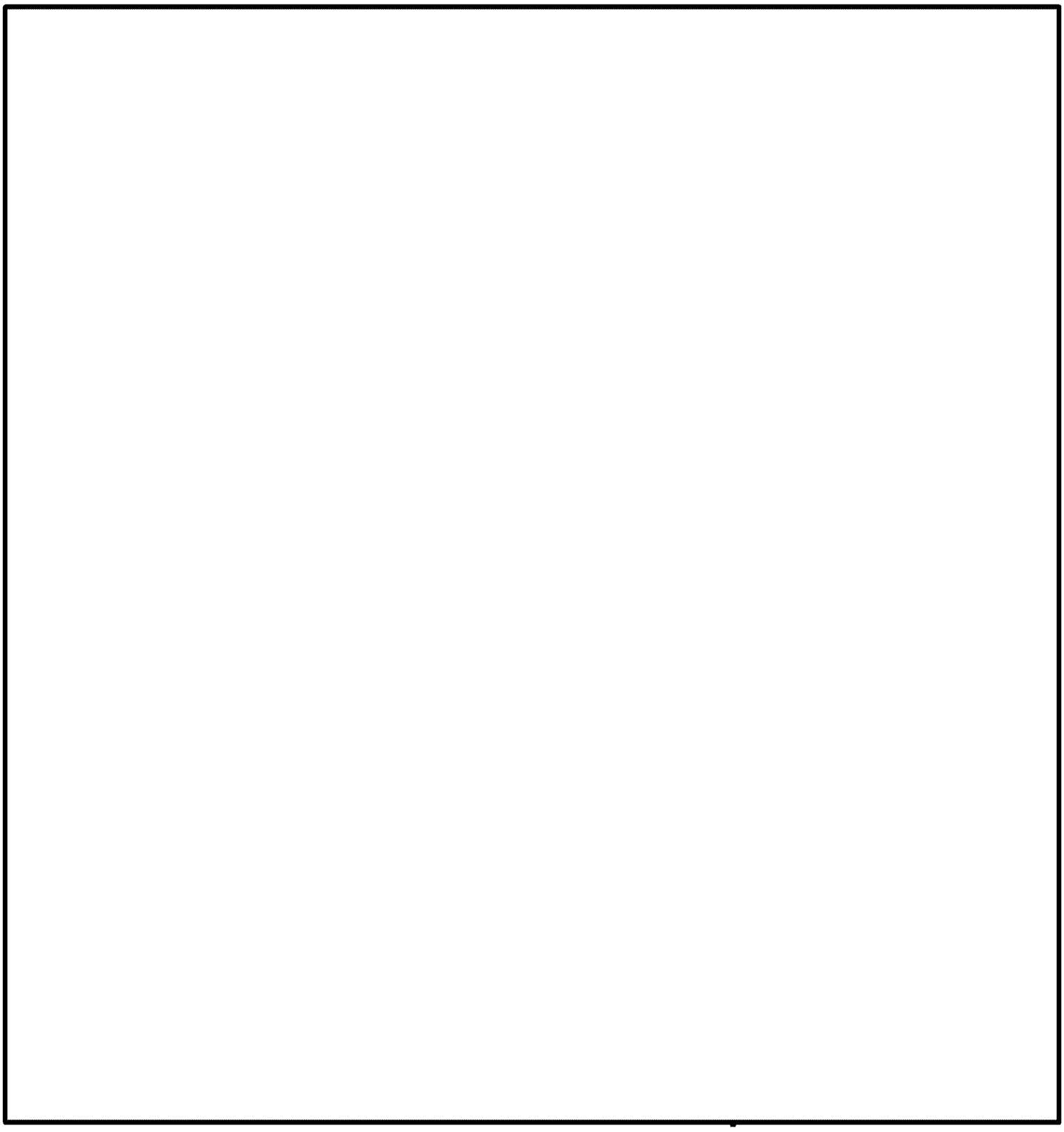
Interim Guidance for International Operations in Response to Executive Order Signed January 27, 2017

Note: We will be creating a case tag in CAMINO to identify all cases on hold per this executive order.

(b)(5)

1. Refugee-Related Processing





Monica, Donald J

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 7:12 AM
To: Monica, Donald J; Langlois, Joseph E; Johnson, Bobbie L
Cc: Kliska, Jennifer R
Subject: RE: CRs
Attachments: FW: Message on refugee admissions and operations

Hi Don,

As you saw from my other email, there is no corporate decision on the CRs yet. We are going to continue to stay the course and will be revisiting the CR in Cape Town and Indonesia on Monday.

In the meantime, for the Indonesia CR, I've raised with PRM the possibility of prioritizing interviews of Rohingya cases. Margaret Burkhart will help to coordinate this and will check to see if this is possible without causing undue anxiety among the other applicants. If you or Greg can reach out to her to coordinate, that would be great.

On a separate note, I'm attaching here for your awareness a message PRM sent to its RSCs. Note the last line:

In the meantime, RSCs should not/not cancel any other processing activities (short of traveling scheduling and departure) until further guidance is issued from PRM.

PRM is aware of what we are proposing as guidance for MOS, as well as what's happening with our CRs, so I think we are in synch.

Don, do you have refugee interviews scheduled this week in NDI?

Maura

From: Monica, Donald J
Sent: Saturday, January 28, 2017 6:08 PM
To: Nicholson, Maura J
Subject: CRs

Just curious. Were there any further discussions today (your time) regarding interviewing on Monday. If not, any corporate decision made on Sunday won't be delivered until Monday morning Indonesia time. Then we'll have to make it up as we go along.

Right now there's no plan to stop interviewing on Monday unless that instruction comes from HQ.

Monica, Donald J

From: Nicholson, Maura J
Sent: Monday, January 30, 2017 7:04 AM
To: RAIO - Oversea Managers
Cc: Ruppel, Joanna; Hadary, Jonah J; Kwan, Stephanie M; Kliska, Jennifer R
Subject: FW: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

Field managers,

I wanted to make you aware of the statement made by Secretary Kelly earlier today with respect to LPRs re-entering the United States. Consistent with S1's directive, all field offices should continue to process I-131A applications filed by LPRs overseas, regardless of the nationality of the applicant. To confirm, I-131As filed by LPRs who are nationals or dual nationals of the 7 countries outlined in the Executive Order signed on January 27 (Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen), should continue to be adjudicated and travel documents issued per existing guidance.

Additional guidance related to the issuance of that E.O. will be forthcoming. Thanks for your patience – I know you have a number of questions, and we will work as quickly as we can with others in USCIS and the Department to clarify them.

Thanks,

Maura

From: Renaud, Tracy L
Sent: Sunday, January 29, 2017 3:24:02 PM
To: Ruppel, Joanna; Renaud, Daniel M; Neufeld, Donald W
Subject: FW: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

FYI

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 6:19:32 PM
To: Scialabba, Lori L; Renaud, Tracy L; Atkinson, Ronald A; Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Groom, Molly M; Melero, Marlela
Subject: FW: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

From: DHS Press Office
Sent: Sunday, January 29, 2017 11:15:58 PM
To: Alfonso, Angelica M
Subject: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

Press Office
U.S. Department of Homeland Security

Press Release

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

STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

WASHINGTON – In applying the provisions of the president's executive order, 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.

###

Unsubscribe

Office of Public Affairs · 202-282-8010 · mediainquiry@hq.dhs.gov

U.S. Department of Homeland Security · Washington, DC 20016

Monica, Donald J

From: Nicholson, Maura J
Sent: Monday, January 30, 2017 7:58 AM
To: Monica, Donald J; Spalter, Brian M; Langlois, Joseph E; Johnson, Bobbie L; Fatica, Erin K; Lassen, Brett H
Cc: Ruppel, Joanna; Kliska, Jennifer R
Subject: Interim Guidance on Executive Order Signed January 27
Attachments: 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx; FW: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

Importance: High

DDs/DDDs,

I realize that you have many questions about the Executive Order and appreciate that you have been sending them forward. Please continue to do so. Unfortunately, things remain in flux and we do not have cleared guidance we can provide other than the following for the next few days or less (if we get additional guidance sooner):

- Do not issue any final approvals for any I-730 refugee following to join cases. Further guidance will be coming about how to update CAMINO, etc.
- Do not issue any final approvals for any other application, including I-730 asylee following to join adjudication and travel eligibility cases for nationals or dual nationals of the 7 countries referenced in the Executive Order (Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen), with the exception of I-131As (see attached email). You can approve I-131As for all applicants following existing guidance, which requires that you flag for HQ any with serious derogatory information for possible discretionary denials. Further guidance will be coming.
- If you have refugee cases scheduled for Monday or Tuesday of this week, please cancel them if there is sufficient time to do so. If there is not sufficient time to cancel, then please collect the applicant's biometrics, review his or her bio-data for accuracy and completeness, and inform the applicant that he/she will be notified when the case is able to proceed in the future.

Right now, we are staying the course on the refugee CR in Indonesia; the team on the ground can continue interviewing and processing the cases there until further notice.

The above guidance is only a stop-gap to assist in addressing the most urgent needs for the next couple of days when more detailed cleared guidance can be issued. Also, for awareness, OCOMM is working on talking points and FAQs related to the Executive Order, which should be issued via USCIS Broadcast soon.

I appreciate the difficulty of being on the front line and getting inquiries from the public and others for which we don't yet have complete answers. Many people throughout the Agency and Department are working hard to sort out the impact of the E.O. on the Agency, and I will continue to keep you posted.

Thank you for your continued patience as we navigate the current policy changes.

Maura

****

Maura J. Nicholson
Deputy Chief, International Operations Division

[redacted] (b)(6)

Monica, Donald J

From: Spalter, Brian M
Sent: Wednesday, February 01, 2017 6:59 AM
To: Nicholson, Maura J
Cc: Monica, Donald J
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Hi Maura,

Just a brief follow up regarding this issue which came up on our call last evening, below is the email that went out to FOD regarding N-400 processing.

Regards,
Brian

From: Renaud, Daniel M
Sent: Monday, January 30, 2017 2:30 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Field Offices may continue to adjudicate N-400 and N-600 applications and administer the oath of citizenship for approved candidates who remain eligible. This message lifts the hold on citizenship applications and petitions.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12:16 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 2:02 PM
To: RAIO - ALL1
Subject: Executive Order and Refugee Processing

RAIO Colleagues,

As you know, last week we made the decision to temporarily suspend departures for both the Refugee Affairs Division (RAD) and International Operations (IO) circuit rides until February 15. We also temporarily suspended refugee interviews at all international field offices. Following further consultations with the Department of State Bureau for Population, Refugees and Migration (PRM), we have jointly decided that the remaining 2nd quarter circuit ride and USCIS international field office interview schedule will be completely revised. PRM is instructing the Refugee Support Centers to cancel this quarter's USCIS circuit rides and field office interviews at this time.

RAIO will be working with PRM in coming weeks and months to discuss when circuit rides and field office interviews will resume and to identify any interviews that will be needed to reach this year's revised goal of 50,000 admissions, as well as the FY18 ceiling, which has not yet been determined. At this time, we do not have any information to share on 3rd and 4th quarter circuit rides or field office processing, but we will continue to share additional information as it becomes available.

I would like to encourage you to review the RAIO ECN site that we have begun building to share information with you, as well as to provide a space for questions and collaboration:

2017 Executive Orders

You will find there a place where you may submit questions anonymously. Or, you can identify yourself in case we want to get back to you with any follow up questions to clarify your question. While the site tracks number of "responses," that actually means number of questions. It may take a bit of time, but once we have a number of questions, we will work on posting the questions and responses. Also, something to watch for in the coming weeks is that we will be seeking your views on certain implementation issues through the feedback section of that ECN site (such as additional information it would be helpful to know when processing a benefit request).

Thank you for your support, flexibility and patience.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Wednesday, February 08, 2017 11:13 AM
To: RAIO - ALL1
Subject: Executive Order Updates and Refugee Processing

RAIO Colleagues,

As stated in the USCIS Broadcast, U.S. Citizenship and Immigration Services has suspended any and all actions implementing the affected sections of the Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017) (these affected sections are Sections 3(c), Section 5(a), Section 5(b), Section 5 (c) and Section 5 (e) to the extent that it purports to prioritize refugee claims of certain religious minorities).

USCIS has resumed approving refugee cases that are otherwise eligible for refugee resettlement. The travel schedule of these approved cases will be determined by the Department of State so as not to exceed the refugee ceiling set by the current Administration. At this time, USCIS generally will not be regularly conducting refugee interviews in international field offices, or deploying additional circuit rides this quarter other than select, previously scheduled circuit rides. USCIS will coordinate other possible interviews, including urgent humanitarian protection cases, at the request of the Department of State. The previously organized trainings for credible fear will move forward as scheduled.

USCIS, including RAIO headquarters staff, is participating in intra and inter-agency working groups established to implement the Executive Order and field input will be sought as appropriate.

Many of you have expressed interesting in learning more about the ongoing litigation relating to the Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States. Oral arguments on whether or not to lift the temporary restraining order took place yesterday before the 9th Circuit Court of Appeals. You can listen to a recording of the oral arguments and find information about the litigation on the 9th Circuit's website:

https://www.ca9.uscourts.gov/content/view.php?pk_id=0000000860

Information about the Executive Orders that impact USCIS can be found on USCIS Connect:

http://connect.uscis.dhs.gov/org/CL/Pages/Presidential-Actions.aspx

And information more specific to RAIO can be found on the RAIO ECN (this site is still a work in process):

http://ecn.uscis.dhs.gov/team/fod/ImplementEO/SitePages/Home.aspx

Finally, I would like to apologize for confusion that arose when all RAIO staff were scheduled for a Town Hall. That was based on a miscommunication error on my part. I had requested an all hands meeting for "Directorate staff," meaning the RAIO Program Chiefs and their staff. In my capacity as acting A/D for RAIO, I plan on holding monthly meetings with my team, just as Maura and I hold monthly all hands meetings with IO HQ staff. This was understood to mean all RAIO staff. Then the cancelation led to some rumors of some other motive. It was pure miscommunication. I am trying hard to get ahead of all rumors and stop them as soon as I hear them. There also has been a bit of miscommunication about a potential Town Hall with Lori Scialabba. We are working to clarify plans with the front office and will provide more info shortly. Things are moving fast and furious here at HQ, so I appreciate everyone's patience when communication mistakes are made. We are truly acting with the best of intentions.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

Shirk, Georgette L

From: Gulati, Sonia
Sent: Wednesday, January 25, 2017 3:11 PM
To: Pehlivan, Serra; Muirragui, Emily R; Loizeaux, Andrew B (Drew); Salber, Matthew C; Patterson, Sean A; Bhalla, Amy D; Landro, Leia M; Kazimierczak, Marta K; Djaboury, Jacob G; Jones, Kelly A; Casey, Kathryn M; Kahler, Jacqueline E; McCleary, Kashina A; Johnson, Ann; Young, Cheronda K (CTR); Pfleuger, Brett E
Cc: Anderson, Ross S
Subject: Moving forward on CR postponements

Importance: High

Desk Officers,

Per Barbara's email, you should start working on canceling all arrangements for the CRs, including plane reservations, hotel reservations, etc. Ross will be notifying all TDYers and their Directors of the postponement, and that they will be responsible for canceling any layover reservations/plans themselves. I have informed Miya and she will be informing the rest of the Travel Office, and CI Travel, so that everyone has the heads up about the influx of calls and cancelations. Once Ross has notified travelers, you can send out an email to all team members with any further instructions, as needed.

For anyone that has TDYers in DC now for PDB, they should make arrangements to travel home tomorrow, which will be the official travel day. Should there be any issues with that, they can contact Ross.

PRM will notify their own staff, domestically and internationally, including RSCs and UNHCR. You should also notify any non-DOS/PRM Embassy Partners that you have worked directly with this quarter.

Support Staff, please reach out to the Desk Officers that you are working with so that you can determine how to best assist them in making all of these changes.

I think that is it for now. Please let me know if you can think of any other issues or concerns.

I know this is a challenging time and we really appreciate your efforts.

Hang in there!

Thanks,

Sonia

Sonia Gulati
Branch Chief, Regional Operations
Refugee Affairs Division (RAD)
DHS/USCIS/RAIO
(b)(6)

[redacted] (b)(6)

From: Strack, Barbara L
Sent: Wednesday, January 25, 2017 4:03 PM
To: RAIO - Refugee1
Subject: FW: circuit ride update

From: Strack, Barbara L
Sent: Wednesday, January 25, 2017 3:37:28 PM
To: Strack, Barbara L
Subject: circuit ride update

Dear RAD staff – I know that many of you have seen draft copies of an Executive Order related to the USRAP that is expected to be finalized and signed tomorrow. In light of this anticipated announcement, we've determined that it would be prudent to suspend circuit rides that are scheduled to depart between now and February 15.

We are also suspending the remaining PDBs planned for this week.

For our TDYers who are here in DC, we will be sharing information as soon as possible about travel arrangements for returning to home offices.

I hope to share more information tomorrow.

Barbara

Shirk, Georgette L

From: Gulati, Sonia
Sent: Tuesday, January 24, 2017 12:57 PM
To: Pehlivan, Serra; Loizeaux, Andrew B (Drew); Muirragui, Emily R; Kazimierczak, Marta K; Landro, Leia M; Bhalla, Amy D; Patterson, Sean A; Salber, Matthew C; Jones, Kelly A; Djaboury, Jacob G; Casey, Kathryn M; McCleary, Kashina A; Kahler, Jacqueline E
Subject: Rumors on changes in USRAP by new administration

All,

I wanted to touch base as I have received several inquiries on ROs being informed of USRAP policy changes before HQ, etc. I understand that there are rumors around about reductions in admissions goals/ceiling, the impact on Syrians, etc. Please know that we do not have any information at this point and as soon as we hear anything, we will pass it along. I know the waiting is challenging, and we are all anxiously awaiting hearing any news on the subject. I would like to ask that you avoid spreading the rumors, rushing to conclusions, and speculating -- there is no official order or direction yet.

Thanks for all of your hard work, especially during these weeks while preparing everyone to travel—and for some of you, preparing to travel yourselves.

Sonia

Sonia Gulati
Branch Chief, Regional Operations
Refugee Affairs Division (RAD)
DHS/USCIS/RAIO
[redacted] (b)(6)

Shirk, Georgette L

From: Gulati, Sonia
Sent: Thursday, January 26, 2017 11:26 AM
To: McPherson, Richard C
Subject: RAD travels
Attachments: FW: circuit ride update

Hi Richard, I hope you are doing well.

I wanted to update you on the status of RAD Circuit Rides. They are currently suspended between now and Feb 15th—see Barbara's email attached. For your awareness, and as I understand it, International Operations has not yet made a decision on their Circuit Rides.

I will keep you informed of any other changes.

As always, thanks for your support.

Sonia

Sonia Gulati
Branch Chief, Regional Operations
Refugee Affairs Division (RAD)
DHS/USCIS/RAIO
[redacted] (b)(6)

Q2 Breakdown of Nationalities and Religions

MIDDLE EAST/EUROPE

Jordan team A -canceled					
*Team B scheduled for Q2/Q3, which translates into approx 535 addit'l cases (specifics unknown)					
Nationality	Projected Totals	Percentage	Religion	Projected Totals	Percentage
Iraq	280	23%	Christian	75	6%
Somalia	13	1%	Druze	1	0%
Sudan	35	3%	Muslim	1107	93%
Syria	867	73%	Sabeans-Mandean	10	1%
Total	1194			1194	

Egypt -canceled					
Nationality	Projected Totals	Percentage	Religion	Projected Totals	Percentage
Iraq	88	9%	Christian	214	22%
Eritria	13	1%	Muslim	736	77%
Ethiopia	18	2%	Sabeans-Mandean	2	0%
Somalia	23	2%	Agnostic	2	0%
South Sudan	37	4%			
Sudan	280	29%			
Syria	494	52%			
Total	953			953	

Lebanon -canceled					
Nationality	Projected Totals	Percentage	Religion	Projected Totals	Percentage
Iraq	14	5%	Christian	139	48%
South Sudan	2	1%	Druze	2	1%
Sudan	9	3%	Muslim	151	52%
Syria	267	91%			
Total	292			292	

BAGHDAD-canceled						
Nationality	Projected totals	Percentage		Religion	Projected Totals	Percentage
Iraqi	1560.5	98%		Muslim	1371.3	86%
Palestinian	22.8	1.4%		Christian	92.9	7.2%
Syrian	1.6	0.1%		Yazidi	114	5.8%
				Atheist	1.6	0.1%
				Kaaka'i	3.2	0.2%
				No religion	1.6	0.1%
Total	1,585			Total	1,585	

ERBIL-not yet canceled						
Nationality	Projected totals	Percentage		Religion	Projected Totals	Percentage
Iraqi	41	36%		Muslims	99	88%
				Christians	n/a	
Syrian	71	63%		Yazidi	13	11.6%
				Atheist	n/a	
				Kaaka'i	n/a	
				No religion	n/a	
Total	130			Total	130	

Turkey -canceled						
Nationality	Projected totals	Percentage		Religion	Projected Totals	Percentage
Afghanistan	44	3.80%		Christians	271	23.50%
Eritrea	1	0.10%		Muslims	723	62.80%
Iran	355	30.80%		No religion	94	8.20%
Iraq	611	53%		Atheist	7	0.63%
Palestine	1	0.10%		Bahai	43	3.70%
Somalia	7	0.63%		Jehovah Witness	1	0.10%
Sudan	1	0.10%		Kakai	5	0.40%
Syria	131	11.40%		Zoroastrians	1	0.10%
				Yazidi	1	0.10%
				Other	6	0.50%
Total	1151					

Austria Team A -ongoing						
Nationality	Projected Totals	Percentage		Religion	Projected Totals	Percentage
Iran	160	100%		Christian	141	88.40%
				Jewish	3	1.60%
				Bahai	0	
				Zoroastrian	16	10%
Total	160					

Austria Team B –not yet canceled						
Nationality	Projected Totals	Percentage		Religion	Projected Totals	Percentage
Iran	290	100%		Christian	256	88.40%
				Jewish	5	1.60%
				Bahai	0	
				Zoroastrian	29	10%
Total	290					

Israel -canceled						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Eritrea	76	76%		Christian	86	86%
Sudan	21	21%		Muslim	14	14%
Ethiopia	2	2%				
Iraq	1	1%				
Total	100					

LATIN AMERICA

El Salvador Team A -canceled						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
El Salvador	1177	100%		Christian	1177	100%

Honduras -canceled						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Honduras	249	100%		Christian	249	100%

Guatemala -canceled						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Guatemala	49	100%		Christian	49	100%

Ecuador -canceled						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Ecuador	88	100%		Christian	88	100%

Trinidad -not yet canceled						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Syria	5	45%		Christian	5	100%
Pakistan	1	8.5%		Muslim	1	100%
Bangladesh	1	8.5%		Buddhist	1	100%
Cuba	1	8.5%		Christian	1	100%
Colombia	1	8.5%		Christian	1	100%
Jamaica	2	21%		Christian	2	100%

El Salvador Team B- not yet canceled						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
El Salvador	1177	100%		Christian	1177	100%

ASIA

Nauru –will be rescheduled						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Afghan	17	11%		Muslim	93	63%
Bangladesh	3	2%		Muslim-Christian Converts (Iranians)	55	37%
Burma	21	14%				
Iran	55	37%				
Somali	18	12%				
Pakistani	6	4%				
Sri Lankan	14	9%				
Iraq	8	5%				
Lebanon	5	3%				
Palestine	1	1%				

Nepal --canceled						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Bhutan	270	100		Muslim	0	0%
				Hindu/Buddhist*		
				Christian*		
Total	270	100			270	100

Malaysia (previously IO) -canceled						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	12	35%		Muslim	33	97%
Somalia	3	9%		Christian	1	3%
Sudan	1	2%				
Iran	4	12%				
Syria	2	5%				
Pakistani	8	24%				
Sri Lankan	2	5%				
Afghan	1	2%				
Lebanese	1	2%				
Total	34				34	

Malaysia (RAD caseload) -canceled						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Burma	435	100%		Muslim (Rohingya)	208*	48%
				Christian or Buddhist	227	52
Total	435				435	

*Note this is an estimate. RSC had not scheduled the full CR but estimated that Rohingya would be approximately 48% of the caseload for Q2.

AFRICA

Burundi -canceled						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	258	100%		Protestant	126	49%
				Pentecostal	44	17%
				Catholic	41	16%
				Muslim	24	9%
				Methodist	17	7%
				Jehovah's Witness	2	< 1%
				Christian	2	< 1%
				7th Day Adventist	1	< 1%
				Other	1	< 1%

Chad -canceled						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Sudanese:	419	67%		Muslim:	533	85%
CAR:	204	33%		Catholic:	36	6%
Total:	623			Protestant:	21	3%
				Baptist:	20	3%
				Christian:	10	2%
				Evangelical:	1	<1%
				Pentecostal:	1	<1%

Ethiopia -canceled						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Somali:	752	99%		Muslim:	752	99%
South Sudanese	1	<1%		Christian	1	>1%
Total:	753					

Kenya -canceled						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Somali	626	76%		Muslim:	673	82%
Congolese	82	10%		Christian:	83	10%
Ethiopian	65	0.08		Protestant:	23	3%
Ugandan	20	0.02		Pentacostal:	14	2%
South Sudanese	15	0.02		Catholic:	12	1%
Eritrean	5	<1%		Orthodox:	10	0.01
Kenyan (V93)	4	<1%		Baptist:	2	<1%
Burundian	3	<1%		Methodist:	2	<1%
Rwandan	3	<1%		Lutheran:	1	<1%
Total	823			Evangelican:	1	<1%
				7th Day Adventist:	1	<1%

Uganda -canceled						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese:	575	86%		Protestant:	164	25%
Somali:	79	12%		Pentecostal	151	23%
South Sudanese:	5	<1%		Muslim:	106	16%
Burundian:	3	<1%		Catholic	102	15%
Ethiopian:	2	<1%		7th Day Adventist	49	7%
Eritrean:	2	<1%		Baptist	49	7%
Sudanese:	1	<1%		Jehovah's Witness	21	3%
Egyptian:	1	<1%		Christian	19	3%
Total:	668			Methodist:	3	<1%
				Orthodox	2	<1%
				Other	2	<1%
				Coptic:	1	<1%

PROJECTIONS FOR Africa Q2 TRIPS not yet canceled

Burundi Team 2 Fy17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	279	100%		Protestant:	~137	~49%
				Pentecostal:	~47	~17%
				Catholic:	~45	~16%
				Muslim:	~25	~9%
				Methodist:	~20	~7%
				Jehovah's Witness		~<1%
				Christian:		~<1%
				7th Day Adventist		~<1%
				Other:		~<1%

Ethiopia Team 2 Fy17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Somali	256	100%		Muslim:	~256	~100%

Kenya Team 2 Fy17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Somali	~410	~76%		Muslim:	~442	~82%
Congolese	~54	~10%		Christian:	~54	~10%
Ethiopian	~43	~8%		Protestant:	~16	~3%
Ugandan	~11	~2%		Pentacostal:	~11	~2%
South Sudanese	~11	~2%		Catholic:	~5	~1%
Eritrean		<1%		Orthodox:	~5	~1%
Kenyan (V93)		<1%		Baptist:		<1%
Burundian		<1%		Methodist:		<1%
Rwandan		<1%		Lutheran:		<1%
Total	539			Evangelican:		<1%
				7th Day Adventist:		<1%

Q2 Breakdown of Nationalities and Religions

Jordan Fy17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	200	23%		Christian	54	6%
Somalia	9	1%		Druze	1	0%
Sudan	25	3%		Muslim	792	93%
Syria	620	73%		Sabeans-Mandean	7	1%

Egypt FY17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	54	9%		Christian	132	22%
Eritria	8	1%		Muslim	454	77%
Ethiopia	11	2%		Sabeans-Mandean	1	0%
Somalia	14	2%		Agnostic	1	0%
South Sudan	23	4%				
Sudan	173	29%				
Syria	305	52%				

Lebanon FY17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	8	5%		Christian	77	48%
South Sudan	1	1%		Druze	1	1%
Sudan	5	3%		Muslim	84	52%
Syria	148	91%				

IRAQ FY17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	334	96%		Muslim	293	84%
Palestinian	11	3%		Yazidi	42	12%
				Christian	10	2.8%

Austria FY17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iran	~350	100%		Christian	221	88.4%
				Jewish	4	1.6%
				Bahai	unknown	
				Zoroastrian	25	10%

Israel FY17 Q2						
Nationality	**# of Cases**	**Percentage**		**Religion**	**# of Cases**	**Percentage**
Eritrea	76	76%		Christian	86	86%
Sudan	21	21%		Muslim	14	14%
Ethiopia	2	2%				
Iraq	1	1%				

Turkey Fy17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Afghanistan	36	3.8%		Christians	222	23.5%
Eritrea	1	0.1%		Muslims	592	62.8%
Iran	290	30.8%		No religion	77	8.2%
Iraq	500	53%		Atheist	6	0.63%
Palestine	1	0.1%		Bahai	35	3.7%
Somalia	6	0.63%		Jehovah Witness	1	0.1%
Sudan	1	0.1%		Kakai	4	0.4%
Syria	107	11.4%		Zoroastrians	1	0.1%
Total	942			Yazidi	1	0.1%
				Other	3	0.3%

Note: the last two weeks of the CR has not yet been scheduled. Historically, ICMC does not schedule the last two weeks until the middle of the CR, to allow for expedites, unexpected issues, etc.

Trinidad Fy17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Syria	5	45%		Christian	5	45%

Country Malaysia Fy17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	12	35%		Muslim	33	97%
Somalia	3	1%				
Sudan	1	1%				
Iran	4	1%				
Syria	2	1%				

Burundi Fy17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	258	100%		Protestant	126	49%
				Pentecostal	44	17%
				Catholic	41	16%
				Muslim	24	9%
				Methodist	17	7%
				Jehovah's Witness	2	< 1%
				Christian	2	< 1%
				7th Day Adventist	1	< 1%
				Other	1	< 1%

Chad Fy17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Sudanese	419	67%		Muslim:	533	85%
CAR	204	33%		Catholic:	36	6%
Total	623			Protestant:	26	4%
				Baptist:	20	3%
				Christian:	10	2%
				Evangelical:	1	<1%
				Pentecostal:	1	<1%

Ethiopia Fy17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Somali	752	99%		Muslim:	752	99%
South Sudanese	1	<1%		Christian	1	>1%
Total	753					

Kenya Fy17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Somali	626	76%		Muslim:	673	82%
Congolese	82	10%		Christian:	83	10%
Ethiopian	65	0.08		Protestant:	23	3%
Ugandan	20	0.02		Pentacostal:	14	2%
South Sudanese	15	0.02		Catholic:	12	1%
Eritrean	5	<1%		Orthodox:	10	0.01
Kenyan (V93)	4	<1%		Baptist:	2	<1%
Burundian	3	<1%		Methodist:	2	<1%
Rwandan	3	<1%		Lutheran:	1	<1%
Total	823			Evangelican:	1	<1%
				7th Day Adventist:	1	<1%

Uganda Fy17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	577	86%		Protestant:	185	28%
Somali	79	12%		Catholic:	127	19%
South Sudanese	5	<1%		Muslim:	110	16%
Burundian	3	<1%		7th Day Adventist	90	13%
Ethiopian	2	<1%		Baptist	90	13%
Eritrean	2	<1%		Jehovah's Witness	34	0.05
Sudanese	1	<1%		Christian	25	0.04
Egyptian	1	<1%		Methodist:	3	<1%
Total	670			Orthodox:	2	<1%
				Coptic:	1	<1%

Additional Projections
Q2 Team 2 projections for Africa

Burundi Team 2 Fy17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	541	100%		Protestant:	~265	~49%
				Pentecostal:	~92	~17%
				Catholic:	~87	~16%
				Muslim:	~49	~9%
				Methodist:	~38	~7%
				Jehovah's Witness		~<1%
				Christian:		~<1%
				7th Day Adventist		~<1%
				Other:		~<1%

Ethiopia Team 2 Fy17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Somali	256	100%		Muslim:	~256	~100%

Kenya Team 2 Fy17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Somali	~410	~76%		Muslim:	~442	~82%
Congolese	~54	~10%		Christian:	~54	~10%
Ethiopian	~43	~8%		Protestant:	~16	~3%
Ugandan	~11	~2%		Pentacostal:	~11	~2%
South Sudanese	~11	~2%		Catholic:	~5	~1%
Eritrean		<1%		Orthodox:	~5	~1%
Kenyan (V93)		<1%		Baptist:		<1%
Burundian		<1%		Methodist:		<1%
Rwandan		<1%		Lutheran:		<1%
Total	539			Evangelican:		<1%
				7th Day Adventist:		<1%

Tanzania Fy17 Q2						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	584	~100%		Christian:	~175	~30%
				Catholic:	~128	~22%
				Methodist:	~105	~18%
				Other Christian denom:	~146	~25%
				Other		~< 5%

Shirk, Georgette L

From: Gulati, Sonia
Sent: Tuesday, February 07, 2017 10:10 AM
To: Pehlivan, Serra; Muirragui, Emily R; Loizeaux, Andrew B (Drew); Bhalla, Amy D; Patterson, Sean A; Salber, Matthew C; Landro, Leia M; Kazimierczak, Marta K; Djaboury, Jacob G; Jones, Kelly A
Subject: RE: Executive Order and Refugee Processing

Serra,

There is no decision on Q3 CRs right now. I am not involved in FACT/SOS so please direct the TDYers to Valerie and/or Erin.

Thanks,

Sonia

From: Pehlivan, Serra
Sent: Tuesday, February 07, 2017 7:39 AM
To: Gulati, Sonia; Muirragui, Emily R; Loizeaux, Andrew B (Drew); Bhalla, Amy D; Patterson, Sean A; Salber, Matthew C; Landro, Leia M; Kazimierczak, Marta K; Djaboury, Jacob G; Jones, Kelly A
Subject: RE: Executive Order and Refugee Processing

Thanks Sonia.
How about Q3 CRs? Many TDYers reached out to me asking whether they should proceed with the scheduled FACT/SOS Training later this month.

From: Gulati, Sonia
Sent: Monday, February 06, 2017 9:04 PM
To: Pehlivan, Serra; Muirragui, Emily R; Loizeaux, Andrew B (Drew); Bhalla, Amy D; Patterson, Sean A; Salber, Matthew C; Landro, Leia M; Kazimierczak, Marta K; Djaboury, Jacob G; Jones, Kelly A
Subject: FW: Executive Order and Refugee Processing

All,

Per our discussion at the Branch Meeting, please go ahead and use this email for any communication with TDYers on the cancelation of Q2 CRs.

Let me know if you need anything else.

Thanks!

Sonia

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 3:02 PM
To: RAIO - ALL1
Subject: Executive Order and Refugee Processing

RAIO Colleagues,

As you know, last week we made the decision to temporarily suspend departures for both the Refugee Affairs Division (RAD) and International Operations (IO) circuit rides until February 15. We also temporarily suspended refugee interviews at all international field offices. Following further consultations with the Department of State Bureau for Population, Refugees and Migration (PRM), we have jointly decided that the remaining 2nd quarter circuit ride and USCIS international field office interview schedule will be completely revised. PRM is instructing the Refugee Support Centers to cancel this quarter's USCIS circuit rides and field office interviews at this time.

RAIO will be working with PRM in coming weeks and months to discuss when circuit rides and field office interviews will resume and to identify any interviews that will be needed to reach this year's revised goal of 50,000 admissions, as well as the FY18 ceiling, which has not yet been determined. At this time, we do not have any information to share on 3rd and 4th quarter circuit rides or field office processing, but we will continue to share additional information as it becomes available.

I would like to encourage you to review the RAIO ECN site that we have begun building to share information with you, as well as to provide a space for questions and collaboration:

2017 Executive Orders

You will find there a place where you may submit questions anonymously. Or, you can identify yourself in case we want to get back to you with any follow up questions to clarify your question. While the site tracks number of "responses," that actually means number of questions. It may take a bit of time, but once we have a number of questions, we will work on posting the questions and responses. Also, something to watch for in the coming weeks is that we will be seeking your views on certain implementation issues through the feedback section of that ECN site (such as additional information it would be helpful to know when processing a benefit request).

Thank you for your support, flexibility and patience.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

Shirk, Georgette L

From: Strack, Barbara L
Sent: Tuesday, January 24, 2017 2:16 PM
To: RAIO - Refugee1
Subject: FW: Transition issues and hiring freeze

Dear RAD Staff – I wanted to follow up on Joanna's message from yesterday evening. I understand that there were – not surprisingly – many questions at today's Refugee Corps meeting, and there are a number of rumors being exchanged through various professional networks about the future of the USRAP.

- First, I can tell you that we – RAD/RAIO – have not been informed of any changes to the USRAP through official channels. Based on conversations with PRM today, we do not believe that PRM has been officially informed of any changes. If and when RAD receives such information, we will share it with you promptly.
- Since Joanna wrote her email yesterday evening, USCIS did obtain a copy of the hiring freeze memo that was reported by the media yesterday. However, there are still a number of questions about how this new policy affects USCIS. The Management Directorate is seeking information on this and will be providing additional guidance as soon as it is received. RAD branch chiefs have been collecting your questions, we will pass them up the chain, and we will do our best to get answers back.

Please know, across the board, that as soon as we have any information we will share it with you. It's the nature of a transition to a new Administration that there will be changes, and that it will take some time to sort out all of the issues that are of significance to us at USCIS and at RAIO. In the meantime, thank you for your continued dedication to our shared mission.

Barbara

From: Ruppel, Joanna
Sent: Monday, January 23, 2017 6:12 PM
To: RAIO - ALL1
Subject: Transition issues and hiring freeze

RAIO Staff,

On this first business day of the new administration, I realize many of you have many questions about what changes will be implemented. While I am serving as Acting Associate Director, I will do my best to share information with you as soon as I know and have permission to share. It is still quite early, so I simply do not have much information at this time. What I do know is the following:

- **Hiring Freeze and Pay Freeze:** There have been reports about a federal hiring freeze and a pay freeze. The USCIS Management Directorate is seeking information on this and will be providing information as it is received. I realize there are many questions about what this means. Please hold off on sending questions to HROC at this time, as we simply do not yet have answers. If something is urgent, feel free to send it up via chain of command to me so that I can be sure that the Management Directorate is aware.
- **USCIS Transition Team.** A broadcast will be coming out shortly with information about the Beachhead Transition Team and who is on it. Please keep your eyes out for that.
- **RAIO Leadership.** We still do not know how long Jennifer Higgins will be on detail to the Department, but I will let you know as soon as we know when she will be coming back.

I know that times of transition can bring about anxiety and lead to many questions. In particular, we at HQ are going to be spending time preparing and delivering briefings to the new team, and that could also create delays in getting out guidance to the field. In some cases, we also need to wait for direction from the new administration before completing guidance in the works.

I appreciate everyone's patience as together we learn more about changes associated with this transition.

While Jennifer Higgins remains on detail to the Department, I will do my best to stand in her shoes to provide you the support you need to continue to do the meaningful work you do every day.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted]

(b)(6)

Shirk, Georgette L

From: Jones, Kelly A
Sent: Tuesday, January 24, 2017 12:21 PM
To: Djaboury, Jacob G
Subject: RE: RAD staff meeting

Ragini says its rumors of no Syrians at all.

From: Jones, Kelly A
Sent: Tuesday, January 24, 2017 9:08:39 PM
To: Djaboury, Jacob G
Subject: RE: RAD staff meeting

Info from officers at the mtg

From: Djaboury, Jacob G
Sent: Tuesday, January 24, 2017 9:04:51 PM
To: Jones, Kelly A
Subject: RE: RAD staff meeting

I haven't heard any of that, how do we know this is legit?

From: Jones, Kelly A
Sent: Tuesday, January 24, 2017 1:00 PM
To: Djaboury, Jacob G
Subject: RAD staff meeting

A lot was said supposedly at the ref corp staff meeting.

No Syrians.
Admissions down to 50K
A 120 day freeze in (interview, admissions... not sure)

This could be inaccurate- but have you heard ANY of this???

Why the F would the ref corp get this before us?

?????

Referred to Immigration and Customs Enforcement

Referred to Immigration and Customs Enforcement

HOTEL
The Intercontinental is the hotel of choice for this team. The team members are:

1. David Marchick
2. Emma Deputy
3. Morgan Plumer
4. Marina Basseas
5. Ruben Enriquez
6. Rebecca Roles

AIRPORT PICKUP- MOTORPOOL

All of the officers arrive on Wednesday, February 1st on flight DL 849 from Atlanta at 12:54 PM. **They will look for signs** with their names.

AIRPORT DROPOFF
Some of the officers are set to continue on to Guatemala on February 25th: David Marchick, **Emma Deputy,** and Morgan Plumer. They will take AV 734 at 1:00pm. A 10:30am pickup from the hotel is requested.
Marina, Ruben, and Rebecca depart on flight DL552 at 1:56pm. Perhaps they can depart the **hotel an hour later.**

BRIEFINGS
We look forward to the RSO and gang briefing on this circuit ride on Thursday, February 2nd if **possible.**

DAILY MOTORPOOL:

On Thursday, February 2nd

Pick-up	From:	To:
7:45	Intercontinental	Embassy
When finished	Embassy	IOM
16:30	IOM	Intercontinental

DAILY 2/3-2/24 : Pick-up	From:	To:
7:45	Intercontinental	IOM
16:30	IOM	Intercontinental

Please let me know if I can provide any other information. We're looking forward to a productive New Year!

Marta

Marta Kazimierczak
Latin America and Caribbean Desk Officer
Refugee Affairs Division, USCIS | Department of Homeland Security
111 Massachusetts Ave NW, Suite 8000 | Washington, DC
[redacted]
(b)(6)

Shirk, Georgette L

From: Kazimierczak, Marta K
Sent: Wednesday, January 25, 2017 4:02 PM
To: Smith, Kristen
Subject: RE: PDBs and Circuit Rides cancelled

Yes, please. The briefings, transportation and hotel. Thank you!

From: Smith, Kristen
Sent: Wednesday, January 25, 2017 5:01 PM
To: Kazimierczak, Marta K
Subject: RE: PDBs and Circuit Rides cancelled

Thank you Marta. Should we cancel hotel reservations at this time?

From: Kazimierczak, Marta K
Sent: Wednesday, January 25, 2017 3:53 PM
To: Garza, Daisy
Cc: Smith, Kristen
Subject: PDBs and Circuit Rides cancelled

Hi Daisy,
Today we found out via the draft Executive Order on Immigration and Refugees that refugee admissions will be temporarily suspended. That means that the CAM circuit ride is cancelled until further notice and the Pre-Departure training has been called off so you don't need to dial in tomorrow. We all put a lot of work into this circuit ride already so it's unfortunate. I hope you can interview with RAD in the future. Ross will be sending an email to your Director as well.

Thank you,

Marta

Shirk, Georgette L

From: Kazimierczak, Marta K
Sent: Tuesday, February 07, 2017 10:50 AM
To: Bruce, Tamara D; Gamble, Nicole M; Canche, Guillermo E; McNary, Christopher D; Orr, Reginald V Sr; McCarroll, Shantia G; Gibson, John R; Fouda, Lauren T; Mireles, Charity J; Baines, Melodee M; Jansen, Jonathon E; Strong, Walker D; Garza, Daisy; Basseas, Marina M; Enriquez, Ruben M; Roles, Rebecca J; Lebron, Tiffany M; Borovsky, Michael A; Champion, Lauren R; Johansen, Steffi K; Schupp-Star, Rachael M; Kosinski, Gillian M; Collins, Siera N; Damron, Andrew T; Bay-Hansen, Siw M; Avila-cote, Ana; Welch, Jacqueline G; Garibay, Jorge A (FSN); Varghese, Sunil R
Subject: Q2 Circuit Rides and the Executive Order and Refugee Processing

Dear Q2 TDY'ers,
Unfortunately, it is confirmed that all of our Q2 circuit rides have been cancelled. Thank you for volunteering and for our flexibility!

Marta

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 3:02 PM
To: RAIO - ALL1
Subject: Executive Order and Refugee Processing

RAIO Colleagues,

As you know, last week we made the decision to temporarily suspend departures for both the Refugee Affairs Division (RAD) and International Operations (IO) circuit rides until February 15. We also temporarily suspended refugee interviews at all international field offices. Following further consultations with the Department of State Bureau for Population, Refugees and Migration (PRM), we have jointly decided that the remaining 2nd quarter circuit ride and USCIS international field office interview schedule will be completely revised. PRM is instructing the Refugee Support Centers to cancel this quarter's USCIS circuit rides and field office interviews at this time.

RAIO will be working with PRM in coming weeks and months to discuss when circuit rides and field office interviews will resume and to identify any interviews that will be needed to reach this year's revised goal of 50,000 admissions, as well as the FY18 ceiling, which has not yet been determined. At this time, we do not have any information to share on 3rd and 4th quarter circuit rides or field office processing, but we will continue to share additional information as it becomes available.

I would like to encourage you to review the RAIO ECN site that we have begun building to share information with you, as well as to provide a space for questions and collaboration:

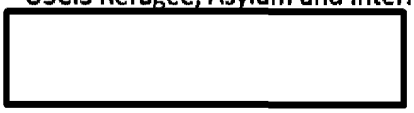
2017 Executive Orders

You will find there a place where you may submit questions anonymously. Or, you can identify yourself in case we want to get back to you with any follow up questions to clarify your question. While the site tracks number of "responses," that actually means number of questions. It may take a bit of time, but once we have a number of questions, we will work on posting the questions and responses. Also, something to watch for in the coming weeks is that we will be seeking your views on certain implementation issues through the feedback section of that ECN site (such as additional information it would be helpful to know when processing a benefit request).

Thank you for your support, flexibility and patience.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate



(b)(6)

Shirk, Georgette L

From: Gulati, Sonia
Sent: Tuesday, January 31, 2017 5:17 AM
To: Salber, Matthew C; Bhalla, Amy D; Patterson, Sean A; Jones, Kelly A; Djaboury, Jacob G; Pehlivan, Serra; Muirragui, Emily R; Loizeaux, Andrew B (Drew); McCleary, Kashina A; Kazimierczak, Marta K; Landro, Leia M; Casey, Kathryn M; Kahler, Jacqueline E
Subject: Any pending questions/issues?

Hi All,

I have the RAD Senior Staff meeting this morning and wanted to check in to see if any of have and pending questions/issues related to recent events that you would like me to raise. If so, please let me know by 8:45am. I know some of you don't come in until after that time, but feel free to send in anything as I have another day full of calls/meetings and will surely find another appropriate time to raise.

Thanks and hang in there!

Sonia

1

Shirk, Georgette L

From: Salber, Matthew C
Sent: Thursday, January 26, 2017 2:35 PM
To: Salber, Matthew C
Cc: RAD-Africa Desk; Bhalla, Amy D; Patterson, Sean A
Subject: Next Steps and Action Items for Cancelled Circuit Ride Travel
Attachments: RAIO Travel _Important Action Items and Next Steps.pdf

Importance: High

Q2 Africa team members,

Please see the attached document compiled by RAIO Travel with additional information regarding your trip cancellation, including how to handle vouchering and travel authorizations. **Please review the document carefully as your action is required on several items which have specific due dates.**

In addition, here is some additional information from us on the Desk:

1. If I am currently in possession of your official passport (all of Burundi Team 2 and most of the Tanzania team), I will return it to RAIO Travel. We will retain your completed visa applications in case there is a need for them in the future.
2. We are going to ask you to return any borrowed equipment to our property custodians either by dropping it off in person (if you're local) or by mailing it if you've taken the equipment back to your home duty station already. We'll have more instructions on this soon, so please stand by for a follow-up email.

Let me know if you have any questions or concerns.

Thanks!
Matt

Matthew C. Salber
Africa Desk Officer / Refugee Affairs Division / USCIS
U.S. Department of Homeland Security

[redacted] (b)(6)

From: RAIO Travel
Sent: Thursday, January 26, 2017 3:04 PM
To: RAD-MiddleEast Desk; RAD-Africa Desk; RAD-LACDesk; RAD-Europe Desk; RAD-Asia Desk; Bhalla, Amy D; Kazimierczak, Marta K; Landro, Leia M; Loizeaux, Andrew B (Drew); Salber, Matthew C; Pehlivan, Serra; Muirragui, Emily R; Patterson, Sean A; Pfleuger, Brett E; McCleary, Kashina A; Johnson, Ann; Young, Cheronda K (CTR); Wells, Brittany A
Cc: RAIO Travel; Gulati, Sonia; Anderson, Ross S; Hodge, Brian A
Subject: Next Steps and Action Items for Cancelled Circuit Ride (Travel)

Greetings RAD Desk,

Please share the attached document with the teams impacted by the cancelled circuit rides. Thank you for your assistance with disseminating this ASAP.

Thank you,

Miya H Dempsey
Management Program Analyst
DHS-USCIS-RAIO Travel Unit
20 Massachusetts Ave NW, Suite 6015
Washington, DC 20529-2100

(b)(6)

[redacted]

Click here to make an appointment with RAIO Travel

View the Concur User Guide

AWS Day: 2nd Monday of the Pay Period
Telework: 2nd Thursday of the Pay Period

Shirk, Georgette L

From: Villasenor, Eissa M
Sent: Monday, February 13, 2017 8:58 AM
To: Chiorazzi, Anne
Subject: RE: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD

Categories: RAIO Clearance/Exec Sex.

Hi Anne,

I added the comment re volume.

W/ regard to 3(c), I think they are expecting OGC to review?

> Both DHS and DOS have complied with Judicial Branch decisions affecting implementation of the Executive Order.

Do you think we need to add something?

Eissa

From: Chiorazzi, Anne
Sent: Monday, February 13, 2017 9:51 AM
To: Villasenor, Eissa M
Subject: RE: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD

Hi Eissa,

(b)(5)

OK, I just got done review. [redacted]

I was also reviewing 3(h). I think we should note there that 3(c) has been enjoined and therefore we shouldn't be implementing?

Anne

From: Villasenor, Eissa M
Sent: Monday, February 13, 2017 8:43 AM
To: Chiorazzi, Anne
Subject: FW: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD
Importance: High

Hi Anne,

Two quick comments on the 3(b) 30-day Report V3 document (I will add to document if appropriate).

1. Line 220: Add comment: [redacted]
2. Footnote 1 re passports/refugees: [redacted]

Please confirm if comments are accurate.

Thank you,
Eissa

From: RAIO Clearance
Sent: Friday, February 10, 2017 5:47 PM
To: Allen, Eugene A; Asylum Taskers; Chiorazzi, Anne; Gill, Lori R; Khalsa, Mirian R; Kline, Jennifer M; Liberto, James; Medina, Jorge E; Palmer, Ann M; Peralta Mihalko, Maria P (Pilar); Potts, LeRoy G; Russo, Elisabeth Y; Saunier, Jon-Paul; Schaper, Michael C; Shafi, Amina H; Sicard, Kimberly R; Sohrakoff, Karen A; Villasenor, Eissa M
Cc: Baker, Katherine H; Defensor, Michael R; Dhabalia, Dimple D; Fritz, Debra A; Gipson, Angela E; Grammer, Alexandra C; Kim, Ted H; Lafferty, John L; Nicholson, Maura J; RAIO Clearance; Ruppel, Joanna; Stone, Mary M; Strack, Barbara L
Subject: FW: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD
Importance: High

Good Afternoon,

Please see attached and below – response due by 9:00am, Monday, Feb 13.

Thanks,
RAIO Clearance

From: Barnes, Aisha **On Behalf Of** USCIS Exec Sec
Sent: Friday, February 10, 2017 3:33 PM
To: FDNSExecSec; Beason, Daniel J; OCC-Clearance; RAIO Clearance; Grammer, Alexandra C; #USCIS - IRIS Tasking List
Cc: Button, Maria G (Gemma); Carter, Constance L; USCIS Exec Sec
Subject: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD
Importance: High

Good afternoon,

DHS PLCY has requested USCIS review and provide clearance on EO13769 deliverables by the DHS Vetting Board.

Background:

1. EO 13769 Section 3(b) requires Secretary DHS, in consultation with Department of State and ODNI to:
   a. Conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the [Immigration and Nationality Act (INA)] 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. Submit a report on the results of the above review including:
      - S1's determination of the information needed for adjudications
      - A list of countries that do not provide adequate information.

2. EO 13769 Section 3(h) requires Secretaries of DHS and State to produce a report on the progress of implementing Section 3 of the Order. Progress reports are due at 30 (**27 February**), 60, 90 and 120 days from the date of the Order.
3. EO 13769 Section 4 requires State, DHS, ODNI and the FBI to implement a uniform screening (***vetting***) program, and DHS/State to provide progress reports at 60, 100 and 200 days.

FOR IMMEDIATE ACTION: Comment on the two (2) draft EO reports.

Documents:

1. FOR REVIEW/comment: 3(b) 30-day report (foreign partner information)
2. FOR REVIEW/comment: 3(h) 30-day progress report (Section 3 deliverables)
3. For Background: 3(b) Country Assessment Tool.xls (draft Template still in revision)
4. For Background : EO13769 Protecting the Nation from Terrorist Entry into the United States.

To review the documents, click **here**.

Please provide your responses by **10:00 AM Monday, February 13, 2017.**
DUE TO THE NATURE OF THIS TASK AN EXTENSION CANNOT BE GRANTED

We request responses from the following program offices and directorates: **FDNS; OCC; RAIO; IRIS**

To register your response and view all responses, click **here**. **Please note "SHOWSTOPPERS and substantive edits only."**

Thank you.

Aisha Barnes
Management and Program Analyst
Office of the Executive Secretariat
U.S. Citizenship and Immigration Services
[redacted]
(b)(6)
USCIS-Exec-Sec@uscis.dhs.gov
Use the CATS Dashboard to track the status of active tasks and the CATS Archive to view completed tasks.
Request CATS training and give us your feedback.
We appreciate your collaboration and input.

Shirk, Georgette L

From: Villasenor, Eissa M
Sent: Monday, February 13, 2017 9:05 AM
To: Chiorazzi, Anne
Subject: RE: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD

Categories: RAIO Clearance/Exec Sex.

Yeah, I agree that it's confusing as written now.

Maybe we can add a comment: (b)(5)

From: Chiorazzi, Anne
Sent: Monday, February 13, 2017 10:00 AM
To: Villasenor, Eissa M
Subject: RE: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD

I guess I read it too fast. Perhaps they didn't want to highlight that by complying with the injunction they have ceased doing what was listed in the two previous paragraphs.

From: Villasenor, Eissa M
Sent: Monday, February 13, 2017 9:58 AM
To: Chiorazzi, Anne
Subject: RE: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD

Hi Anne,

I added the comment re volume.

W/ regard to 3(c), I think they are expecting OGC to review?

> Both DHS and DOS have complied with Judicial Branch decisions affecting implementation of the Executive Order.

Do you think we need to add something?

Eissa

From: Chiorazzi, Anne
Sent: Monday, February 13, 2017 9:51 AM
To: Villasenor, Eissa M
Subject: RE: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD

Hi Eissa,

(b)(5)

OK, I just got done review. [redacted]

I was also reviewing 3(h). I think we should note there that 3(c) has been enjoined and therefore we shouldn't be implementing?

Anne

From: Villasenor, Eissa M
Sent: Monday, February 13, 2017 8:43 AM
To: Chiorazzi, Anne
Subject: FW: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD
Importance: High

Hi Anne,

Two quick comments on the 3(b) 30-day Report V3 document (I will add to document if appropriate).

(b)(5)

1. Line 220: Add comment: [redacted]
2. Footnote 1 re passports/refugees: [redacted]

Please confirm if comments are accurate.

Thank you,
Eissa

From: RAIO Clearance
Sent: Friday, February 10, 2017 5:47 PM
To: Allen, Eugene A; Asylum Taskers; Chiorazzi, Anne; Gill, Lori R; Khalsa, Mirian R; Kline, Jennifer M; Liberto, James; Medina, Jorge E; Palmer, Ann M; Peralta Mihalko, Maria P (Pilar); Potts, LeRoy G; Russo, Elisabeth Y; Saunier, Jon-Paul; Schaper, Michael C; Shafi, Amina H; Sicard, Kimberly R; Sohrakoff, Karen A; Villasenor, Eissa M
Cc: Baker, Katherine H; Defensor, Michael R; Dhabalia, Dimple D; Fritz, Debra A; Gipson, Angela E; Grammer, Alexandra C; Kim, Ted H; Lafferty, John L; Nicholson, Maura J; RAIO Clearance; Ruppel, Joanna; Stone, Mary M; Strack, Barbara L
Subject: FW: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD
Importance: High

Good Afternoon,

Please see attached and below – response due by 9:00am, Monday, Feb 13.

Thanks,
RAIO Clearance

From: Barnes, Aisha **On Behalf Of** USCIS Exec Sec
Sent: Friday, February 10, 2017 3:33 PM
To: FDNSExecSec; Beason, Daniel J; OCC-Clearance; RAIO Clearance; Grammer, Alexandra C; #USCIS - IRIS Tasking List

Cc: Button, Maria G (Gemma); Carter, Constance L; USCIS Exec Sec
Subject: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD
Importance: High

Good afternoon,

DHS PLCY has requested USCIS review and provide clearance on EO13769 deliverables by the DHS Vetting Board.

Background:

1. EO 13769 Section 3(b) requires Secretary DHS, in consultation with Department of State and ODNI to:
    a. Conduct a review to determine the information needed from any country to adjudicate any visa, admission, or other benefit under the [Immigration and Nationality Act (INA)] 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. Submit a report on the results of the above review including:
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        - A list of countries that do not provide adequate information.
2. EO 13769 Section 3(h) requires Secretaries of DHS and State to produce a report on the progress of implementing Section 3 of the Order. Progress reports are due at 30 (**27 February**), 60, 90 and 120 days from the date of the Order.
3. EO 13769 Section 4 requires State, DHS, ODNI and the FBI to implement a uniform screening [*vetting*] program, and DHS/State to provide progress reports at 60, 100 and 200 days.

FOR IMMEDIATE ACTION: Comment on the two (2) draft EO reports.

Documents:
1. FOR REVIEW/comment: 3(b) 30-day report (foreign partner information)
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3. For Background: 3(b) Country Assessment Tool.xls (draft Template still in revision)
4. For Background : EO13769 Protecting the Nation from Terrorist Entry into the United States.

To review the documents, click **here**.

Please provide your responses by **10:00 AM Monday, February 13, 2017.**
DUE TO THE NATURE OF THIS TASK AN EXTENSION CANNOT BE GRANTED

We request responses from the following program offices and directorates: **FDNS; OCC; RAIO; IRIS**

To register your response and view all responses, click **here**. **Please note "SHOWSTOPPERS and substantive edits only."**

Thank you.

Aisha Barnes
Management and Program Analyst
Office of the Executive Secretariat
U.S. Citizenship and Immigration Services
(b)(6)

USCIS-Exec-Sec@uscis.dhs.gov
Use the CATS Dashboard to track the status of active tasks and the CATS Archive to view completed tasks.
Request CATS training and give us your feedback.
We appreciate your collaboration and input.

Shirk, Georgette L

From: Villasenor, Eissa M
Sent: Monday, February 13, 2017 9:18 AM
To: Chiorazzi, Anne
Subject: RE: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD

Categories: RAIO Clearance/Exec Sex.

I think that looks good. I'll add it and they can amend as they see necessary.

Ready to send?

From: Chiorazzi, Anne
Sent: Monday, February 13, 2017 10:16 AM
To: Villasenor, Eissa M
Subject: RE: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD

Those look good.

What do you think of this for the footnote? (b)(5)

From: Villasenor, Eissa M
Sent: Monday, February 13, 2017 10:13 AM
To: Chiorazzi, Anne
Subject: RE: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD

Anne,

See my edits/comments.

Eissa

From: Villasenor, Eissa M
Sent: Monday, February 13, 2017 10:05 AM
To: Chiorazzi, Anne
Subject: RE: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD

Yeah, I agree that it's confusing as written now.

Maybe we can add a comment: (b)(5)

[redacted]

From: Chiorazzi, Anne
Sent: Monday, February 13, 2017 10:00 AM
To: Villasenor, Eissa M
Subject: RE: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD

I guess I read it too fast. Perhaps they didn't want to highlight that by complying with the injunction they have ceased doing what was listed in the two previous paragraphs.

From: Villasenor, Eissa M
Sent: Monday, February 13, 2017 9:58 AM
To: Chiorazzi, Anne
Subject: RE: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD

Hi Anne,

I added the comment re volume.

W/ regard to 3(c), I think they are expecting OGC to review?

> Both DHS and DOS have complied with Judicial Branch decisions affecting implementation of the Executive Order.

Do you think we need to add something?

Eissa

From: Chiorazzi, Anne
Sent: Monday, February 13, 2017 9:51 AM
To: Villasenor, Eissa M
Subject: RE: *****URGENT***** [CLEARANCE REQUEST] REVIEW OF EO13769 DELIVERABLES by DHS VETTING BOARD

Hi Eissa, (b)(5)

OK, I just got done review. [redacted]

[redacted]

I was also reviewing 3(h). I think we should note there that 3(c) has been enjoined and therefore we shouldn't be implementing?

Anne

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Sent: Monday, February 13, 2017 8:43 AM
To: Chiorazzi, Anne
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Importance: High

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Aisha Barnes
Management and Program Analyst
Office of the Executive Secretariat
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[redacted] (b)(6)

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Request CATS training and give us your feedback.
We appreciate your collaboration and input.

Shirk, Georgette L

From: Gulati, Sonia
Sent: Thursday, January 26, 2017 2:34 PM
To: Bhalla, Amy D; Salber, Matthew C; Patterson, Sean A
Subject: RE: circuit ride update from RAD-Updated

Importance: High

Amy please hold off!

From: Gulati, Sonia
Sent: Thursday, January 26, 2017 3:25 PM
To: Bhalla, Amy D; Salber, Matthew C; Patterson, Sean A
Subject: RE: circuit ride update from RAD-Updated

Yes, that is fine. You can use the language Barbara used.

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Sent: Thursday, January 26, 2017 3:12 PM
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Subject: RE: circuit ride update from RAD-Updated

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Desk Officers,

Thanks for time and effort yesterday and today in ensuring that all of the changes go smoothly. I spoke to Miya and RAIO Travel will be sending out some guidance to you all to forward to your teams. It will include information about cancellation fees, vaccinations, travel orders, etc. We can expect that sometime later today.

Have there been any issues with canceling eCCs?

If there are any other pending questions or issues, please let me know.

Thanks!

Sonia

From: Gulati, Sonia
Sent: Wednesday, January 25, 2017 6:42 PM
To: Pehlivan, Serra; Loizeaux, Andrew B (Drew); Muirragui, Emily R; Salber, Matthew C; Bhalla, Amy D; Patterson, Sean A; Landro, Leia M; Kazimierczak, Marta K
Subject: FW: circuit ride update from RAD-Updated

FYI

From: Dempsey, Miya H
Sent: Wednesday, January 25, 2017 6:01:31 PM
To: Gulati, Sonia
Cc: Anderson, Ross S; Hodge, Brian A; RAIO Travel
Subject: RE: circuit ride update from RAD-Updated

Hi Sonia and Ross,

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In addition, I wanted to recap the following action items that need to occur ASAP by the respective personnel for the Circuit Rides.

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   Note: Instruct Travelers to contact the airline and seek a refund for any prepaid seating upgrade expenses.

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6) Adjust Credit Limits back to normal amounts (**RAIO Travel**/USCIS Travel Card-FOB)

Let me know if you have any immediate questions or concerns.

Miya H Dempsey
Management Program Analyst
DHS-USCIS-RAIO Travel Unit
20 Massachusetts Ave NW, Suite 6015

Washington, DC 20529-2100

[redacted] (b)(6)

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AWS Day: 2nd Monday of the Pay Period
Telework: 2nd Thursday of the Pay Period

From: Gulati, Sonia
Sent: Wednesday, January 25, 2017 4:06 PM
To: Dempsey, Miya H; Hodge, Brian A
Subject: FW: circuit ride update from RAD

Brian and Miya,

Per my discussion with Miya.

As always, thanks for your support!

Sonia Gulati
Branch Chief, Regional Operations
Refugee Affairs Division (RAD)
DHS/USCIS/RAIO

[redacted] (b)(6)

From: Strack, Barbara L
Sent: Wednesday, January 25, 2017 4:03 PM
To: RAIO - Refugee1
Subject: FW: circuit ride update

From: Strack, Barbara L
Sent: Wednesday, January 25, 2017 3:37:28 PM
To: Strack, Barbara L
Subject: circuit ride update

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We are also suspending the remaining PDBs planned for this week.

For our TDYers who are here in DC, we will be sharing information as soon as possible about travel arrangements for returning to home offices.

I hope to share more information tomorrow.

Barbara

Shirk, Georgette L

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20 Massachusetts Ave NW, Suite 6015
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[redacted] (b)(6)

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From: Bhalla, Amy D
Sent: Thursday, January 26, 2017 4:15 PM
To: Gulati, Sonia; Salber, Matthew C; Patterson, Sean A
Subject: RE: circuit ride update from RAD-Updated

No worries, thanks.

From: Gulati, Sonia
Sent: Thursday, January 26, 2017 4:38 PM
To: Bhalla, Amy D; Salber, Matthew C; Patterson, Sean A
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Yes, go ahead—sorry for the hassle. There has been some discussion on what to say, so please don't use the language yet.

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Subject: FW: circuit ride update

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Sent: Wednesday, January 25, 2017 3:37:28 PM
To: Strack, Barbara L
Subject: circuit ride update

Dear RAD staff – I know that many of you have seen draft copies of an Executive Order related to the USRAP that is expected to be finalized and signed tomorrow. In light of this anticipated announcement, we've determined that it would be prudent to suspend circuit rides that are scheduled to depart between now and February 15.

We are also suspending the remaining PDBs planned for this week.

For our TDYers who are here in DC, we will be sharing information as soon as possible about travel arrangements for returning to home offices.

I hope to share more information tomorrow.

Barbara

Shirk, Georgette L

From: Bhalla, Amy D
Sent: Thursday, January 26, 2017 10:18 AM
To: Gulati, Sonia; Salber, Matthew C; Patterson, Sean A
Subject: RE: circuit ride update from RAD-Updated

Apologies, one more question: Should we be reaching out to Embassy staff regarding postponement of our trips, or should that information come from PRM? Thanks.

From: Bhalla, Amy D
Sent: Thursday, January 26, 2017 11:03 AM
To: Gulati, Sonia; Salber, Matthew C; Patterson, Sean A
Subject: RE: circuit ride update from RAD-Updated

Sonia—One pending question for Africa Desk: We had a large number of people borrow RAIO equipment in anticipation of their trips. Should we instruct those who borrowed equipment to mail it back? Thanks.

From: Gulati, Sonia
Sent: Thursday, January 26, 2017 10:13 AM
To: Pehlivan, Serra; Loizeaux, Andrew B (Drew); Muirragui, Emily R; Salber, Matthew C; Bhalla, Amy D; Patterson, Sean A; Landro, Leia M; Kazimierczak, Marta K
Subject: RE: circuit ride update from RAD-Updated

Desk Officers,

Thanks for time and effort yesterday and today in ensuring that all of the changes go smoothly. I spoke to Miya and RAIO Travel will be sending out some guidance to you all to forward to your teams. It will include information about cancellation fees, vaccinations, travel orders, etc. We can expect that sometime later today.

Have there been any issues with canceling eCCs?

If there are any other pending questions or issues, please let me know.

Thanks!

Sonia

From: Gulati, Sonia
Sent: Wednesday, January 25, 2017 6:42 PM
To: Pehlivan, Serra; Loizeaux, Andrew B (Drew); Muirragui, Emily R; Salber, Matthew C; Bhalla, Amy D; Patterson, Sean A; Landro, Leia M; Kazimierczak, Marta K
Subject: FW: circuit ride update from RAD-Updated

FYI

From: Dempsey, Miya H
Sent: Wednesday, January 25, 2017 6:01:31 PM
To: Gulati, Sonia

Cc: Anderson, Ross S; Hodge, Brian A; RAIO Travel
Subject: RE: circuit ride update from RAD-Updated

Hi Sonia and Ross,

CI Travel is in the process of modifying the return flights for those TDYers who are in DC for training to limit the call volume and wait time. Therefore, if the traveler has not already called, their flights will be modified by CI Travel and they should receive an email of their new itinerary.

In addition, I wanted to recap the following action items that need to occur ASAP by the respective personnel for the Circuit Rides.

1) Cancel ALL international ticketed flights (Desks/CI Travel).
   Note: Instruct Travelers to contact the airline and seek a refund for any prepaid seating upgrade expenses.

2) Cancel TDY Location and Layover Accommodations (Desk/ CI Travel/Employee-if booked directly with the hotel)
3) Cancel **ALL** Country Clearances **(RAIO Travel)**
4) Return Passports to RAIO Travel for safe keeping (Employees)
5) Amend Travel Authorization(s) **(RAIO Travel)**
6) Adjust Credit Limits back to normal amounts (**RAIO Travel**/USCIS Travel Card-FOB)

Let me know if you have any immediate questions or concerns.

Miya H Dempsey
Management Program Analyst
DHS-USCIS-RAIO Travel Unit
20 Massachusetts Ave NW, Suite 6015
Washington, DC 20529-2100

[redacted] (b)(6)

Please send Travel Related Emails: RAIO-Travel@uscis.dhs.gov
Click here to make an appointment with RAIO Travel
View the Concur User Guide

AWS Day: 2nd Monday of the Pay Period
Telework: 2nd Thursday of the Pay Period

From: Gulati, Sonia
Sent: Wednesday, January 25, 2017 4:06 PM
To: Dempsey, Miya H; Hodge, Brian A
Subject: FW: circuit ride update from RAD

Brian and Miya,

Per my discussion with Miya.

As always, thanks for your support!

Sonia Gulati
Branch Chief, Regional Operations
Refugee Affairs Division (RAD)
DHS/USCIS/RAIO
[redacted]
(b)(6)

From: Strack, Barbara L
Sent: Wednesday, January 25, 2017 4:03 PM
To: RAIO - Refugee1
Subject: FW: circuit ride update

From: Strack, Barbara L
Sent: Wednesday, January 25, 2017 3:37:28 PM
To: Strack, Barbara L
Subject: circuit ride update

Dear RAD staff – I know that many of you have seen draft copies of an Executive Order related to the USRAP that is expected to be finalized and signed tomorrow. In light of this anticipated announcement, we've determined that it would be prudent to suspend circuit rides that are scheduled to depart between now and February 15.

We are also suspending the remaining PDBs planned for this week.

For our TDYers who are here in DC, we will be sharing information as soon as possible about travel arrangements for returning to home offices.

I hope to share more information tomorrow.

Barbara

Shirk, Georgette L

From: Gulati, Sonia
Sent: Tuesday, February 07, 2017 10:10 AM
To: Pehlivan, Serra; Muirragui, Emily R; Loizeaux, Andrew B (Drew); **Bhalla, Amy D**; Patterson, Sean A; Salber, Matthew C; Landro, Leia M; Kazimierczak, Marta K; **Djaboury, Jacob G**; Jones, Kelly A
Subject: RE: Executive Order and Refugee Processing

Serra,

There is no decision on Q3 CRs right now. I am not involved in FACT/SOS so please direct the TDYers to Valerie and/or Erin.

Thanks,

Sonia

From: Pehlivan, Serra
Sent: Tuesday, February 07, 2017 7:39 AM
To: Gulati, Sonia; Muirragui, Emily R; Loizeaux, Andrew B (Drew); Bhalla, Amy D; Patterson, Sean A; Salber, Matthew C; Landro, Leia M; Kazimierczak, Marta K; Djaboury, Jacob G; Jones, Kelly A
Subject: RE: Executive Order and Refugee Processing

Thanks Sonia.
How about Q3 CRs? Many TDYers reached out to me asking whether they should proceed with the scheduled FACT/SOS Training later this month.

From: Gulati, Sonia
Sent: Monday, February 06, 2017 9:04 PM
To: Pehlivan, Serra; Muirragui, Emily R; Loizeaux, Andrew B (Drew); Bhalla, Amy D; Patterson, Sean A; Salber, Matthew C; Landro, Leia M; Kazimierczak, Marta K; Djaboury, Jacob G; Jones, Kelly A
Subject: FW: Executive Order and Refugee Processing

All,

Per our discussion at the Branch Meeting, please go ahead and use this email for any communication with TDYers on the cancelation of Q2 CRs.

Let me know if you need anything else.

Thanks!

Sonia

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 3:02 PM
To: RAIO - ALL1
Subject: Executive Order and Refugee Processing

RAIO Colleagues,

As you know, last week we made the decision to temporarily suspend departures for both the Refugee Affairs Division (RAD) and International Operations (IO) circuit rides until February 15. We also temporarily suspended refugee interviews at all international field offices. Following further consultations with the Department of State Bureau for Population, Refugees and Migration (PRM), we have jointly decided that the remaining 2nd quarter circuit ride and USCIS international field office interview schedule will be completely revised. PRM is instructing the Refugee Support Centers to cancel this quarter's USCIS circuit rides and field office interviews at this time.

RAIO will be working with PRM in coming weeks and months to discuss when circuit rides and field office interviews will resume and to identify any interviews that will be needed to reach this year's revised goal of 50,000 admissions, as well as the FY18 ceiling, which has not yet been determined. At this time, we do not have any information to share on 3rd and 4th quarter circuit rides or field office processing, but we will continue to share additional information as it becomes available.

I would like to encourage you to review the RAIO ECN site that we have begun building to share information with you, as well as to provide a space for questions and collaboration:

2017 Executive Orders

You will find there a place where you may submit questions anonymously. Or, you can identify yourself in case we want to get back to you with any follow up questions to clarify your question. While the site tracks number of "responses," that actually means number of questions. It may take a bit of time, but once we have a number of questions, we will work on posting the questions and responses. Also, something to watch for in the coming weeks is that we will be seeking your views on certain implementation issues through the feedback section of that ECN site (such as additional information it would be helpful to know when processing a benefit request).

Thank you for your support, flexibility and patience.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted]

(b)(6)

Shirk, Georgette L

From: Schoener, Sarah L
Sent: Thursday, January 26, 2017 4:32 AM
To: Pehlivan, Serra
Subject: FW: EMEA Circuit Rides

Categories: Green Category

Hi Serra,

IO circuit rides, including Tel Aviv, are officially still on. Please don't have the team cancel flights and other arrangements yet. As soon as I have more information, I will let you know so that you know how to proceed. IO is planning to discuss this issue today, so we're hoping to be able to get you an update quickly.

Thanks,
Sarah

From: Johnson, Bobbie L
Sent: Thursday, January 26, 2017 10:44 AM
To: RomeDist
Cc: Langlois, Joseph E; Nicholson, Maura J
Subject: EMEA Circuit Rides

EMEA Staff,

Please see the information below we just received this morning regarding refugee circuit rides. We wanted to be sure you have the most recent information right away.

At this time, we in IO are not being asked to cancel circuit rides that are currently deployed and we are not being asked to cease planning circuit rides that are scheduled to deploy. We will be discussing the situation with Maura today and will certainly keep you updated if that changes.

If you have any questions, please reach out to me and Joe.

Thank you,

Bobbie

From: Nicholson, Maura J
Sent: Thursday, January 26, 2017 12:19 AM
To: Langlois, Joseph E; Johnson, Bobbie L; Monica, Donald J; Spalter, Brian M
Cc: Lassen, Brett H; Fatica, Erin K; Kliska, Jennifer R
Subject: FW: circuit ride update

All,

FYI that RAD is suspending CRs through February 15 in light of the Executive Order that is expected tomorrow and which will affect refugee processing. We will be awaiting implementing guidance from DHS once the order is signed and can then assess what action we may need to take on our 2 currently deployed CRs and those scheduled for departure in February. We'll also then get a sense of how our I-730 caseloads will be affected.

I'm sure you've seen drafts online of the executive order as well as much press about what's likely coming, but we don't know what, if anything, of what's been reported may get changed in the final hours before the EO is signed.

FYI,

Maura

From: Stone, Mary M
Sent: Wednesday, January 25, 2017 4:17 PM
To: Ruppel, Joanna; Nicholson, Maura J
Subject: FW: circuit ride update

From: Strack, Barbara L
Sent: Wednesday, January 25, 2017 4:03:19 PM
To: RAIO - Refugee1
Subject: FW: circuit ride update

From: Strack, Barbara L
Sent: Wednesday, January 25, 2017 3:37:28 PM
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For our TDYers who are here in DC, we will be sharing information as soon as possible about travel arrangements for returning to home offices.

I hope to share more information tomorrow.

Barbara

Shirk, Georgette L

From: Schoener, Sarah L
Sent: Friday, January 27, 2017 12:17 AM
To: Pehlivan, Serra
Cc: RAD-MiddleEast Desk; Gulati, Sonia
Subject: RE: EMEA Circuit Rides, Israel

Thanks for your assistance coordinating the trip.

Sarah

Sent with Good (www.good.com)

From: Pehlivan, Serra
Sent: Thursday, January 26, 2017 9:45:16 PM
To: Schoener, Sarah L
Cc: RAD-MiddleEast Desk; Gulati, Sonia
Subject: RE: EMEA Circuit Rides, Israel

Dear Sarah,

We just received information from IO HQ that this CR is cancelled. I wrote to RAIO Travel/CI Travel to cancel all travel arrangements including flights, layover hotel reservations, travel authorizations, and country clearances a few minutes ago.

Have a great weekend,

Serra Pehlivan
Middle East/Europe Desk Officer
Refugee Affairs Division/USCIS/DHS
111 Massachusetts Ave, Suite 8000 NW
Washington, DC 20529-2100

[redacted] (b)(6)

From: Schoener, Sarah L
Sent: Thursday, January 26, 2017 5:32 AM
To: Pehlivan, Serra
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Hi Serra,

IO circuit rides, including Tel Aviv, are officially still on. Please don't have the team cancel flights and other arrangements yet. As soon as I have more information, I will let you know so that you know how to proceed. IO is planning to discuss this issue today, so we're hoping to be able to get you an update quickly.

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Thank you,

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Subject: FW: circuit ride update

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I hope to share more information tomorrow.

Barbara

Shirk, Georgette L

From: Pehlivan, Serra
Sent: Monday, January 30, 2017 1:35 PM
To: Thayer, Deborah G
Subject: RE: Cancellation of Flights/hotels- FY17 Q2 Istanbul Circuit Ride

Dear Deborah,

All of the RAD circuit rides are suspended for an unknown period of time. We really don't know much about what might happen in the future. RAD will contact you once we the office decide on rescheduling any CR.

You will receive a separate email from our TDYer Coordinator in the coming days on how to return your equipment. Please let me know if you don't hear about it in a week.

Serra Pehlivan
Middle East/Europe Desk Officer
Refugee Affairs Division/USCIS/DHS
111 Massachusetts Ave, Suite 8000 NW
Washington, DC 20529-2100

[redacted] (b)(6)

From: Thayer, Deborah G
Sent: Monday, January 30, 2017 9:51 AM
To: Pehlivan, Serra
Subject: RE: Cancellation of Flights/hotels- FY17 Q2 Istanbul Circuit Ride

Serra,

The only other communication I have received was the email from Michael Fattizzi on Wednesday 1/25/17, which indicates that the circuit rides were going to be postponed. I am assuming from your email that they are in fact, cancelled, not just postponed. Can you confirm for me so that I can update my management?

Will there be instructions forthcoming about what to do with the government iPhones we were issued in December?

Thanks,
Deborah

From: Pehlivan, Serra
Sent: Sunday, January 29, 2017 8:27 AM
To: Garon, Eva T; Rana, Muhammad J; Clifford, Andrea L; Morley, Andrea M; Holt, Lauren E; Onisko, Merrilyn A; Bui, Van Khanh H; Marble, Sarah E; Hart, Amanda L; Wills, Kirk R; Papalaskaris, Zoe; Chu, Ina R; Hussain, Haris; Rosenberg, Alanna E; Krimker, Ivan G; Kuehl, Patricia B; Zill, Katherine F; Xhemali, Spartak; Dalal, Ankur P (Andy); Mintey, Brian P; Ford, Gary W; Kerastas, David J; Villena, Daniel A; Thayer, Deborah G; Digby, Lauren A; McMahon, Matthew E;

Sohonyay, Simon P; Crompton, Wendy C
Cc: RAD-MiddleEast Desk; RAIO Travel; Hall, Jerlisa V; Johnson, Ann
Subject: Cancellation of Flights/hotels- FY17 Q2 Istanbul Circuit Ride
Importance: High

Dear all,

Please note that your flights, hotel reservations in Istanbul, layover hotel reservations arranged by CI Travel, and travel authorizations are all cancelled. If you have made any hotel reservation at your layover location on your own, please take the necessary action to cancel them.

Thank you,

Serra Pehlivan
Middle East/Europe Desk Officer
Refugee Affairs Division/USCIS/DHS
111 Massachusetts Ave, Suite 8000 NW
Washington, DC 20529-2100

[redacted] (b)(6)

Shirk, Georgette L

From: Sohrakoff, Karen A
Sent: Monday, January 30, 2017 12:04 PM
To: Schwartz, Claudia R
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Importance: High

From: Tomlyanovich, William J (Bill)
Sent: Monday, January 30, 2017 10:54:20 AM
To: Tarr, David S; Sohrakoff, Karen A
Cc: Gabree, Rene M; Hysmith, Tenner L; Dashner, Richard E
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

From HQ. It looks like we shouldn't work cases from the 7 countries during this visit. Bill

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

From: Dougherty, Linda M
Sent: Monday, January 30, 2017 8:59 AM
To: Tomlyanovich, William J (Bill)
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions
Importance: High

Hello Bill, just making sure you know this before you start working the TRIG cases at TSC. Nothing can be worked to completion. Hope you didn't have problems with the protesters enroute. Linda

---

From: Thompson, Kirt
Sent: Saturday, January 28, 2017 12:43 PM
To: Neufeld, Donald W; Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McConnell, James E; Moran, Karla; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)

Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Got it Don.

The TSC leadership has been notified of the temporary suspension and we will comply immediately.

Kirt

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:34:34 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Shirk, Georgette L

From: Picciotto, Giacomo A
Sent: Monday, February 06, 2017 1:16 PM
To: Parikh, Reena
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"
Attachments: EO 1-27 implementation guidance signed and dated.pdf

Reena,
Can you please advise me if based on this attached memo asylum offices can continue to adjudicate applications filed for suspension of deportation and cancellation of removal under NACARA 203?

In the first enumerated paragraph, the first sentence indicates that the E.O. "does not affect USCIS adjudications of applications and petitions filed for or on behalf of individuals in the United States [...]"

As the I-881 if filed by persons who claim eligibility for NACARA 203, I'm not sure that it falls under the category of "applications [...] filed for or on behalf of individuals in the United States."

The last sentence of first paragraph ("this includes, but is not limited to [...]") does not clarify the question as it isn't clear to what "this" refers.

I need to advise all offices as soon as possible. Thank you for your help.

Giacomo A. Picciotto
HQ-Asylum Division – Operations
[redacted] Mondays, Wednesdays, Fridays) (b)(6)
Tuesdays and Thursdays: by email or Skype only

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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

FEB 2 2017

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba Lori Scialabba
Acting Director

SUBJECT: Guidance Concerning Executive Order on Immigration

On January 27, President Trump signed an Executive Order entitled "Protecting The Nation From Foreign Terrorist Entry Into The United States." This memorandum provides guidance from the Department of Homeland Security (DHS) regarding the impact of this Executive Order on various immigration benefit requests.

All USCIS employees should be aware of current guidance from DHS, specifically:

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality. Section 3(c) also does not affect applications and petitions by lawful permanent residents outside the United States, or applications and petitions for individuals outside the United States whose approval does not directly confer travel authorization (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated in the Executive Order.

3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.

5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

Shirk, Georgette L

From: Parikh, Reena
Sent: Monday, February 06, 2017 1:40 PM
To: Picciotto, Giacomo A
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: RE: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Hi Giacomo,

NACARA 203 adjudications for persons in the U.S. should proceed.

Thanks,
Reena

From: Parikh, Reena
Sent: Monday, February 06, 2017 2:17 PM
To: Picciotto, Giacomo A
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: RE: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Giacomo,

We'll confirm with our leadership and get back to you asap.

Thanks,
Reena

From: Picciotto, Giacomo A
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To: Parikh, Reena
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
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Giacomo A. Picciotto
HQ-Asylum Division – Operations

(b)(6)

[redacted] Mondays, Wednesdays, Fridays)
Tuesdays and Thursdays: by email or Skype only

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Shirk, Georgette L

From: Groom, Molly M
Sent: Monday, February 06, 2017 1:38 PM
To: Parikh, Reena; Zengotitabengoa, Colleen R; Whitney, Ronald W
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: RE: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Your understanding is correct—NACARA adjudications for persons in the US should proceed. Thanks

---

From: Parikh, Reena
Sent: Monday, February 06, 2017 2:31 PM
To: Zengotitabengoa, Colleen R; Whitney, Ronald W; Groom, Molly M
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: RE: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Dear Colleen, Ron, Molly:

We received the inquiry below from the asylum HQ NACARA POC. I'm not sure if RAIO previously advised the asylum offices (for that brief period) to hold off on all I-881 adjudications or something (which would be odd because the applicants typically aren't from the affected countries in the EO). Regardless, per Lori's attached guidance on the EO, it seems as if the adjudication of NACARA 203 applications should continue as per usual as the I-881 is an application and NACARA applicants are "individuals in the United States" per the language in the 1st paragraph of Lori's guidance.

Please advise at your earliest convenience.

Thanks so much,
Reena

From: Picciotto, Giacomo A
Sent: Monday, February 06, 2017 2:16 PM
To: Parikh, Reena
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Reena,
Can you please advise me if based on this attached memo asylum offices can continue to adjudicate applications filed for suspension of deportation and cancellation of removal under NACARA 203?

In the first enumerated paragraph, the first sentence indicates that the E.O. "does not affect USCIS adjudications of applications and petitions filed for or on behalf of individuals in the United States [...]"

As the I-881 if filed by persons who claim eligibility for NACARA 203, I'm not sure that it falls under the category of "applications [...] filed for or on behalf of individuals in the United States."

The last sentence of first paragraph ("this includes, but is not limited to [...]") does not clarify the question as it isn't clear to what "this" refers.

I need to advise all offices as soon as possible. Thank you for your help.

Giacomo A. Picciotto

HQ-Asylum Division – Operations
[redacted] Mondays, Wednesdays, Fridays) (b)(6)
Tuesdays and Thursdays: by email or Skype only

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Referred to U.S. Department of State

(b)(6

Referred to U.S. Department of State

Referred to THE WHITE HOUSE

Referred to THE WHITE HOUSE

From:	Duggan, Patricia A (Patty)
To:	Finley, William L (Bill); #CIS OCC FIELD CHIEFS; #CIS OCC FIELD DEPUTIES
Subject:	RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions
Date:	Monday, January 30, 2017 11:45:55 AM

FYI – followed by this. –thx, Patty

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 4:00:29 PM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Field Offices may continue to adjudicate N-400 and N-600 applications and administer the oath of citizenship for approved candidates who remain eligible. This message lifts the hold on citizenship applications and petitions.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Finley, William L (Bill)
Sent: Monday, January 30, 2017 8:38 AM
To: #CIS OCC FIELD CHIEFS; #CIS OCC FIELD DEPUTIES
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions
Importance: High

FYI

William "Bill" Finley
Chief, CLD, OCC, USCIS, DHS
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12:16 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs

Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

Katz, Jonathan E

From: Radel, David M
Sent: Tuesday, January 31, 2017 3:56 PM
To: #ZLA All Employees
Subject: RE: Recent Executive Order

A tad more guidance on this issue, as I know that inquiries may be already coming your way from applicants and attorneys. Although we do not have any information to share with external stakeholders at this time, you may direct them to the USCIS.gov, DHS.gov, WhiteHouse.gov for additional information and future updates on the Executive Orders. You may also forward any specific, written inquiries to Marianne and me so that we may forward them on to USCIS HQ for response. Thank you all and please let me know if I can provide you with any additional information or support. Best, David

From: Radel, David M
Sent: Monday, January 30, 2017 3:06 PM
To: #ZLA All Employees
Subject: RE: Recent Executive Order

All: Please note that this guidance should not be discussed with external stakeholders; any stakeholder questions can be directed to a supervisor, Marianne, or me. Thank you, David

From: Radel, David M
Sent: Monday, January 30, 2017 7:06 AM
To: #ZLA All Employees
Subject: RE: Recent Executive Order
Importance: High

One new instruction for APSO: If any individual is referred for us for CF/RF processing who was denied admission as a result of the EO, please notify me, Marianne, and Lisa ASAP (so that we can then notify HQASM). We may proceed with CF/RF processing in these cases unless instructed otherwise. Thank you, David

From: Radel, David M
Sent: Sunday, January 29, 2017 12:48 PM
To: #ZLA All Employees
Subject: Recent Executive Order

Hello All:

Effective immediately, we have been instructed to prevent any asylum decision document from being issued in person or by mail to a national of any of the following countries unless or until we are instructed otherwise:

Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya

Please ensure that until further notice, no applicant from the countries above is served as asylum decision document in person or by mail. Any cases PUSHing should get mail-out notices and the cases will remain pending with out office until further notice.

You and your team members should continue to process these cases up to the point of decision service, but may not serve the decision documents at this time.

At this time, we may continue to serve APSO decision documents on individuals from these countries, just not asylum decision documents.

If you have any questions, please let me know.

Thank you,
David.

Katz, Jonathan E

From: Ruppel, Joanna
Sent: Wednesday, February 08, 2017 9:25 AM
To: RAIO - ALL1
Subject: CORRECTED: Executive Order Updates and Refugee Processing

With link correction. Thanks to Heide for noting it for me! If anyone else finds an error, please jump in.

Joanna

From: Ruppel, Joanna
Sent: Wednesday, February 08, 2017 12:13 PM
To: RAIO - ALL1
Subject: Executive Order Updates and Refugee Processing

RAIO Colleagues,

As stated in the USCIS Broadcast, U.S. Citizenship and Immigration Services has suspended any and all actions implementing the affected sections of the Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017) (these affected sections are Sections 3(c), Section 5(a), Section 5(b), Section 5 (c) and Section 5 (e) to the extent that it purports to prioritize refugee claims of certain religious minorities).

USCIS has resumed approving refugee cases that are otherwise eligible for refugee resettlement. The travel schedule of these approved cases will be determined by the Department of State so as not to exceed the refugee ceiling set by the current Administration. At this time, USCIS generally will not be regularly conducting refugee interviews in international field offices, or deploying additional circuit rides this quarter other than select, previously scheduled circuit rides. USCIS will coordinate other possible interviews, including urgent humanitarian protection cases, at the request of the Department of State. The previously organized trainings for credible fear will move forward as scheduled.

USCIS, including RAIO headquarters staff, is participating in intra and inter-agency working groups established to implement the Executive Order and field input will be sought as appropriate.

Many of you have expressed interesting in learning more about the ongoing litigation relating to the Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States. Oral arguments on whether or not to lift the temporary restraining order took place yesterday before the 9th Circuit Court of Appeals. You can listen to a recording of the oral arguments and find information about the litigation on the 9th Circuit's website:

https://www.ca9.uscourts.gov/content/view.php?pk_id=0000000860

Information about the Executive Orders that impact USCIS can be found on USCIS Connect:

http://connect.uscis.dhs.gov/org/CL/Pages/Presidential-Actions.aspx

And information more specific to RAIO can be found on the RAIO ECN (this site is still a work in process):

http://ecn.uscis.dhs.gov/team/raio/Pages/RAIO.aspx

Finally, I would like to apologize for confusion that arose when all RAIO staff were scheduled for a Town Hall. That was based on a miscommunication error on my part. I had requested an all hands meeting for "Directorate staff," meaning the RAIO Program Chiefs and their staff. In my capacity as acting A/D for RAIO, I plan on holding monthly meetings with my team, just as Maura and I hold monthly all hands meetings with IO HQ staff. This was understood to mean all

RAIO staff. Then the cancelation led to some rumors of some other motive. It was pure miscommunication. I am trying hard to get ahead of all rumors and stop them as soon as I hear them. There also has been a bit of miscommunication about a potential Town Hall with Lori Scialabba. We are working to clarify plans with the front office and will provide more info shortly. Things are moving fast and furious here at HQ, so I appreciate everyone's patience when communication mistakes are made. We are truly acting with the best of intentions.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

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Referred to Department of Homeland Security

Lonegan, Bryan K

From: Busch, Philip B
Sent: Wednesday, February 08, 2017 10:47 AM
To: Smith, Alice J; OCC-Clearance; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver
Attachments: waiver process

Would appreciate any thoughts on what is attached. Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Smith, Alice J
Sent: Tuesday, February 07, 2017 7:29 PM
To: Busch, Philip B; OCC-Clearance; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

Thank you, Phil. I know that must have been a bit of torture trying to pull together so much of our simultaneous "ECN-ing" (I like that term ☺).

General question, and I fully recognize this may well have been raised and nixed in other discussions about this E.O. waiver process. If so, please feel free to say "thank you for playing, Alice, time to move on": (b)(5)

[redacted]

[redacted]

Thanks again,
Alice (b)(5)

From: Busch, Philip B
Sent: Tuesday, February 07, 2017 6:25 PM
To: OCC-Clearance; Smith, Alice J; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

Thanks all for your careful review and input. Attached FYI is what I just sent back to SCOPs et al. I used the OPS documents as a baseline as they requested – have tried to capture the key points made in the OCC comments and edits, while trying to trim them down a bit to eliminate some of the redundancy, back and forth, etc. that inevitably arise when lots of people are ECNing (is that a verb? I guess it is now) on short notice simultaneously, so as not to overwhelm the recipients. Let me know if you think I've missed anything essential. Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Hinds, Ian G **On Behalf Of** OCC-Clearance
Sent: Tuesday, February 07, 2017 2:52 PM
To: Smith, Alice J; Busch, Philip B; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Cc: OCC-Clearance
Subject: RE: Waiver

I defer to Phil/Molly on how they want to handle this.

From: Smith, Alice J
Sent: Tuesday, February 07, 2017 2:49 PM
To: Busch, Philip B; Hinds, Ian G; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Cc: OCC-Clearance
Subject: RE: Waiver

I've made my comments, as I know PE and a few others have, to the ecn. Before this goes back, I think it needs a final OCC reviewer (is that you Ian ?) to clean up some places where we were editing on top of each other and it's choppy.

Thanks,
Alice

From: Busch, Philip B
Sent: Tuesday, February 07, 2017 1:02 PM
To: Hinds, Ian G; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Cc: OCC-Clearance
Subject: RE: Waiver

Adding ALD

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Hinds, Ian G
Sent: Tuesday, February 07, 2017 12:59 PM
To: Busch, Philip B; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Cc: OCC-Clearance
Subject: RE: Waiver

Here is the link.

From: Busch, Philip B
Sent: Tuesday, February 07, 2017 12:53 PM
To: Hinds, Ian G; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

Could someone put this on an ECN for our comments? Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel

Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Hinds, Ian G
Sent: Tuesday, February 07, 2017 12:52 PM
To: Groom, Molly M; Kleczek, Marguerite P (Ania); Busch, Philip B; Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

Here is what we just received from SCOPS. They want comments by 3 pm.

From: Groom, Molly M
Sent: Monday, February 06, 2017 10:36 PM
To: Kleczek, Marguerite P (Ania); Busch, Philip B; Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver (b)(5)

That was the plan discussed. SCOPS was given flexibility on how to set it up so we will comment on what they provide. [redacted]

Let's see what they come up with and I look forward to learning more about our best recommendations. Thanks so much for us know and careful work on this front.

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 10:28:58 PM
To: Busch, Philip B; Lonegan, Bryan K; Groom, Molly M; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver (b)(5)

Based on what Phil said offline, just confirming that [redacted]

From: Busch, Philip B
Sent: Monday, February 06, 2017 4:36 PM
To: Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Groom, Molly M; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E;

Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E
Subject: RE: Waiver

Just had a call with Lori, etc. and CBP and OGC. SCOPs is going to put together a paper by tomorrow on how they think this could be implemented using advance parole. Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 3:29 PM
To: Lonegan, Bryan K; Groom, Molly M; Elder, Phillip D; Busch, Philip B; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E
Subject: RE: Waiver

Thanks, Bryan, for finding that case law. Much appreciated! (b)(5)

I think [redacted]

From: Lonegan, Bryan K
Sent: Monday, February 06, 2017 3:11 PM
To: Groom, Molly M; Kleczek, Marguerite P (Ania); Elder, Phillip D; Busch, Philip B; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E
Subject: RE: Waiver (b)(5)

Sorry, I was not clear. [redacted]

From: Groom, Molly M
Sent: Monday, February 06, 2017 3:04 PM
To: Kleczek, Marguerite P (Ania); Elder, Phillip D; Busch, Philip B; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

[redacted] (b)(5)

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 3:01:27 PM
To: Elder, Phillip D; Busch, Philip B; Vignier, Monica A; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Phillip, Monica, and I have come up with these options—We agree to step away from proposing use of the I-192. Instead consider the following: (b)(5)

[redacted]

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 2:42 PM
To: Elder, Phillip D; Busch, Philip B; Vignier, Monica A; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

What a great find! Do you have any experience with using that exception?

From: Elder, Phillip D
Sent: Monday, February 06, 2017 2:40 PM
To: Kleczek, Marguerite P (Ania); Busch, Philip B; Vignier, Monica A; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver (b)(5)

[redacted]

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 2:32 PM
To: Busch, Philip B; Vignier, Monica A; Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K (b)(5)
Subject: RE: Waiver

[redacted]

(b)(5)

[redacted]

From: Busch, Philip B
Sent: Monday, February 06, 2017 2:17 PM
To: Kleczek, Marguerite P (Ania); Vignier, Monica A; Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

(b)(5)

[redacted]

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 2:08 PM
To: Vignier, Monica A; Busch, Philip B; Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

(b)(5)

[redacted]

From: Vignier, Monica A
Sent: Monday, February 06, 2017 2:00 PM
To: Kleczek, Marguerite P (Ania); Busch, Philip B; Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

[redacted] (b)(5)

Monica A. Vignier
Associate Counsel, USCIS-OCC
[redacted] (b)(6)

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 1:52 PM
To: Busch, Philip B; Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K; Vignier, Monica A
Subject: RE: Waiver

Adding Monica.

See the latest we've have learned on this. Please see attached.

What's the authority for CBP to turn folks around at POEs? I feel like I'm missing the answer to that basic question.

From: Busch, Philip B
Sent: Monday, February 06, 2017 10:54 AM
To: Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

[redacted] (b)(5)

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
[redacted] (b)(6)

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From: Elder, Phillip D
Sent: Monday, February 06, 2017 10:00 AM
To: Groom, Molly M; Busch, Philip B; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

[redacted] (b)(5)

(b)(5)

[redacted]

From: Groom, Molly M
Sent: Monday, February 06, 2017 9:54 AM
To: Elder, Phillip D; Busch, Philip B; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Thanks all—but do we think any of our current forms could be used to adjudicate the national interest standard—which at this point we aren't clear on what it is. But if someone concluded that the waiver was in the national interest where someone needed to travel and showed urgent humanitarian reasons or SPB, could we then use the 131 for the waiver decision? And how would that work if folks who needed the waiver couldn't currently apply for the 131?

From: Elder, Phillip D
Sent: Monday, February 06, 2017 9:24 AM
To: Busch, Philip B; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Molly,
Executive Order 13769, section 3, paragraph (g), states, "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."

(b)(5)

[redacted]

(b)(5)

[redacted]

Let me know if you need anything else.

Thanks,
Phillip

From: Busch, Philip B
Sent: Monday, February 06, 2017 9:13 AM
To: Miller, Caitlin E; Kleczek, Marguerite P (Ania); Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

I think CBP has been freely using this one at the ports on its own.

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Miller, Caitlin E
Sent: Monday, February 06, 2017 9:06 AM
To: Kleczek, Marguerite P (Ania); Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

I have one issue, although I am not sure if it has been decided already. The EO says in Sec. 3(g):

"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."

The use of and seems like the EO could be read to either 1) require both DHS and DOJ to jointly agree to waivers; or 2) provide independent authority for DHS and DOS to grant waivers. (b)(5)

[redacted]

Caitlin Miller (formerly Shay)
Associate Counsel, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Ave., NW, Suite 3100
Mail Stop 2121
Washington, DC 20529-2121

[redacted] (b)(6)

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From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 8:00 AM
To: Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Will try!

From: Groom, Molly M
Sent: Monday, February 06, 2017 7:59 AM
To: Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Can you sketch it out in next hour?

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 7:58:07 AM
To: Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

RVLD can start figuring out a process.

From: Groom, Molly M
Sent: Sunday, February 05, 2017 11:27 PM
To: Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Thanks Alice. No need to cancel anything at 9 tomorrow as the call was at 9 tonight but limited lines. Waiting to hear from Lori. All the information is helpful. If anyone—Evan? Could synthesize issues with creating process for individuals to apply for a waiver under the EO that would be good—regardless of which part of DHS does it.

From: Smith, Alice J
Sent: Sunday, February 05, 2017 11:18 PM
To: Ooi, Maura M; Groom, Molly M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver (b)(5)

Will try to join you at 9 am. but have outside appt. I may not be able to cancel.

Alice

From: Ooi, Maura M
Sent: Sunday, February 05, 2017 9:19:47 PM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

(b)(5)

I believe [redacted]

From: Groom, Molly M
Sent: Sunday, February 05, 2017 9:09:17 PM
To: Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Is the information collection required by OMB or any statute? All help appreciated.

From: Ooi, Maura M
Sent: Sunday, February 05, 2017 9:07:50 PM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

(b)(5)

I was just thinking [redacted]

From: Groom, Molly M
Sent: Sunday, February 05, 2017 8:58:16 PM
To: Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

What PRA issues might you envision? Simple and straightforward appreciated. And just throw it out even if you are just flagging

---

From: Ooi, Maura M
Sent: Sunday, February 05, 2017 8:55:52 PM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Also, as for broader legal issues with USCIS adjudicating these waiver requests, and along the lines of the rule making issues Evan raised [redacted] I defer to Phillip on that, but wanted to flag it.

(b)(5)

From: Zengotitabengoa, Colleen R
Sent: Sunday, February 05, 2017 8:34:46 PM
To: Groom, Molly M; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Ooi, Maura M; Miller,

Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ia); Lonegan, Bryan K
Subject: RE: Waiver (b)(5)

[redacted]

From: Groom, Molly M
Sent: Sunday, February 05, 2017 8:01:11 PM
To: Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver (b)(5)

Thought on issues with agreeing to this statement? [redacted]

From: Franke, Evan R
Sent: Sunday, February 05, 2017 7:28:36 PM
To: Groom, Molly M; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Thanks!

From: Groom, Molly M
Sent: Sunday, February 05, 2017 7:20:49 PM
To: Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver (b)(5)

Many thanks. [redacted] Still we need to discuss with CBP and maybe OGC at 9. If that happens I will send a number.

From: Franke, Evan R
Sent: Sunday, February 05, 2017 7:15:01 PM
To: Groom, Molly M; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

All, (b)(5)

[redacted]

(b)(5)

[redacted]

Sorry this is not more coherent, but I wanted to start articulating thoughts.

Regards,

Evan

From: Groom, Molly M
Sent: Sunday, February 05, 2017 5:55:13 PM
To: Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Franke, Evan R; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: Waiver

Looking for quick thoughts on legal issues if we were asked to adjudicate waivers under the EO at section 3 for the 7 countries in the national interest.

Knowing what we know from DACA, what should we be thinking about. This is a tonight issue so what thoughts you have would be appreciated.

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Referred to Department of Homeland Security

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Lonegan, Bryan K

From: Elder, Phillip D
Sent: Tuesday, February 07, 2017 12:53 PM
To: Groom, Molly M; Busch, Philip B; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Vignier, Monica A; Kleczek, Marguerite P (Ania); Tellawi, Heba K; Zimonjic, Milica
Subject: RE: Draft of Exception Process - EO

I'll put this in the RVLD ECN and send the link to this group to work on.

From: Groom, Molly M
Sent: Tuesday, February 07, 2017 12:49 PM
To: Busch, Philip B; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Kleczek, Marguerite P (Ania); Tellawi, Heba K; Zimonjic, Milica
Subject: FW: Draft of Exception Process - EO

Sorry if I missed anyone. I don't believe I will be back in the office by 3.

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 12:44 PM
To: Rosenstock, Peter L; Meckley, Tammy M; Davidson, Andrew J; Levine, Laurence D; Rather, Michael B; Groom, Molly M; Busch, Philip B; Zengotitabengoa, Colleen R; Hinds, Ian G
Cc: Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S
Subject: RE: Draft of Exception Process - EO

Hi all. Adding in OCC and Policy and Strategy…

As well, attached is an updated version based on some feedback received already.

Please send your comments back by 3:00 today. That way we can incorporate them and get the final draft to Lori this afternoon.

Thanks in advance.

Donna Campagnolo
HQ Service Center Operations

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 10:30 AM
To: Rosenstock, Peter L; Meckley, Tammy M; Davidson, Andrew J
Cc: Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S
Subject: Draft of Exception Process - EO

All: Based on yesterday's discussions for EO, attached is a draft from SCOPS on what might work if we were required to develop an exception for folks that are here in the US, but may need to travel for work and student reasons. Can you please take a look from your perspective and let us know if you have any concerns? Its due to the Department this afternoon, so we will need a response as quickly as possible. So sorry for the quick turnaround on this.

Appreciate your help.

Donna Campagnolo
HQ Service Center Operations

Referred to Department of Homeland Security

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Referred to Immigration and Customs Enforcement

Referred to Department of Justice

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Referred to Department of Homeland Security

Referred to U.S. Customs and Border Protection

(b)(5

Referred to U.S. Customs and Border Protection

Referred to WSS Customer Border Protection

Lonegan, Bryan K

From: Zengotitabengoa, Colleen R
Sent: Saturday, January 28, 2017 10:04 PM
To: Lonegan, Bryan K; Groom, Molly M; Busch, Philip B; Franke, Evan R
Subject: RE: Executive Order

If that doesn't work try www.aclu.org/legal-document/darweesh-v-trump-order.

From: Zengotitabengoa, Colleen R
Sent: Saturday, January 28, 2017 10:00:28 PM
To: Lonegan, Bryan K; Groom, Molly M; Busch, Philip B; Franke, Evan R
Subject: RE: Executive Order

Link to nationwide TRO bit.ly/2jqMT8K

From: Lonegan, Bryan K
Sent: Saturday, January 28, 2017 9:50:47 PM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Busch, Philip B; Franke, Evan R
Subject: RE: Executive Order

Ha! Can't even get on the EDNY's page.

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:44:43 PM
To: Lonegan, Bryan K; Zengotitabengoa, Colleen R; Busch, Philip B; Franke, Evan R
Subject: RE: Executive Order

Hannen?

From: Lonegan, Bryan K
Sent: Saturday, January 28, 2017 9:43:15 PM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Busch, Philip B; Franke, Evan R
Subject: RE: Executive Order

I would expect the stay to be posted in ACLU's website, but it's not there yet.
Issued by Ann Donnelly, former NY DA, appointed only in 2015

From: Zengotitabengoa, Colleen R
Sent: Saturday, January 28, 2017 9:40:13 PM
To: Groom, Molly M; Lonegan, Bryan K; Busch, Philip B; Franke, Evan R
Subject: RE: Executive Order

Saw the ACLU attorneys speak after stay granted. They said the stay is for those who already arrived and are currently detained at airports.

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:28:54 PM
To: Lonegan, Bryan K; Zengotitabengoa, Colleen R; Busch, Philip B; Franke, Evan R
Subject: RE: Executive Order

Ok stay granted. Scope unknown. Expecting CBP to update so hang tight.

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:11:19 PM
To: Lonegan, Bryan K; Zengotitabengoa, Colleen R; Busch, Philip B; Franke, Evan R
Subject: FW: Executive Order

Anyone know anything on this front. I heard they let one of two guys in and were working on same for second guy, so not sure this makes sense.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order
To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order
Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

Department of Homeland Security (b)(6)

[redacted]

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order
I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order
I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States" once we grant an adjustment we "admit" that person. [redacted]
We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

(b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted]

(b)(6)

(b)(5

Referred to U.S. Customs and Border Protection

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Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

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Referred to Department of Justice

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Referred to Department of Homeland Security

Lonegan, Bryan K

From: Lonegan, Bryan K
Sent: Wednesday, February 08, 2017 8:58 AM
To: Whitney, Ronald W; Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: Follow up thoughts on litigation

(b)(5)

Just wanted to share this [redacted]

[redacted]

From: Whitney, Ronald W
Sent: Sunday, February 05, 2017 9:57 PM
To: Lonegan, Bryan K; Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: Follow up thoughts on litigation

(b)(5)

[redacted]

--Ron

From: Lonegan, Bryan K
Sent: Sunday, February 05, 2017 5:05 PM
To: Whitney, Ronald W; Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: Follow up thoughts on litigation

From: Whitney, Ronald W
Sent: Sunday, February 05, 2017 7:33:56 PM
To: Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R; Lonegan, Bryan K
Subject: RE: Follow up thoughts on litigation

Go Falcons.

--Ron

From: Busch, Philip B
Sent: Sunday, February 05, 2017 11:02 AM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation (b)(5)

[redacted]

From: Groom, Molly M
Sent: Sunday, February 05, 2017 1:30:44 PM
To: Busch, Philip B; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation (b)(5)

It may be and we will figure that out. [redacted]

From: Busch, Philip B
Sent: Sunday, February 05, 2017 12:37:04 PM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation (b)(5)

I was thinking about this question while churning up and down the Yorktown pool this morning. [redacted]

(b)(5)

[redacted]

Phil

From: Zengotitabengoa, Colleen R
Sent: Sunday, February 05, 2017 11:35:19 AM
To: Groom, Molly M; Lonegan, Bryan K; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Will do.

From: Groom, Molly M
Sent: Sunday, February 05, 2017 11:01:22 AM
To: Lonegan, Bryan K; Zengotitabengoa, Colleen R; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Colleen I think you should reach out to Meg and see what she has in mind.

From: Lonegan, Bryan K
Sent: Sunday, February 05, 2017 10:40:53 AM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation (b)(5)

[redacted]

From: Lonegan, Bryan K
Sent: Sunday, February 05, 2017 10:31:11 AM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation (b)(5)

Yes, discussions with DOJ folks would be mutually beneficial [redacted]

(b)(5)

[redacted]

From: Zengotitabengoa, Colleen R
Sent: Sunday, February 05, 2017 10:16:51 AM
To: Groom, Molly M; Lonegan, Bryan K; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Does Meg want us to join discussion with DOJ establishment clause expert? Would be good if we can.

From: Groom, Molly M
Sent: Sunday, February 05, 2017 8:52:15 AM
To: Zengotitabengoa, Colleen R; Lonegan, Bryan K; Busch, Philip B; Whitney, Ronald W
Subject: FW: Follow up thoughts on litigation

Colleen/Bryan/Ron-

Can you all dig deeper on this issue and continue the discussions with DOS. Meg P. wants to have discussion with DOJ establishment expert at that seems like good idea. [redacted]

(b)(5)

From: Strack, Barbara L
Sent: Sunday, February 05, 2017 8:44:37 AM
To: Groom, Molly M; Ruppel, Joanna; Stone, Mary M; Busch, Philip B
Subject: Follow up thoughts on litigation

All -

I wanted to follow up w/you on some issues related to yesterday's litigation call, with the understanding that this communication is protected by attorney/client privilege. In particular, I want to focus on the "religious minority" language. (b)(5)

[redacted]

(b)(5)

Wanted to share this thinking and bring Joanna and MM into the loop before I leave for vacation later today,
Barbara

Referred to U.S. Customs and Border Protection

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Referred to U.S. Customs and Border Protection

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Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

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Referred to U.S. Customs and Border Protection

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Referred to Department of Homeland Security

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Referred to Department of Homeland Security

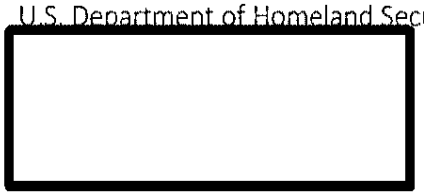
From: Groom, Molly M
To: Busch, Philip B; Elder, Phillip D; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver
Date: Monday, February 06, 2017 10:56:53 AM

So let's suggest that along with the waiver discussion—I sent you a version of an email to review—so we can include it there. Let me know when you've had a chance to look at it.

From: Busch, Philip B
Sent: Monday, February 06, 2017 10:54 AM
To: Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Take a look at the I-192 – advance permission for a nonimmigrant with documentation to enter. It's not exact, but this one seems to me to be by far the best fit for this process. And unless one is seeking T status, it's filed with CBP.

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security



(b)(6)

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From: Elder, Phillip D
Sent: Monday, February 06, 2017 10:00 AM
To: Groom, Molly M; Busch, Philip B; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

While I know that a nonimmigrant often shows up at the POE and then CBP makes them fill out an I-212, 193, or 192, I'm not sure this is the same or that we can use this form for this waiver, or that we can require a fee.

Below I said that if USCIS decides to use an exiting a process or form that very closely fits what is necessary that can be easily adapted without change to the 3.(g) waiver process, the PRA does not

apply.

But if we are imposing a form and fee, even if it is the I-612 or I-131, on someone who already has a visa, who has never had to submit that form and fee before, that would implicate the APA. However, those concerns would be mitigated somewhat if Lori exempts the from the fee.

From: Groom, Molly M
Sent: Monday, February 06, 2017 9:54 AM
To: Elder, Phillip D; Busch, Philip B; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Thanks all—but do we think any of our current forms could be used to adjudicate the national interest standard—which at this point we aren't clear on what it is. But if someone concluded that the waiver was in the national interest where someone needed to travel and showed urgent humanitarian reasons or SPB, could we then use the 131 for the waiver decision? And how would that work if folks who needed the waiver couldn't currently apply for the 131?

From: Elder, Phillip D
Sent: Monday, February 06, 2017 9:24 AM
To: Busch, Philip B; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Molly,
Executive Order 13769, section 3, paragraph (g), states, "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." (b)(5)

(b)(5)

[redacted]

Once USCIS has decided what process it will follow, RVLD can advise on the procedural requirements under the PRA and APA for the process to be legally sufficient.

Let me know if you need anything else.

Thanks,
Phillip

From: Busch, Philip B
Sent: Monday, February 06, 2017 9:13 AM
To: Miller, Caitlin E; Kleczek, Marguerite P (Ania); Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

I think CBP has been freely using this one at the ports on its own.

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted]

(b)(6)

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From: Miller, Caitlin E
Sent: Monday, February 06, 2017 9:06 AM
To: Kleczek, Marguerite P (Ania); Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

I have one issue, although I am not sure if it has been decided already. The EO says in Sec. 3(g):

"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."

The use of and seems like the EO could be read to either 1) require both DHS and DOJ to jointly agree to waivers; or 2) provide independent authority for DHS and DOS to grant waivers. (b)(5)

[redacted]

Caitlin Miller (formerly Shay)
Associate Counsel, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Ave., NW, Suite 3100
Mail Stop 2121
Washington, DC 20529-2121

[redacted] (b)(6)

[redacted] (b)(6)

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From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 8:00 AM
To: Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Will try!

From: Groom, Molly M
Sent: Monday, February 06, 2017 7:59 AM
To: Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Can you sketch it out in next hour?

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 7:58:07 AM
To: Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

RVLD can start figuring out a process.

From: Groom, Molly M
Sent: Sunday, February 05, 2017 11:27 PM
To: Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Thanks Alice. No need to cancel anything at 9 tomorrow as the call was at 9 tonight but limited lines. Waiting to hear from Lori. All the information is helpful. If anyone—Evan? Could synthesize issues with creating process for individuals to apply for a waiver under the EO that would be good—regardless of which part of DHS does it.

From: Smith, Alice J
Sent: Sunday, February 05, 2017 11:18 PM
To: Ooi, Maura M; Groom, Molly M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan

K
Subject: RE: Waiver

Phillip can confirm but I think it's 5 CFR Part 1320 that contains the PRA implementing regulatory requirements for "information collections," including any expedited OMB approvals. Generally requires notice and comment though time frames can be truncated. Regs say that unless an OMB control number has been assigned to an info collection, then adverse action based on the info collection cannot be taken against person. So might give a hyper-technical way for a person denied a waiver to claim government erred if we had not jumped through the PRA hoops to get the OMB control number.

Off the wall qn: any chance advance parole process could be utilized to effectively provide vehicle for such a E.O. waiver if we were forced to handle them? I'm not crazy about it because of uncertainty as to what status/category CBP might then allow a person who should otherwise be in legit non-immig. status to enter (messes things up if he's "paroled") but I'm just thinking of what applications (aka "info collections") we might already have in place. Might need to create some broad fee waiver criteria, too.

Agree it's best if USCIS can avoid having to do these E. O. waivers and keep them at CBP.

Will try to join you at 9 am. but have outside appt. I may not be able to cancel.

Alice

From: Ooi, Maura M
Sent: Sunday, February 05, 2017 9:19:47 PM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

I believe the Paperwork Reduction Act generally requires us to go through the OMB approval process for a new information collection, including publishing the information collection for notice and public comment. I'm definitely outside my swim lane with this, so I don't know if there are exceptions that might apply here..

From: Groom, Molly M
Sent: Sunday, February 05, 2017 9:09:17 PM
To: Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Is the information collection required by OMB or any statute? All help appreciated.

From: Ooi, Maura M
Sent: Sunday, February 05, 2017 9:07:50 PM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B;

Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

I was just thinking that if we needed to be ready to accept requests very quickly given how fast things are moving, that wouldn't leave us much (or perhaps enough) time to go through the OMB approval process for this information collection

---

From: Groom, Molly M
Sent: Sunday, February 05, 2017 8:58:16 PM
To: Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

What PRA issues might you envision? Simple and straightforward appreciated. And just throw it out even if you are just flagging

---

From: Ooi, Maura M
Sent: Sunday, February 05, 2017 8:55:52 PM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Also, as for broader legal issues with USCIS adjudicating these waiver requests, and along the lines of the rule making issues Evan raised, there's the question of how people would make these requests to us - just with a letterr? I would think we'd need a form for these requests, which could raise potential PRA issues. I defer to Phillip on that, but wanted to flag it.

From: Zengotitabengoa, Colleen R
Sent: Sunday, February 05, 2017 8:34:46 PM
To: Groom, Molly M; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Shouldn't the second to last sentence about seeking benefits from USCIS be clarified to those seeking benefits from within the United States?

From: Groom, Molly M
Sent: Sunday, February 05, 2017 8:01:11 PM
To: Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Thought on issues with agreeing to this statement? Assuming USCIS fights being the entity

to adjudicate such travel requests, we should still identify legal issues.

From: Franke, Evan R
Sent: Sunday, February 05, 2017 7:28:36 PM
To: Groom, Molly M; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Thanks!

From: Groom, Molly M
Sent: Sunday, February 05, 2017 7:20:49 PM
To: Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Many thanks. Lori has indicated she doesn't think we can do the waiver in the national interest for legal and policy reasons. Still we need to discuss with CBP and maybe OGC at 9. If that happens I will send a number.

From: Franke, Evan R
Sent: Sunday, February 05, 2017 7:15:01 PM
To: Groom, Molly M; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

All, (b)(5)

(b)(5)

Sorry this is not more coherent, but I wanted to start articulating thoughts.

Regards,

Evan

From: Groom, Molly M
Sent: Sunday, February 05, 2017 5:55:13 PM
To: Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Franke, Evan R; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: Waiver

Looking for quick thoughts on legal issues if we were asked to adjudicate waivers under the EO at section 3 for the 7 countries in the national interest.

Knowing what we know from DACA, what should we be thinking about. This is a tonight issue so what thoughts you have would be appreciated.

From: Busch, Philip B
To: Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver
Date: Monday, February 06, 2017 10:54:19 AM
Attachments: i-192 (1).pdf
i-192instr.pdf

Take a look at the I-192 – advance permission for a nonimmigrant with documentation to enter. It's not exact, but this one seems to me to be by far the best fit for this process. And unless one is seeking T status, it's filed with CBP.

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Elder, Phillip D
Sent: Monday, February 06, 2017 10:00 AM
To: Groom, Molly M; Busch, Philip B; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

While I know that a nonimmigrant often shows up at the POE and then CBP makes them fill out an I-212, 193, or 192, I'm not sure this is the same or that we can use this form for this waiver, or that we can require a fee.

Below I said that if USCIS decides to use an exiting a process or form that very closely fits what is necessary that can be easily adapted without change to the 3.(g) waiver process, the PRA does not apply.

But if we are imposing a form and fee, even if it is the I-612 or I-131, on someone who already has a visa, who has never had to submit that form and fee before, that would implicate the APA. However, those concerns would be mitigated somewhat if Lori exempts the from the fee.

From: Groom, Molly M
Sent: Monday, February 06, 2017 9:54 AM
To: Elder, Phillip D; Busch, Philip B; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi,

Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Thanks all—but do we think any of our current forms could be used to adjudicate the national interest standard—which at this point we aren't clear on what it is. But if someone concluded that the waiver was in the national interest where someone needed to travel and showed urgent humanitarian reasons or SPB, could we then use the 131 for the waiver decision? And how would that work if folks who needed the waiver couldn't currently apply for the 131?

From: Elder, Phillip D
Sent: Monday, February 06, 2017 9:24 AM
To: Busch, Philip B; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Molly,
Executive Order 13769, section 3, paragraph (g), states, "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." (b)(5)

(b)(5)

[redacted]

Once USCIS has decided what process it will follow, RVLD can advise on the procedural requirements under the PRA and APA for the process to be legally sufficient.

Let me know if you need anything else.

Thanks,
Phillip

From: Busch, Philip B
Sent: Monday, February 06, 2017 9:13 AM
To: Miller, Caitlin E; Kleczek, Marguerite P (Ania); Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

I think CBP has been freely using this one at the ports on its own.

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Miller, Caitlin E

Sent: Monday, February 06, 2017 9:06 AM
To: Kleczek, Marguerite P (Ania); Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

I have one issue, although I am not sure if it has been decided already. The EO says in Sec. 3(g):

"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."

The use of and seems like the EO could be read to either 1) require both DHS and DOJ to jointly agree to waivers; or 2) provide independent authority for DHS and DOS to grant waivers. (b)(5)

[redacted]

Caitlin Miller (formerly Shay)
Associate Counsel, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Ave., NW, Suite 3100
Mail Stop 2121
Washington, DC 20529-2121

[redacted] (b)(6)

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From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 8:00 AM
To: Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Will try!

From: Groom, Molly M
Sent: Monday, February 06, 2017 7:59 AM
To: Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Can you sketch it out in next hour?

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 7:58:07 AM
To: Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

RVLD can start figuring out a process.

From: Groom, Molly M
Sent: Sunday, February 05, 2017 11:27 PM
To: Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Thanks Alice. No need to cancel anything at 9 tomorrow as the call was at 9 tonight but limited lines. Waiting to hear from Lori. All the information is helpful. If anyone—Evan? Could synthesize issues with creating process for individuals to apply for a waiver under the EO that would be good—regardless of which part of DHS does it.

From: Smith, Alice J
Sent: Sunday, February 05, 2017 11:18 PM
To: Ooi, Maura M; Groom, Molly M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Phillip can confirm but I think it's 5 CFR Part 1320 that contains the PRA implementing regulatory requirements for "information collections," including any expedited OMB approvals. Generally requires notice and comment though time frames can be truncated. Regs say that unless an OMB control number has been assigned to an info collection, then adverse action based on the info collection cannot be taken against person. So might give a hyper-technical way for a person denied a waiver to claim government erred if we had not jumped

through the PRA hoops to get the OMB control number.

Off the wall qn: any chance advance parole process could be utilized to effectively provide vehicle for such a E.O. waiver if we were forced to handle them? I'm not crazy about it because of uncertainty as to what status/category CBP might then allow a person who should otherwise be in legit non-immig. status to enter (messes things up if he's "paroled") but I'm just thinking of what applications (aka "info collections") we might already have in place. Might need to create some broad fee waiver criteria, too.

Agree it's best if USCIS can avoid having to do these E. O. waivers and keep them at CBP.

Will try to join you at 9 am. but have outside appt. I may not be able to cancel.

Alice

From: Ooi, Maura M
Sent: Sunday, February 05, 2017 9:19:47 PM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

I believe the Paperwork Reduction Act generally requires us to go through the OMB approval process for a new information collection, including publishing the information collection for notice and public comment. I'm definitely outside my swim lane with this, so I don't know if there are exceptions that might apply here..

From: Groom, Molly M
Sent: Sunday, February 05, 2017 9:09:17 PM
To: Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Is the information collection required by OMB or any statute? All help appreciated.

From: Ooi, Maura M
Sent: Sunday, February 05, 2017 9:07:50 PM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

I was just thinking that if we needed to be ready to accept requests very quickly given how fast things are moving, that wouldn't leave us much (or perhaps enough) time to go through the OMB approval process for this information collection

---

From: Groom, Molly M
Sent: Sunday, February 05, 2017 8:58:16 PM
To: Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

What PRA issues might you envision? Simple and straightforward appreciated. And just throw it out even if you are just flagging

---

From: Ooi, Maura M
Sent: Sunday, February 05, 2017 8:55:52 PM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Also, as for broader legal issues with USCIS adjudicating these waiver requests, and along the lines of the rule making issues Evan raised, there's the question of how people would make these requests to us - just with a letterr? I would think we'd need a form for these requests, which could raise potential PRA issues. I defer to Phillip on that, but wanted to flag it.

From: Zengotitabengoa, Colleen R
Sent: Sunday, February 05, 2017 8:34:46 PM
To: Groom, Molly M; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Shouldn't the second to last sentence about seeking benefits from USCIS be clarified to those seeking benefits from within the United States?

From: Groom, Molly M
Sent: Sunday, February 05, 2017 8:01:11 PM
To: Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Thought on issues with agreeing to this statement? Assuming USCIS fights being the entity to adjudicate such travel requests, we should still identify legal issues.

From: Franke, Evan R
Sent: Sunday, February 05, 2017 7:28:36 PM
To: Groom, Molly M; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

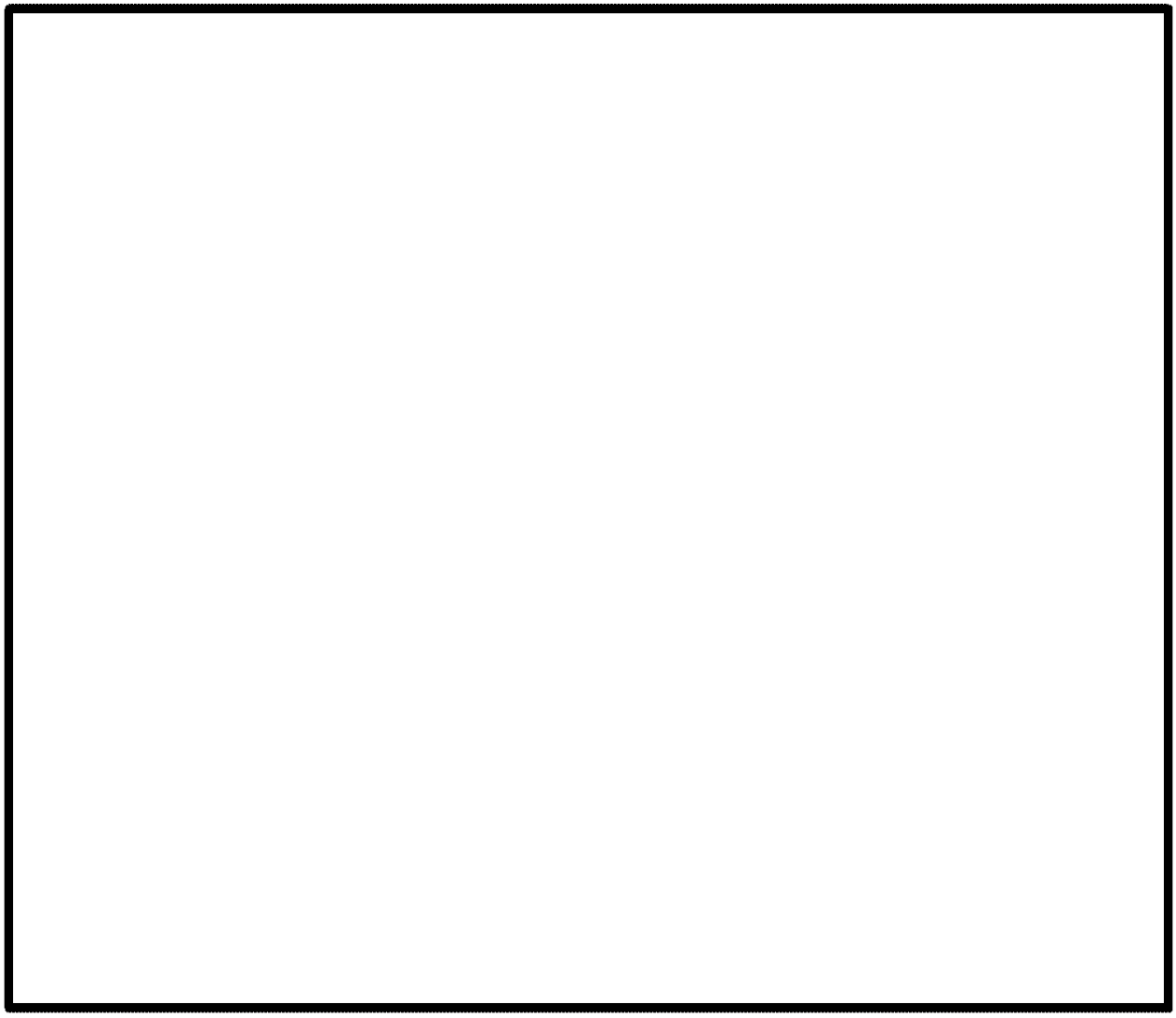
Thanks!

From: Groom, Molly M
Sent: Sunday, February 05, 2017 7:20:49 PM
To: Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Many thanks. Lori has indicated she doesn't think we can do the waiver in the national interest for legal and policy reasons. Still we need to discuss with CBP and maybe OGC at 9. If that happens I will send a number.

From: Franke, Evan R
Sent: Sunday, February 05, 2017 7:15:01 PM
To: Groom, Molly M; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

All, (b)(5)



[redacted]

(b)(5)

Sorry this is not more coherent, but I wanted to start articulating thoughts.

Regards,

Evan

From: Groom, Molly M
Sent: Sunday, February 05, 2017 5:55:13 PM
To: Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Franke, Evan R; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: Waiver

Looking for quick thoughts on legal issues if we were asked to adjudicate waivers under the EO at section 3 for the 7 countries in the national interest.

Knowing what we know from DACA, what should we be thinking about. This is a tonight issue so what thoughts you have would be appreciated.

From:	Groom, Molly M
To:	Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject:	RE: Waiver
Date:	Sunday, February 05, 2017 8:01:11 PM
Attachments:	DRAFT Statement 020517.docx

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From: Franke, Evan R
Sent: Sunday, February 05, 2017 7:28:36 PM
To: Groom, Molly M; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Thanks!

From: Groom, Molly M
Sent: Sunday, February 05, 2017 7:20:49 PM
To: Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

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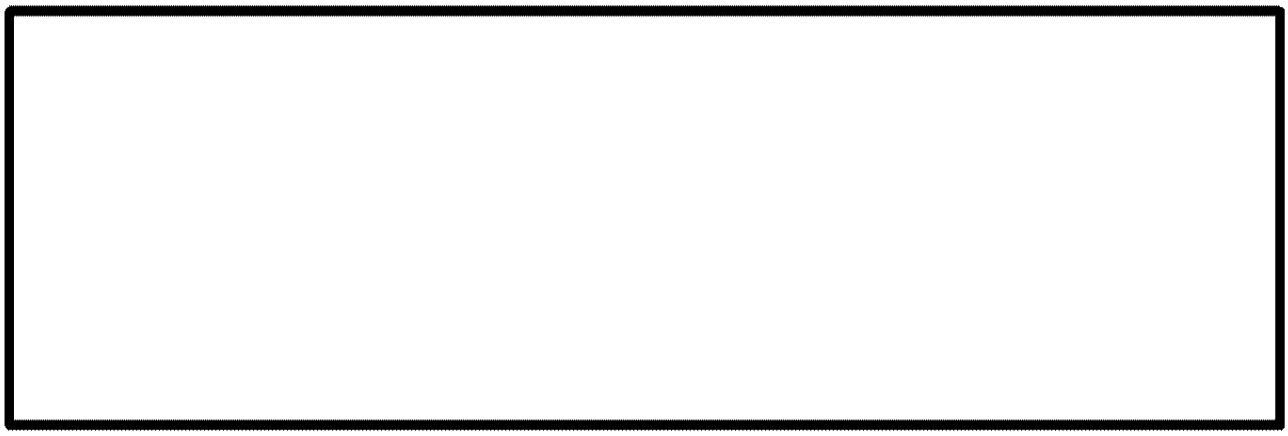
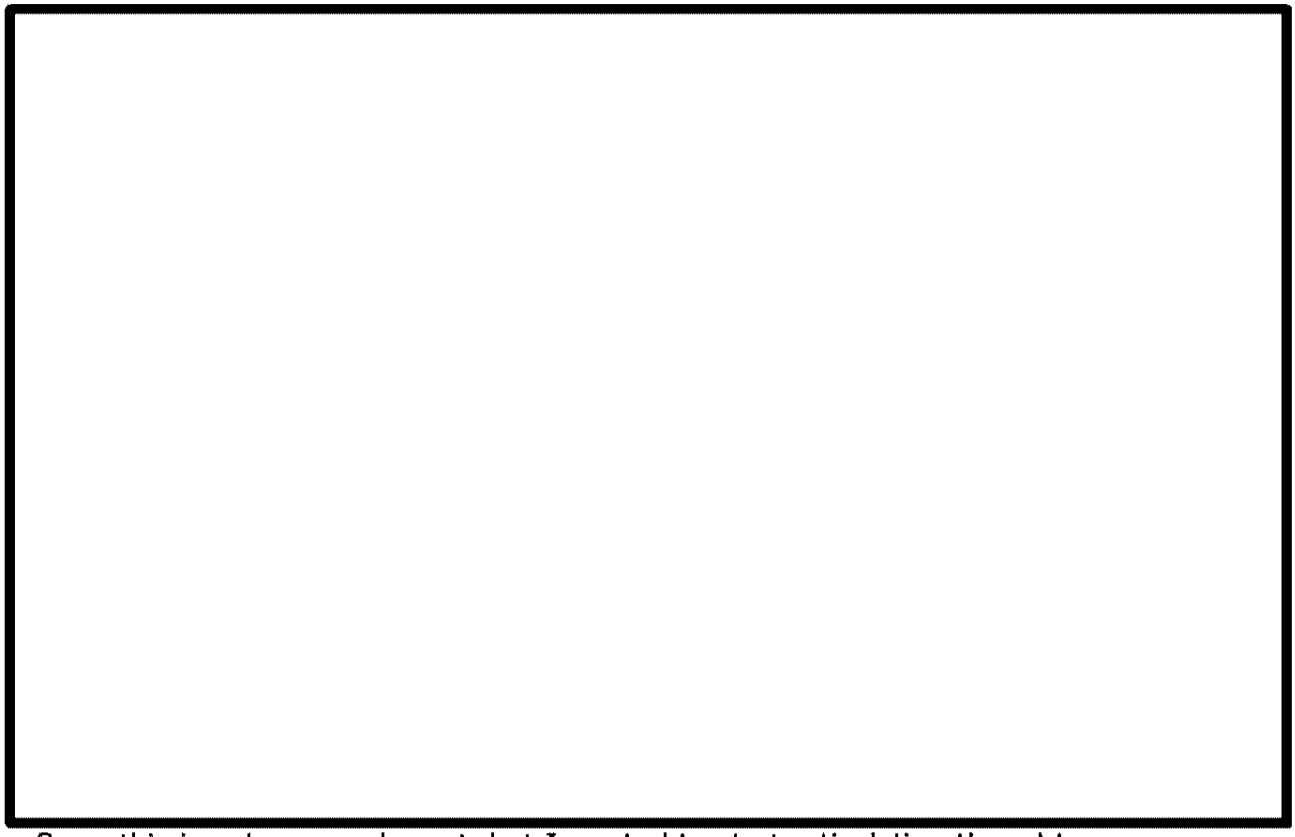
Sent: Sunday, February 05, 2017 7:15:01 PM
To: Groom, Molly M; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

All, (b)(5)



(b)(5)



Sorry this is not more coherent, but I wanted to start articulating thoughts.

Regards,

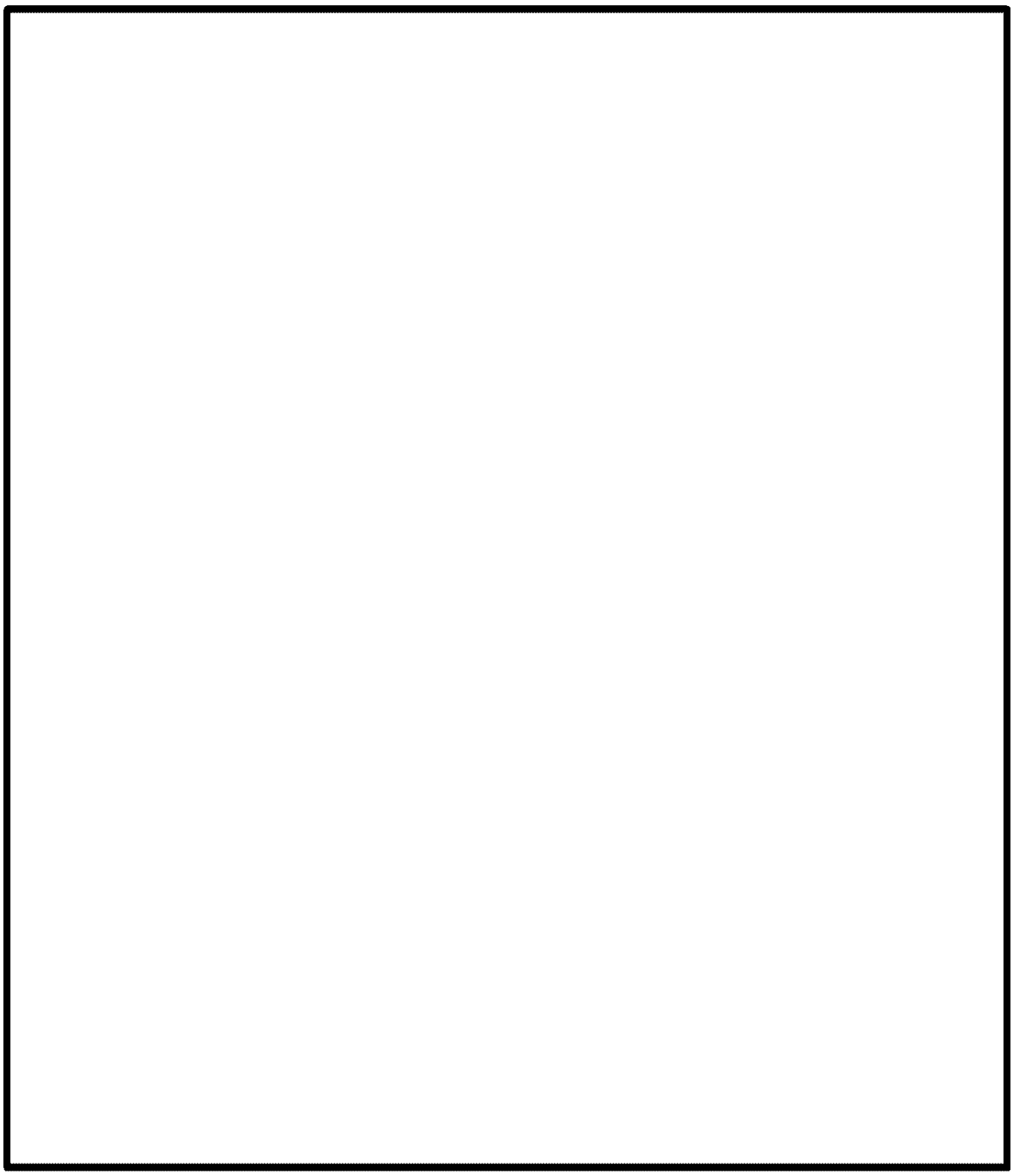
Evan

From: Groom, Molly M
Sent: Sunday, February 05, 2017 5:55:13 PM
To: Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Franke, Evan R; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: Waiver

Looking for quick thoughts on legal issues if we were asked to adjudicate waivers under the EO at section 3 for the 7 countries in the national interest.

Knowing what we know from DACA, what should we be thinking about. This is a tonight issue so what thoughts you have would be appreciated.

(b)(5)



Gillispie, Anna E

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 2:02 PM
To: Deshommes, Samantha L; Hamilton, Cristina A; Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks Sam and fair point

From: Deshommes, Samantha L
Sent: Sunday, January 29, 2017 2:59:57 PM
To: Tynan, Natalie S; Hamilton, Cristina A; Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Yes, he did but even on Meet the Press he seemed to waiver on that point and stressed the discretion that CBP has to take additional steps. Looking at the EO and providing RCD questions/comments now.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

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From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 2:58 PM
To: Hamilton, Cristina A; Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Yes, Priebus announced that on the news today. I don't know that there is an official release.

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 2:57:33 PM
To: Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

That's very significant—is that from the news? How was/is that being officially conveyed to/within DHS?

Just so we're all on the same page, it's seven countries, as follows:

Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
[redacted]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

Department of Homeland Security

[redacted]

(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple (b)(5) things:

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
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To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

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Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

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To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

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5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

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Acting Deputy Director
US Citizenship & Immigration Services

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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. (b)(5) [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted]

(b)(6)

11

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 10:57 AM
To: Rigdon, Jerry L; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks Jerry - it seems the operational components are holding everything from the six countries for now and trying to see what can go forward. I'll continue to keep everyone posted.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Rigdon, Jerry L
Sent: Sunday, January 29, 2017 11:43:15 AM
To: Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order

I've also reached out to a couple of SCOPS BCs.

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:26 AM
To: Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Just asked - I'll keep you posted

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 11:19:35 AM
To: Anderson, Kathryn E; Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I have not seen anything, although Don Neufeld alluded to guidance that he could send out sometime today. Larry, could you check with Don?

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 10:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made. NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B;

Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

[redacted]

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

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Chief, Regulatory Coordination Division
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Please let me know if you have any questions or see anything that needs editing.

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Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
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DHS USCIS
Field Operations Directorate, Deputy Associate Director
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Associate Director | Field Operations Directorate

U.S. Citizenship and Immigration Services
Department of Homeland Security

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Subject: RE: Executive Order

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Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
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Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted]
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Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Sclalabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L

(Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]

(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

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Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

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Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:05 AM
To: Tynan, Natalie S; Rigdon, Jerry L; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

And here's what I've learned from RAIO: Asylum has notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise. They also told leadership to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

IO is working with front office on guidance for international staff and ongoing refugee interviews. We have greenlight for refugee interviews in Vienna to continue tomorrow

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 12:01:29 PM
To: Rigdon, Jerry L; Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Thanks Jerry and Kathryn.

From: Rigdon, Jerry L
Sent: Sunday, January 29, 2017 11:58:25 AM
To: Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Here is what Don sent.

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:34:34 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Gillispie, Anna E

From: Hamilton, Cristina A
Sent: Sunday, January 29, 2017 1:58 PM
To: Levine, Laurence D; Prelogar, Brandon B; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

That's very significant—is that from the news? How was/is that being officially conveyed to/within DHS?

Just so we're all on the same page, it's seven countries, as follows:

Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya.

Cristina Hamilton
Chief, National Security and
Benefits Integrity Division
Office of Policy and Strategy, USCIS
[redacted]
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 2:39 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

And now apparently the WH is saying the EO doesn't apply to green card holders from the 6 countries.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:19:08 PM
To: Prelogar, Brandon B; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B;

Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Attached is the stay order from last night. I've also heard that mandamus actions regarding the EO holds may be coming our way.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 1:11:27 PM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'd only add re: rescission of TRIG exemptions that nothing in the EO prevents the continued application of the existing exemptions to TRIG cases while that consideration process takes place. Similar to Kathryn's point about entry vs admission, while I understand the desire to make sure we are not moving forward on cases we shouldn't be processing, we should also be careful not to over-read the EO's directives.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Clro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,

Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted]

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J;

Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Sunday, January 29, 2017 10:58 AM
To: Levine, Laurence D; Cummings, Kevin J; Anderson, Kathryn E; Phillips, Mark; Tynan, Natalie S; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Silwany, Oscar Y
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Here is what Don sent.

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:34:34 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Gillispie, Anna E

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 10:31 AM
To: Valverde, Michael; Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Young, Todd P; Slattery, Shannon E; Walters, Jessica S; Nicholson, Maura J
Subject: RE: Executive Order

IO is still seeking clarification on some things (was hoping to get today), but likely will do same.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations
[redacted] (b)(6)

From: Valverde, Michael
Sent: Sunday, January 29, 2017 11:29 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Walters, Jessica S
Subject: RE: Executive Order

Yes. We've got just about everything on hold (meaning no final decisions) from the countries until we give further guidance.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine

Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine

Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E

Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order
To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order
Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
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Chief, International Operations Division
U.S. Citizenship and Immigration Services
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Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

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Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services

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U.S. Citizenship and Immigration Services
Department of Homeland Security

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Cc: Farnam, Julie E; Kvortek, Lisette E
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I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order
I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order
I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted]
We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

(b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted]

(b)(6)

Gillispie, Anna E

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 9:48 AM
To: Levine, Laurence D; Phillips, Mark; Tynan, Natalie S; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

I saw that FOD sent out guidance to the field yesterday indicating that no final action can be taken on any petition or application for a citizen or national of one of the 7 countries, pending further guidance to come. Processing and interviewing can continue, but the case is to be placed on hold before a final decision is made. NPR seems to have picked up on this and reported it. I'm not sure whether SCOPS has issued any guidance. Has anyone seen?

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 9:35:13 AM
To: Phillips, Mark; Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

These are exactly the kinds of points we should raise tomorrow. I'm not sure yet what forums will be available to raise them yet.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Phillips, Mark
Sent: Sunday, January 29, 2017 9:25:20 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde

DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
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Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Lori

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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

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Cc: Renaud, Tracy L
Subject: RE: Executive Order

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Cc: Renaud, Tracy L
Subject: RE: Executive Order

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Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 10:54 AM
To: Neufeld, Donald W; Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc: Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S; Lafferty, John L; Strack, Barbara L; Stone, Mary M; Nicholson, Maura J
Subject: RE: Executive Order

Asylum has notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise. They also told leadership to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

IO is working with front office on guidance for international staff and ongoing refugee interviews. We have greenlight for refugee interviews in Vienna to continue tomorrow.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Sunday, January 29, 2017 11:52 AM
To: Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Same here Larry. We have put a full stop on everything involving the 7 countries at the centers pending further guidance.

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM

To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
[redacted] and Immigration Services
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

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I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

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Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

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Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order
Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Ruppel, Joanna
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To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
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Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

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Subject: RE: Executive Order
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Lori

From: Neufeld, Donald W
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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

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Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
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From: Scialabba, Lori L
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Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order
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Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted]
We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

(b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

Gillispie, Anna E

From:	Neufeld, Donald W
Sent:	Sunday, January 29, 2017 10:52 AM
To:	Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc:	Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject:	RE: Executive Order

Same here Larry. We have put a full stop on everything involving the 7 countries at the centers pending further guidance.

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M

Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
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To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
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Thanks very much.

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Office of the USCIS Deputy Director
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U.S. Citizenship and Immigration Services
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Field Operations Directorate | U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Field Operations Directorate, Deputy Associate Director

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Associate Director, Field Operations Directorate

Department of Homeland Security | U.S. Citizenship and Immigration Services

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Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant bu [redacted]

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To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

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Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Phillips, Mark
Sent: Sunday, January 29, 2017 8:25 AM
To: Tynan, Natalie S; Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Kathryn raises great points. If the EO is restricted to "entries," we should be able to adjudicate natz, adjustment, TPS, and non-immigrant applications where the applicant is physically present in the United States.

From: Tynan, Natalie S
Sent: Sunday, January 29, 2017 8:58:25 AM
To: Anderson, Kathryn E; Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Subject: RE: Executive Order

Thanks all. I really hope we have some legal guidance. There are a lot of issues.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51:47 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple (b)(5) things:

[redacted]

(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

1

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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Cummings, Kevin J
Sent: Sunday, January 29, 2017 6:30 AM
To: Levine, Laurence D; Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

The I-129 and I-539 will definitely be affected.

--Kevin

Kevin J. Cummings
Chief, Business & Foreign Workers Division
USCIS Office of Policy and Strategy
Department of Homeland Security

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 6:29 AM
To: Deshommes, Samantha L; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B;

Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Thanks Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Deshommes, Samantha L
Sent: Saturday, January 28, 2017 11:18:11 PM
To: Levine, Laurence D; Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

Sure thing...will take a look tomorrow morning.

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:28:08 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: FW: Executive Order

All - very interesting chain (that we were added to a bit late) and a good starting matrix. I think regular meetings will start Monday, so I think we need to make edits and additions to this ASAP so we can have something Monday morning. Sam - can you give up absolute minimums for changing refs and forms, both in the regular course of business as well in an emergency context (if there is such a difference).
Please include the whole chain as we make edits for now and when there's some breathing room Monday we'll figure out how to get this on ECN.
Thanks,
Larry

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of

nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted]

(b)(5)

(b)(5)

[redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 10:01 AM
To: Moulton, Shayla S
Cc: Deshommes, Samantha L; Tynan, Natalie S; Rather, Michael B; Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: Clarification on Scope of Section 4a

Good Morning, Shayla,

OP&S would like to obtain clarification on the overall scope of section 4a. If we adhere to the specific wording of the EO, the number of forms that might need to be considered will be significantly reduced. (Many thanks to Kevin Greeley for providing the following analysis.)

> Section 4(a) starts off focusing specifically on USCIS implementing "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."
>
> Going back to the argument of using the plain language of the EO, to ensure that we don't go outside of the legal scope, the first part of this seems to focus on "individuals seeking to enter the United States." The second part seems to focus on individuals "who are at risk of causing harm subsequent to their admission." (b)(5)

[redacted]

"Admission" is defined in the INA as:

> (13)(A) The terms "admission" and "admitted" mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.
>
> (B) An alien who is paroled under section 212(d)(5) or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.
>
> (C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien-
>
> (i) has abandoned or relinquished that status,
>
> (ii) has been absent from the United States for a continuous period in excess of 180 days,
>
> (iii) has engaged in illegal activity after having departed the United States,
>
> (iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this Act and extradition proceedings,
>
> (v) has committed an offense identified in section 212(a)(2), unless since such offense the alien has been granted relief under section 212(h) or 240A(a), or

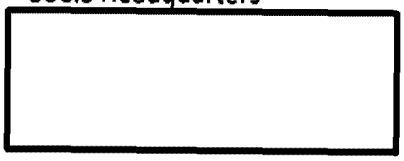
(vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

The same legal question exists for the other forms already identified.

Shayla – Has this previously been discussed amongst the WG leads? If not, should we get a legal interpretation from OCC or even raise the question to Julie Farnam?

Thanks,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters



(b)(6)

Gillispie, Anna E

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 9:19 AM
To: Levine, Laurence D; Tynan, Natalie S
Cc: Deshommes, Samantha L
Subject: FW: Executive Order: Form Revisions Working Group - Meeting Minutes

Good Morning,

Kevin Greeley makes a great point about how USCIS should interpret the scope of section 4a of the "Protecting the Nation..." E.O. (See red font portion of email below.) Since clarifying the scope of this section is vital, I propose that we run this question up through the Forms Changes WG lead to Julie Farnam. Please let me know if you agree or if you have other thoughts.

Thanks,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

From: Greeley, Kevin A
Sent: Wednesday, February 08, 2017 10:08 AM
To: Rigdon, Jerry L; Kvortek, Steven P (Steve); Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

If the OP&S representatives (and potentially OP&S management) concur with my interpretation, then I think we should proactively raise this to the WG leads for consideration. I don't know if FNDS will necessarily agree, since it might significantly change the scope of the forms that FDNS predesignated. However, FDNS and adjudications often have differing opinions on certain matters.

I would defer to the group, and Jerry specifically as a management POC, as to the best course of action.

Thanks!

Kevin Greeley
Adjudications Officer
DHS|USCIS
Office of Policy & Strategy (OP&S)
National Security & Benefits Integrity Division (NSBI)

[redacted] (b)(6)

From: Rigdon, Jerry L
Sent: Wednesday, February 08, 2017 10:04 AM
To: Greeley, Kevin A; Kvortek, Steven P (Steve); Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

Kevin – This is a great catch!
I propose that we send Kevin's write-up to Shayla with a request to get Julie's take on the scope of 4a.

Thoughts?

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

From: Greeley, Kevin A
Sent: Wednesday, February 08, 2017 9:20 AM
To: Kvortek, Steven P (Steve); Rigdon, Jerry L; Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

However, I didn't raise this point in the Forms WG, which is what your notes cover. I only raised it in the Interview WG. So the thoughts expressed below haven't been presented to the Forms WG for consideration.

I wanted to raise it to the OP&S POCs included here for contemplation.

Thanks!

Kevin Greeley
Adjudications Officer
DHS|USCIS
Office of Policy & Strategy (OP&S)
National Security & Benefits Integrity Division (NSBI)

[redacted] (b)(6)

From: Kvortek, Steven P (Steve)
Sent: Wednesday, February 08, 2017 9:17 AM
To: Greeley, Kevin A; Rigdon, Jerry L; Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

Thank you, Kevin. I tried to capture this in the notes but didn't expound upon the context of your comments at the working group meeting. I'll revise the meeting minutes to include this clarification.

-Steve

From: Greeley, Kevin A
Sent: Wednesday, February 08, 2017 9:02 AM

To: Kvortek, Steven P (Steve); Rigdon, Jerry L; Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

Hi, Steve. I don't have any suggested edits or additions. Although, something to consider for the OP&S POCs, is something I didn't raise until the Interview WG.

Section 4(a) starts off focusing specifically on USCIS implementing "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."

Going back to the argument of using the plain language of the EO, to ensure that we don't go outside of the legal scope, the first part of this seems to focus on "individuals seeking to enter the United States." The second part seems to focus on individuals "who are at risk of causing harm subsequent to their admission." (b)(5)

"Admission" is defined in the INA as:

> (13)(A) The terms "admission" and "admitted" mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.
>
> (B) An alien who is paroled under section 212(d)(5) or permitted to land temporarily as an alien crewman shall not be considered to have been admitted.
>
> (C) An alien lawfully admitted for permanent residence in the United States shall not be regarded as seeking an admission into the United States for purposes of the immigration laws unless the alien-
>
> (i) has abandoned or relinquished that status,
>
> (ii) has been absent from the United States for a continuous period in excess of 180 days,
>
> (iii) has engaged in illegal activity after having departed the United States,
>
> (iv) has departed from the United States while under legal process seeking removal of the alien from the United States, including removal proceedings under this Act and extradition proceedings,
>
> (v) has committed an offense identified in section 212(a)(2), unless since such offense the alien has been granted relief under section 212(h) or 240A(a), or
>
> (vi) is attempting to enter at a time or place other than as designated by immigration officers or has not been admitted to the United States after inspection and authorization by an immigration officer.

The same legal question exists for other forms already identified.

I should have raised this in the first WG, but it didn't strike me until the second WG. Regardless of what the intent might have been with the EO, I think we need to stick with the specific language. This is why it is essential to have knowledgeable immigration experts involved in drafting and reviewing EOs before they are signed. I think if we adhere to the specific wording of the EO, the scope of forms that might need to be considered will be significantly reduced.

I appreciate any thoughts you have on this in advance of the next WG meeting.

Thanks.

Kevin Greeley
Adjudications Officer
DHS|USCIS
Office of Policy & Strategy (OP&S)
National Security & Benefits Integrity Division (NSBI)

[redacted] (b)(6)

From: Kvortek, Steven P (Steve)
Sent: Tuesday, February 07, 2017 5:41 PM
To: Rigdon, Jerry L; Greeley, Kevin A; Ramsay, John R
Subject: RE: Executive Order: Form Revisions Working Group - Meeting Minutes

Thank you, Jerry. I appreciate the review and input.

From: Rigdon, Jerry L
Sent: Tuesday, February 07, 2017 5:37:07 PM
To: Kvortek, Steven P (Steve); Greeley, Kevin A; Ramsay, John R
Subject: FW: Executive Order: Form Revisions Working Group - Meeting Minutes

Steve,

I added a few edits.

Thanks,
Jerry

Jerry Rigdon
Deputy Chief, Regulatory Coordination Division
Office of Policy and Strategy
USCIS Headquarters

[redacted] (b)(6)

From: Kvortek, Steven P (Steve)
Sent: Tuesday, February 07, 2017 4:34 PM
To: Greeley, Kevin A; Rigdon, Jerry L
Subject: Executive Order: Form Revisions Working Group - Meeting Minutes

Kevin and Jerry,

Please see the attached draft meeting minutes of this morning's *EO: Form Revisions* working group meeting. If there is any additional information or changes that should be included, please advise and I'll update the notes.

Thank you,

Steve

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Gillispie, Anna E

From: Kvortek, Lisette E
Sent: Wednesday, February 08, 2017 12:40 PM
To: Greeley, Kevin A
Cc: Kvortek, Steven P (Steve)
Subject: RE: EO Interview Working Group

Thanks Kevin. I agree with your observation on whether the WGs have a consistent understanding and interpretation of Sec 4. However, with our particular group Sec 4 is clear that we ought to look at our current interview processes in general. We have governing laws and policies in place which govern who we interview and don't, including interview waived cases. I highly recommend we don't focus on form types for the paper as it can become unwieldly and we will lose focus. How I see it, regardless if we are interpreting this section to mean those that are outside or inside the U.S., our goal is to identify interview process enhancements, which can be within any of the categories listed in the invite. These enhancements will benefit the narrow or broader interpretation of this section. I see this as an excellent opportunity for our agency as a whole to identify those short and long term goals for implementation.

To your bigger concern, perhaps your leadership may want to raise your question to the EO bi-weekly meetings. I think this will be the better audience to provide direction.

Talk soon!

Lisette Kvortek| Senior Advisor
DHS|USCIS| Field Operations Directorate|
[redacted] (b)(6)

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From: Greeley, Kevin A
Sent: Wednesday, February 08, 2017 1:23 PM
To: Kvortek, Lisette E
Cc: Kvortek, Steven P (Steve)
Subject: RE: EO Interview Working Group

Hi, Lisette. NSBI was wondering if the WG could readdress one of the possible decisions that was made in the last meeting. We think it was decided that, due to the short deadline, we should focus on those form types where we already conduct interviews.

As was noted in the meeting, some of those interviews are based on forms that don't seem to covered under the plain language of the EO.

The EO is specifically calling for "development of a uniform screening standard and procedure, such as in-person interviews", 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."

Therefore, after thinking about it some more, we wonder if the first order of business should be to determine if USCIS currently meets the stated suggestion of in-person interviews on all forms where an individual is seeking to "enter" the US or where they might pose a risk after their "admission"? However that is defined.

If seems like the overall intent of the EO is to close gaps and reduce risks. So shouldn't our first priority be to identify if there are any gaps/risks related to forms that do not currently require an interview, rather than first focusing on improving existing interviews? It seems like not conducting interviews, when potentially required or recommended by the EO, is more of a risk than conducting non-uniform or non-standard interviews that could benefit from improvements.

We just wanted to make sure that we had sufficiently examined the top priority in complying with this EO.

Also, OP&S raised to the Forms WG today the issue of whether all the WGs should have a consistent understanding and interpretation of what the beginning language of Section (4)(a) says. If all WGs don't have a consistent understanding, the end results with be an inconsistent analysis that is supposed to result in a uniform standard and procedure.

Thanks for considering this and sorry that this wasn't raised during the first meeting.

Kevin Greeley
Adjudications Officer
DHS|USCIS
Office of Policy & Strategy (OP&S)
National Security & Benefits Integrity Division (NSBI)
[redacted] (b)(6)

From: Kvortek, Lisette E
Sent: Wednesday, February 08, 2017 10:57 AM
To: Thomas, Ronnie D; Padilla, April Y; Cox, Sophia; Slattery, Shannon E; Connor, Alina M; Benavides, Jaime L; Schaffer, Timothy L; Rosenstock, Peter L; Goudge, Laurie A; Akinjiola, Folukemi O (Kemi); Turo, Karen M; Wilson, Lynn M; Carter, Pea Meng; Lauver, Tinnina M (Tina); Saucier, Hillary W; Dunn, Maureen A; Kvortek, Steven P (Steve); Greeley, Kevin A; Linnan, Raymond J; Short, Gina L; Hess, Ellen; Ginzburg, Roman; Sohonyay, Simon P; Miller, Richard L; Chiorazzi, Anne; Micker, Jennifer N
Subject: EO Interview Working Group

Greetings:

Attached please find:

1. Updated working group member list
2. PP deck
3. Recommendation template for submission of drafts
4. List of the various working groups

My apologies for the large emails. I hope to have an ECN page set up soon.

Best,

Lisette Kvortek| Senior Advisor
DHS|USCIS| Field Operations Directorate|
[redacted] (b)(6)

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Gillispie, Anna E

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 7:22 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence D; Rather, Michael B
Subject: RE: Two Questions (b)(5)

I forgot to note -

[redacted]

N

Natalie S. Tynan
Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

[redacted] (b)(6)

From: Tynan, Natalie S
Sent: Friday, January 27, 2017 8:06 PM
To: Anderson, Kathryn E; Beveridge, Jennifer L (Jenna); Cummings, Kevin J; Deshommes, Samantha L; Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y
Cc: Levine, Laurence [redacted]); Rather, Michael B (b)(6)
Subject: FW: Two Questions

Hi All – attached is the executive order signed early this evening by the President. Please let me, Mike and Larry know if any questions or immediate impacts to policy come to mind. Next week, we may want to consider pulling relevant policy guidance and start thinking about new guidance that will have to be issued. Hopefully we will have more information.

In the meantime, please send any questions!

Thanks,
Natalie

Here is a quick summary (please read the entire document – I tried to hit the "highlights"):

1. Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern. There are review and reporting requirements that shall be completed within 30 days and additional follow up reporting requirements. While the review is conducted, 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), is suspended for 90 days. The Secretary shall provide a list of countries that do not provided necessary information to adjudicate and additional countries may be added. Visas may be issued to nationals of "blocked" countries in the national interest.
2. Implementing Uniform Screening Standards for All Immigration Programs 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 will be created and will include development of a uniform screening standard and procedure; a database of identity documents proffered by applicants; amended application forms with questions aimed at identifying fraudulent answers and malicious intent; 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.
3. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017. Suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days for review of 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. After 120 days, USRAP admissions resume for nationals of countries for which have been determined that such additional procedures are adequate to ensure the security and welfare of the United States. 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 will be prioritized. Admission of refugees from Syria will be suspended. The refugee limit will be 50,000 for fiscal year 2017.
4. 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.
5. Expedited Completion of the Biometric Entry-Exit Tracking System.
6. Visa Interview Security. The visa interview waiver program is suspended to 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.
7. 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.

Senior Advisor
USCIS, Office of Policy & Strategy
20 Massachusetts Ave.
Washington, DC

(b)(6)

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Thursday, January 26, 2017 4:40 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Strack, Barbara L; Stone, Mary M; Nicholson, Maura J; Groom, Molly M; Busch, Philip B; Zengotitabengoa, Colleen R
Subject: Executive Order impacting refugee admissions -- flagging issue

Lori and Tracy,

I just wanted to flag a couple of issues for you related to section (5)(f) of the draft executive order that would temporarily suspend most refugee processing.

(f)(a) provides that notwithstanding the temporary suspension, "the Secretaries of State and Homeland Security may continue to process as refugees those 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."

We need to know if this will be interpreted to mean that we can continue interviewing and making decisions on Lautenberg cases in Vienna and Moscow. We currently have a RAD circuit rider in Vienna conducting these interviews, and we interview Lautenberg cases 4 days a week in Moscow.

Also, we will need to know whether to pull back the teams currently in South Africa (circuit ride scheduled to end February 3) and Indonesia (circuit ride scheduled to end February 10). One thing to note is that we are interviewing some Rohingya (religious minority) in Indonesia, so arguably they could fall within the exception.

We will need guidance on this ASAP, assuming the language in the final order remains the same. So flagging this to you as something to possibly flag to the Department.

Thanks,

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Thursday, January 26, 2017 6:07 AM
To: Scialabba, Lori L; Renaud, Tracy L; Strack, Barbara L; Stone, Mary M; Nicholson, Maura J; Neufeld, Donald W
Subject: Following to join cases

Lori and Tracy,

I wanted to flag for you that we are going to need some clarification on the anticipated EO today on refugee and visa issuance in terms of impact on the the asylee and refugee following to join cases. We assume that the refugee following to join would be treated as refugees. Not sure whether the asylee following to join would also be treated as refugees or more like visas. They are of course neither.

We understand that State may be issuing guidance to put all following to join cases on hold.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Friday, January 27, 2017 4:40 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Strack, Barbara L; Stone, Mary M; Groom, Molly M; Zengotitabengoa, Colleen R; Benedict, Deborah L; Nicholson, Maura J
Subject: following-to-join cases

Lori and Tracy,

Just wanted to flag for you that were are instructing our international managers to cancel all travel document pick-ups for I-730 refugee and asylee following-to-join cases for next week. That gives us time to get direction from the Department of the impact of the executive order signed today on both refugee and asylee following-to-join cases.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Wednesday, February 01, 2017 4:43 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Strack, Barbara L; Stone, Mary M; Nicholson, Maura J; Kliska, Jennifer R; Benedict, Deborah L; Kwan, Stephanie M; Farnam, Julie E; Walters, Jessica S; Neufeld, Donald W; McCament, James W; Campagnolo, Donna P; Groom, Molly M; Lafferty, John L; Kim, Ted H
Subject: FW: Returning refugees still no-boards

Importance: High

Lori and Tracy,

I know we raised this question, but now flagging for you that CBP guidance is not to board refugees or asylees with refugee travel documents, regardless of their country, unless they have an exemption. See chart below.

This means that there could be someone who has been an asylee or a refugee living in the U.S. for some time (maybe years, in the case of an asylee), who left to go on a business meeting in the U.K. and now cannot get back to family, job, home. Is that really what was intended?

Joanna

From: Strack, Barbara L
Sent: Wednesday, February 01, 2017 4:58 PM
To: [redacted] Bartlett, Lawrence E. (b)(6)
Cc: Gauger, Kelly A; Ruppel, Joanna; Groom, Molly M; Zengotitabengoa, Colleen R; Chiorazzi, Anne; Pilch, Jacquelyn J
Subject: RE: Returning refugees still no-boards

Very helpful, thanks. USCIS was not aware of this CBP guidance.

Our counsel is engaging, too. Seems to me personally that the EO is ambiguous on this point.

From: [redacted] (b)(6)
Sent: Wednesday, February 01, 2017 4:49:36 PM
To: Strack, Barbara L; Bartlett, Lawrence E.
Cc: Gauger, Kelly A; Ruppel, Joanna; Groom, Molly M; Zengotitabengoa, Colleen R; Chiorazzi, Anne; Pilch, Jacquelyn J
Subject: RE: Returning refugees still no-boards

Barbara,

Yes, this has been implemented as refusal to board and admit ALL returning refugees, regardless of nationality. We just confirmed with NTC and the Executive Director of CBP's Admissibility and Passenger Programs Todd Hoffman that this is the policy. The Commissioner has not been very keen to sign waivers to admit those who somehow were able to board. I am told that this policy was negotiated with State Department. Is that the case?

Please see below for the specific NTC guidance regarding boarding. Apologies for the quality. There's no scanner in the crisis room.

Please let me know if there's anything I can do to help.

[redacted] (b)(6)
Official - SBU
UNCLASSIFIED

From: Strack, Barbara L [mailto[redacted] (b)(6)
Sent: Wednesday, February 01, 2017 4:23 PM
To[redacted]Bartlett, Lawrence E.
Cc: Gauger, Kelly A; Ruppel, Joanna; Groom, Molly M; Zengotitabengoa, Colleen R; Chiorazzi, Anne
Subject: RE: Returning refugees still no-boards

(b)(6)
[redacted] we're looking at this now.

To be clear, these refusals to board extend beyond the 7 nationalities?

From[redacted] (b)(6)
Sent: Wednesday, February 01, 2017 4:13:37 PM
To: Bartlett, Lawrence E.; Strack, Barbara L
Cc: Gauger, Kelly A
Subject: Returning refugees still no-boards

Folks,

I know this conversation is probably being had at much higher levels, but I wanted to flag that CBP is denying boarding to returning refugees with refugee travel documents are still being denied boarding and entry, despite the fact that the EO does not prohibit this explicitly. Do we know under what authority this could be done?

I am trying to track down the decision makers here.

[redacted] (b)(6)

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 6:45 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Nicholson, Maura J
Subject: FW: FACT SHEET: Protecting the Nation from Foreign Terrorist Entry to the United States

Importance: High

Tracy and Lori,

This says

"Importantly, however, lawful permanent residents of the United States traveling on a valid I-551 will be allowed to board U.S. bound aircraft and will be assessed for exceptions at arrival ports of entry, as appropriate."

Note the "valid I-551." I think we should revise our guidance to IO staff to have them contact us if they get an I-131A from one of the 7 nationalities until we get a firm answer form the Department on this. As I said, we don't have any now and are unlikely to get one this week, but . . . . .

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 7:40 PM
To: Melero, Mariela; Renaud, Tracy L; Scialabba, Lori L; Renaud, Daniel M; Ruppel, Joanna; Nicholson, Maura J; Strack, Barbara L; Hatchett, Dolline L; Neufeld, Donald W; McCament, James W; Davidson, Andrew J; Emrich, Matthew D; Kerns, Kevin J; Groom, Molly M; Busch, Philip B; Walters, Jessica S; Young, Todd P; Swanson, Toni
Cc: Atkinson, Ronald A; Martin, Heather A
Subject: FACT SHEET: Protecting the Nation from Foreign Terrorist Entry to the United States

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

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

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

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

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

Authorities

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

Actions

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

Importantly, however, lawful permanent residents of the United States traveling on a valid I-551 will be allowed to board U.S. bound aircraft and will be assessed for exceptions at arrival ports of entry, as appropriate. The entry of these individuals, subject to national security checks, is in the national interest. Therefore, we expect swift entry for these individuals.

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

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

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

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

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

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

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

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

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

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

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Shirk, Georgette L

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 7:21 AM
To: Ruppel, Joanna
Subject: FW: FOR REVIEW: Draft interim guidance on EO
Attachments: DRAFT EO Guidance to IO - 20170128 v.1 EMEA comments.docx

FYI. I'm going to share another email about the Cape Town CR.

From: Johnson, Bobbie L
Sent: Sunday, January 29, 2017 6:36:46 AM
To: Monica, Donald J; Nicholson, Maura J; Spalter, Brian M; Langlois, Joseph E; Fatica, Erin K; Lassen, Brett H
Cc: Kliska, Jennifer R
Subject: RE: FOR REVIEW: Draft interim guidance on EO

Maura,

Please see EMEA's full comments attached. In quick summary:

1. We strongly urge the cancelation of the Cape Town CR today and that our officers should not interview tomorrow. If it is too late to inform the applicants of the cancelation, then the officers can stay on the ground and fingerprint only until further guidance is provided.
2. There should be bright line guidance on both I-590s and I-730s without carve outs at this time, since we do not yet have the authority to make the exceptions the EO mentions.
    a. For both I-730s and I-590s, cancel all interviews for now. If the interview cannot be canceled before the individual appears at our office, we should only fingerprint them. No exceptions for now.
3. We suggest completing RFRs if the decision would result in the underlying denial being upheld (which occurs approx. 65% of the time in EMEA).
4. We need cleared language for a wide variety of inquiries our offices are starting to get, both by phone and email. Examples are given in the attached comments. Even if that cleared language is simply "guidance will be forthcoming; please refer to the USCIS website" or "please contact CBP."
5. We do not agree our offices should adjudicate I-131As and issue boarding letters to individuals from any of the 7 named countries. This puts our FODs and officers who will sign off on these letters in a delicate position and may give the wrong signal to the individual, when ultimately CBP will have the final determination.

We very much appreciate how challenging it is to develop guidance right now. Thank you for the opportunity to provide input.

Bobbie

From: Monica, Donald J
Sent: Sunday, January 29, 2017 3:43 AM
To: Nicholson, Maura J; Spalter, Brian M; Johnson, Bobbie L; Langlois, Joseph E; Fatica, Erin K; Lassen, Brett H
Cc: Kliska, Jennifer R
Subject: RE: FOR REVIEW: Draft interim guidance on EO

Re: your request for comments on the interim guidance.

Part E references not issuing final decisions on any other form types. This should be clarified to address:

A. Does it include Forms I-407 since this is not an application or petition.

B. Is it intended to include beneficiaries irrespective of age? E.g., an I-130 or I-600 filed by a USC parent on behalf of a child from one of the designated countries.

C. Does it apply to mil Natz N-400s filed by members of the US military or eligible spouses who are nationals of one of the designated countries?

D. Does it apply to I-130s filed by a USC member of the military on behalf of a spouse or child who is a national of one of the designated countries?

Probably more to follow.

From: Nicholson, Maura J
Sent: Saturday, January 28, 2017 6:42:16 PM
To: Monica, Donald J; Spalter, Brian M; Johnson, Bobbie L; Langlois, Joseph E; Fatica, Erin K; Lassen, Brett H
Cc: Kliska, Jennifer R
Subject: FOR REVIEW: Draft interim guidance on EO

DDs/DDDs,

We are continuing to seek clarification on elements of the E.O. signed Friday night, so the situation remains rather fluid. That said, the attached is a draft outline of the guidance I'm hoping you can review – I want to ensure I've captured our immediate needs, understanding that we'll have fuller guidance once DHS implementing guidance is issued and USCIS is able to issue its own, as well. If you are able to provide a quick review and get me any comments or questions tomorrow, I'll incorporate your feedback into the 'final' interim guidance to the field tomorrow. Continue to send questions my way – they've been very helpful in flagging issues we need to address.

Still no decision on our 2 CRs. At this point, I don't expect I'll have a further update until after their processed ends on Monday, so the teams should plan to proceed business as usual. Hopefully with this knowledge they can fully enjoy their Sunday. I appreciate their patience very much; limbo is not a desirable place to be.

Thank you!

Maura

****

Maura J. Nicholson
Deputy Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations

[redacted] (b)(6)

Interim Guidance for International Operations in Response to Executive Order Signed January 27, 2017

Note: We will be creating a case tag in CAMINO to identify all cases on hold per this executive order.

(b)(5)

1. Refugee-Related Processing

Immediate impact of E.O. on refugee processing: Admission of refugees and refugee follow-to-join beneficiaries of all nationalities is suspended for 120 days. Syrian cases have been suspended until further notice. E.O. provides for carve-outs for certain religious minorities, but we are awaiting further guidance on how those will be defined.

A. Refugee and I-730 Refugee Follow-to-Join Processing

We will provide you with a CAMINO report to identify all I-730 Refugee Follow-to-Join Cases. Depending on the volume, we will run a script to place on hold and pause the CAMINO Clock or will ask you to do so, pursuant to the guidance below.

Given what we know so far, staff should follow the guidance outlined below, depending on the stage of case processing:

1. *Interview already scheduled, sufficient time to cancel*
   - Cancel interview, even if Lautenberg or other religious minority case. We will offer further guidance on these types of cases as soon as it is available.
   - For I-730 Refugee Follow-to-Join Cases, pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".
2. *Interview already scheduled, insufficient time to cancel*
   - If (1) P1 religious minority in his or her country of nationality facing religious persecution or (2) Lautenberg case, proceed with the interview. If P1 that's not a religious minority as described above, collect fingerprints and notify applicant of temporary suspension of refugee processing and that he/she will be contacted with additional information in the future when we are able to proceed. We will get you talking points as soon as possible regarding the suspension, as you may be asked about timing of the decision or rescheduled interview.
   - For I-730 Refugee Follow-to-Join Cases, pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".
3. *Interview not yet scheduled*
   - Do not schedule any cases until further notice. Guidance on continued processing of religious minorities will be forthcoming.
   - For I-730 Refugee Follow-to-Join Cases, pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".

I-730 Refugee Follow-to-Join (Only)

4. *Already interviewed, pending*
   - Stop all case processing. Pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order". No final decisions or travel packets should be issued.

5. *If travel documents already prepared but not yet issued by IOM or USCIS to the individual, ~~issued but individual has not yet traveled~~*
   - Get travel packet back from IOM, and keep with case file while case on hold.
   - If IOM does not yet have the travel packet, keep the travel packet with the case file while case is on hold.
   - In locations where USCIS issues travel packets directly to the individual, do not issue the travel packet but keep the packet with the case file while the case is on hold.

6. *If travel documents have already been issued to the individual but the individual has not yet traveled*
   a.

~~6.~~7. *If new cases received*
   - Immediately pause the Clock upon case entry, noting 1/27/2017 E.O.

B. I-590 adjudication

a. Officers should not proceed with making decisions on I-590 cases.

~~B.~~C. I-590 Supervisory Review

- Stop all supervisory review of cases, as after the 120-day suspension, until further guidance. The manner in which refugee cases are adjudicated and processed may undergo changes.

~~C.~~D. RFR Adjudications

- Please suspend all RFR adjudications until further notice. Pause the Clock in CAMINO as of 1/27/2017.

2. Other Immigration Benefits

Immediate impact of E.O. on visa issuance and other immigration benefits: Issuance of visas and certain other immigration benefits is suspended for 90 days for applicants and beneficiaries of Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen.

Given what we know so far, staff should follow the guidance outlined below for any individual who is a national or dual national of the countries listed above, depending on the case type:

~~D.~~E. I-730 Asylee Follow-to-Join Processing

1. *Interview already scheduled, sufficient time to cancel*
   - Cancel interview. Pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".
2. *Interview already scheduled, insufficient time to cancel*
   - Collect fingerprints and notify them of temporary suspension of processing and that they will be contacted with additional information in the future when we are able to continue processing.

(b)(5)

- Pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".

3. *Interview not yet scheduled*
   - Do not schedule any cases until further notice. Pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".
4. *Already interviewed, pending*
   - If case decision is denial, process to completion.
   - For all other cases, stop all case processing, and pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order". No final decisions or travel packets should be issued.
5. *If travel documents already issued but individual has not yet traveled*
6. *If new cases received*
   - Immediately pause the Clock upon case entry, noting 1/27/2017 E.O.

~~E.~~F. **All Other Benefit Types**

- Until further notice, do not issue any final decisions on any other form types, unless noted as an exception below. Pause CAMINO case Clock effective 1/27/2017, and enter note "Per Executive Order".
- Form I-131A boarding letters may continue to be processed, even if the applicant is a national of one of the 7 countries listed above.

a. For inquiries from individuals from one of the 7 countries listed above, inform the inquirer..

(b)(5)

DRAFT

Referred to Department of Homeland Security

(b)(6

Shirk, Georgette L

From: Nicholson, Maura J
Sent: Tuesday, January 31, 2017 6:14 AM
To: Ruppel, Joanna
Subject: FW: Requests from Consular for Local I-130 Filings

Joanna,

I believe I-130s among other non-benefit-granting petitions will be allowed to move forward when agency guidance comes out, but for now they can't. In this situation, I think it prudent to have them hold on a decision to State, rather than deny it, in the hopes they can soon move forward.

Is this consistent with your thinking?

Maura

From: Johnson, Bobbie L
Sent: Tuesday, January 31, 2017 6:06:06 AM
To: Nicholson, Maura J
Cc: Langlois, Joseph E; Kliska, Jennifer R
Subject: Requests from Consular for Local I-130 Filings

Maura,

Our offices have received a few local I-130 filing requests, involving petitioners and/or beneficiaries from one of the seven countries, from Consular Sections at Posts where USCIS is not present. If there are no exceptional circumstances to justify our FOD authorizing State to accept and adjudicate the I-130, we will inform Post that we have denied the request for local filing on the grounds that no exceptional circumstances exist.

However, if our FOD finds that exceptional circumstances exist, should we not approve Post's request if the petitioner and/or beneficiary is from one of the seven countries? Here is how we propose responding to Consular requests, but we want to be sure we're consistent with how other districts are handling and how IO recommends:

At this time, USCIS has been instructed not to issue any final approvals for any application for nationals or dual nationals of the seven countries referenced in the Executive Order, with the exception of Form I-131A (Carrier Documentation). Therefore, at this time, we do not approve the request of the Department of State to accept and adjudicate the I-130, since the beneficiary is from one of the seven listed countries.

Our reasoning is this: If we grant State's request for local I-130 filing, we are granting them the authority to accept and adjudicate – the I-130 is then out of our hands. Once State has the authority, they will be making the decision on the I-130 and we won't be in a position to tell them not to adjudicate it. Also, where exceptional circumstances exist, there is usually a time-sensitivity to the case, so it would not make sense to simply delay our response to State's request.

Please let us know if IO recommends a different course of action or response. It would also be interesting to know if CA/VO has given any instructions to Posts on this matter. Additionally, there are blanket authorizations in effect (e.g., Yemen), and we aren't even seeing individual requests from Consular for those, of course.

Thank you for your guidance in this matter.

Bobbie

Referred to Department of Justice

(b)(6

Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

Shirk, Georgette L

From: Nicholson, Maura J
Sent: Thursday, February 02, 2017 6:05 PM
To: RAIO - Oversea Managers; RAIO - International Ops - HQ
Subject: Implementing Guidance for January 27 Executive Order
Attachments: EO 1-27 implementation guidance signed and dated.pdf

IO colleagues,

Attached please find agency guidance on the handling of adjudications in light of the Executive Order (Protecting the Nation) signed on January 27, 2017.

A couple of clarifying points:

- Point 3 – until further guidance is issued on the handling of I-730 beneficiaries outside of the United States, please continue to follow the guidance I provided on January 29 (relevant text pasted below):

  - Do not issue any final approvals for any I-730 refugee following to join cases.
  - Do not issue any final approvals for I-730 asylee following to join adjudication and travel eligibility cases for nationals or dual nationals of the 7 countries referenced in the Executive Order (Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen).

  For these cases, please pause the Clock in CAMINO, and note as the reason Executive Order 1/27.

- Point 4 – IO staff will only interview religious minority cases if referred by State/PRM. We are working with State/PRM to determine the plan for refugee processing, including religious minorities, over the next 120 days and for the remainder of the year. We will let you know when processing of such cases will occur.

Further guidance related to IO adjudications not addressed in the attached will be forthcoming.

Thanks,

Maura

****

Maura J. Nicholson
Acting Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations

[redacted]

(b)(6)

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

FEB 2 2017

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba
Acting Director

SUBJECT: Guidance Concerning Executive Order on Immigration

On January 27, President Trump signed an Executive Order entitled "Protecting The Nation From Foreign Terrorist Entry Into The United States." This memorandum provides guidance from the Department of Homeland Security (DHS) regarding the impact of this Executive Order on various immigration benefit requests.

All USCIS employees should be aware of current guidance from DHS, specifically:

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality. Section 3(c) also does not affect applications and petitions by lawful permanent residents outside the United States, or applications and petitions for individuals outside the United States whose approval does not directly confer travel authorization (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated in the Executive Order.

3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.

5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

Shirk, Georgette L

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 6:04 PM
To: RAIO - Oversea Managers
Cc: Ruppel, Joanna; Hadary, Jonah J; Kwan, Stephanie M; Kliska, Jennifer R
Subject: FW: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

Field managers,

I wanted to make you aware of the statement made by Secretary Kelly earlier today with respect to LPRs re-entering the United States. Consistent with S1's directive, all field offices should continue to process I-131A applications filed by LPRs overseas, regardless of the nationality of the applicant. To confirm, I-131As filed by LPRs who are nationals or dual nationals of the 7 countries outlined in the Executive Order signed on January 27 (Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen), should continue to be adjudicated and travel documents issued per existing guidance.

Additional guidance related to the issuance of that E.O. will be forthcoming. Thanks for your patience – I know you have a number of questions, and we will work as quickly as we can with others in USCIS and the Department to clarify them.

Thanks,

Maura

From: Renaud, Tracy L
Sent: Sunday, January 29, 2017 3:24:02 PM
To: Ruppel, Joanna; Renaud, Daniel M; Neufeld, Donald W
Subject: FW: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

FYI

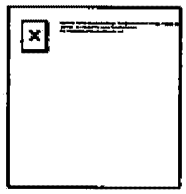
Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 6:19:32 PM
To: Scialabba, Lori L; Renaud, Tracy L; Atkinson, Ronald A; Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Groom, Molly M; Melero, Mariela
Subject: FW: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

From: DHS Press Office
Sent: Sunday, January 29, 2017 11:15:58 PM
To: Alfonso, Angelica M
Subject: STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES



Press Office
U.S. Department of Homeland Security

Press Release

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

STATEMENT BY SECRETARY JOHN KELLY ON THE ENTRY OF LAWFUL PERMANENT RESIDENTS INTO THE UNITED STATES

WASHINGTON – In applying the provisions of the president's executive order, 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.

###

Unsubscribe

Office of Public Affairs · 202-282-8010 · medialnquiry@hq.dhs.gov

U.S. Department of Homeland Security · Washington, DC 20016

Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

Shirk, Georgette L

From: Nicholson, Maura J
Sent: Monday, January 30, 2017 12:07 PM
To: Monica, Donald J; Spalter, Brian M; Langlois, Joseph E; Johnson, Bobbie L; Fatica, Erin K; Lassen, Brett H
Cc: Ruppel, Joanna; Kliska, Jennifer R
Subject: RE: Interim Guidance on Executive Order Signed January 27

DDs/DDDs,

Just to clarify, below is the official guidance for you to follow right now. The draft guidance that you commented on this past weekend has not yet been cleared for issuance and the situation continues to evolve. You'll note there were some differences between the guidance I provided below and what had been in the draft guidance I had you comment on. Please only follow the guidance below for now.

Thanks,

Maura

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 7:58 PM
To: Monica, Donald J; Spalter, Brian M; Langlois, Joseph E; Johnson, Bobbie L; Fatica, Erin K; Lassen, Brett H
Cc: Ruppel, Joanna; Kliska, Jennifer R
Subject: Interim Guidance on Executive Order Signed January 27
Importance: High

DDs/DDDs,

I realize that you have many questions about the Executive Order and appreciate that you have been sending them forward. Please continue to do so. Unfortunately, things remain in flux and we do not have cleared guidance we can provide other than the following for the next few days or less (if we get additional guidance sooner):

- Do not issue any final approvals for any I-730 refugee following to join cases. Further guidance will be coming about how to update CAMINO, etc.
- Do not issue any final approvals for any other application, including I-730 asylee following to join adjudication and travel eligibility cases for nationals or dual nationals of the 7 countries referenced in the Executive Order (Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen), with the exception of I-131As (see attached email). You can approve I-131As for all applicants following existing guidance, which requires that you flag for HQ any with serious derogatory information for possible discretionary denials. Further guidance will be coming.
- If you have refugee cases scheduled for Monday or Tuesday of this week, please cancel them if there is sufficient time to do so. If there is not sufficient time to cancel, then please collect the applicant's biometrics, review his or her bio-data for accuracy and completeness, and inform the applicant that he/she will be notified when the case is able to proceed in the future.

Right now, we are staying the course on the refugee CR in Indonesia; the team on the ground can continue interviewing and processing the cases there until further notice.

The above guidance is only a stop-gap to assist in addressing the most urgent needs for the next couple of days when more detailed cleared guidance can be issued. Also, for awareness, OCOMM is working on talking points and FAQs related to the Executive Order, which should be issued via USCIS Broadcast soon.

I appreciate the difficulty of being on the front line and getting inquiries from the public and others for which we don't yet have complete answers. Many people throughout the Agency and Department are working hard to sort out the impact of the E.O. on the Agency, and I will continue to keep you posted.

Thank you for your continued patience as we navigate the current policy changes.

Maura

****

Maura J. Nicholson
Deputy Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations

[redacted]

(b)(6)

Shirk, Georgette L

From: Spalter, Brian M
Sent: Sunday, January 29, 2017 6:29 PM
To: APAC FOD
Subject: RE: circuit ride update
Attachments: 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx

FODs:

For those who may not have seen it, attached is a copy of the signed Executive Order itself. As present, we continue to await clarifying guidance from HQ and will be certain to inform you as soon as it is received.

Regards,
Brian

From: Monica, Donald J
Sent: Saturday, January 28, 2017 10:07 AM
To: APAC FOD
Subject: FW: circuit ride update

FODs:

Please confirm receipt of this message when you read it.

See below. This relates to the refugee Executive Order. As noted, it was signed, but HQ/IO has not yet seen it. Of immediate priority is that we are cancelling both refugee and I-730 interviews (both refugee and asylee FTJ), as well as the pick of travel packets by I-730 applicants. While Maura's email mentions cancelling I-730 travel package pickups, but does not mention cancelling interviews, in a separate reply to an inquiry from EMEA she indicates that for now interviews should also be cancelled.

More to follow as info becomes available.

Don

From: Nicholson, Maura J
Sent: Saturday, January 28, 2017 6:33 AM
To: Langlois, Joseph E; Johnson, Bobbie L; Monica, Donald J; Spalter, Brian M; Lassen, Brett H; Fatica, Erin K
Cc: Kliska, Jennifer R
Subject: RE: circuit ride update

All,

This evening, the EO affecting refugee processing was signed, however we have not yet seen the final text. We believe we will need to stop processing refugees on Monday – I should know more and will confirm later this weekend. DHS is aware of our 2 on-going CRs as well as RAD's in Vienna, and I hope to soon let you know whether we'll need to have our travelers curtail. We are also seeking guidance from DHS on Lautenberg processing in MOS and whether that will be able to continue.

In the meantime, please have your offices cancel all travel document pick-ups for I-730s (both refugee and asylee FTJs) for the next week. That will give us some time to get direction from DHS on the impact that today's EO will have on I-730 processing. We will also coordinate with State early next week on steps taken with respect to that caseload.

It will take some time to get the DHS implementing guidance for the EO, so I appreciate your patience while we sort out precisely what the impact of the EO will be. I will be sure to share any information with you as I can – and please do not hesitate to pose questions so that I can ensure we get the answers you need.

Thanks,

Maura

From: Nicholson, Maura J
Sent: Thursday, January 26, 2017 6:59 PM
To: Langlois, Joseph E; Johnson, Bobbie L; Monica, Donald J; Spalter, Brian M; Lassen, Brett H; Fatica, Erin K
Cc: Kliska, Jennifer R
Subject: RE: circuit ride update

All,

State/PRM, RAD, and IO spoke this evening to coordinate and determine next steps with respect to refugee processing. Latest we've heard is that the EO will be signed tomorrow, so we still don't have final language which will be key in determining handling of on-going CRs in Cape Town and Indonesia (RAD also has a circuit rider interviewing Lautenbergs in Vienna now), and refugee processing in our field offices. The final EO language will also help inform processing of Lautenbergs in MOS, and other religious minorities (including Rohingya in Indonesia). We need to continue to interview refugee cases until told otherwise.

In the meantime, though, we are cancelling all CRs scheduled to depart between now and February 15, consistent with RAD. This includes the fingerprinting CR to Malta that departs Monday. PRM has notified their RSCs of these cancellations.

RAD, IO and PRM will have a standing daily meeting for the foreseeable future to coordinate, as needed.

More info and guidance to follow when available. Please let me know if you have any questions.

Thanks,

Maura

From: Nicholson, Maura J
Sent: Wednesday, January 25, 2017 6:19 PM
To: Langlois, Joseph E; Johnson, Bobbie L; Monica, Donald J; Spalter, Brian M
Cc: Lassen, Brett H; Fatica, Erin K; Kliska, Jennifer R
Subject: FW: circuit ride update

All,

FYI that RAD is suspending CRs through February 15 in light of the Executive Order that is expected tomorrow and which will affect refugee processing. We will be awaiting implementing guidance from DHS once the order is signed and can then assess what action we may need to take on our 2 currently deployed CRs and those scheduled for departure in February. We'll also then get a sense of how our I-730 caseloads will be affected.

I'm sure you've seen drafts online of the executive order as well as much press about what's likely coming, but we don't know what, if anything, of what's been reported may get changed in the final hours before the EO is signed.

FYI,

Maura

From: Stone, Mary M
Sent: Wednesday, January 25, 2017 4:17 PM
To: Ruppel, Joanna; Nicholson, Maura J
Subject: FW: circuit ride update

From: Strack, Barbara L
Sent: Wednesday, January 25, 2017 4:03:19 PM
To: RAIO - Refugee1
Subject: FW: circuit ride update

From: Strack, Barbara L
Sent: Wednesday, January 25, 2017 3:37:28 PM
To: Strack, Barbara L
Subject: circuit ride update

Dear RAD staff – I know that many of you have seen draft copies of an Executive Order related to the USRAP that is expected to be finalized and signed tomorrow. In light of this anticipated announcement, we've determined that it would be prudent to suspend circuit rides that are scheduled to depart between now and February 15.

We are also suspending the remaining PDBs planned for this week.

For our TDYers who are here in DC, we will be sharing information as soon as possible about travel arrangements for returning to home offices.

I hope to share more information tomorrow.

Barbara

Shirk, Georgette L

From: Spalter, Brian M
Sent: Tuesday, January 31, 2017 1:53 AM
To: Sherman, Kenneth J
Cc: Monica, Donald J
Subject: RE: Interim Guidance on Executive Order Signed January 27

Hi Ken,

We have not yet received specific guidance on this issue but I have asked HQ and will let you know as soon as we have a response. In the interim, I would ask that you hold off on finalizing FTJ-A cases. I anticipate we will receive a reply tonight and will let you know as soon as we do.

Thanks,
Brian

From: Sherman, Kenneth J
Sent: Tuesday, January 31, 2017 2:01 PM
To: Spalter, Brian M; Monica, Donald J
Cc: Sherman, Kenneth J
Subject: FW: Interim Guidance on Executive Order Signed January 27

Brian,

Maura's message stated the following:

- Do not issue any final approvals for any other application, including I-730 asylee following to join adjudication and travel eligibility cases for nationals or dual nationals of the 7 countries referenced in the Executive Order (Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen), with the exception of I-131As (see attached email). You can approve I-131As for all applicants following existing guidance, which requires that you flag for HQ any with serious derogatory information for possible discretionary denials. Further guidance will be coming.

Probably over thinking it, but does that mean we can issue travel packets (foils for pilot and transportation letters for non-pilot) for FTJ-Asylum cases where applicants are not from 7 designated countries. Maura indicates we can approve the cases, but doesn't state whether we can issue travel packets.

Thank you,
Ken

From: Spalter, Brian M
Sent: Tuesday, January 31, 2017 6:27 AM
To: APAC FOD
Subject: RE: Interim Guidance on Executive Order Signed January 27

FODs:

Following up on this, the guidance below continues to be in place for the time being. It is not anticipated that any changes or updates will be forthcoming today (i.e. during business hours in the Asia-Pacific region). We will be certain, however, to let you know as soon as additional information becomes available.

Regards,
Brian

From: Spalter, Brian M
Sent: Monday, January 30, 2017 8:11 AM
To: APAC FOD
Subject: FW: Interim Guidance on Executive Order Signed January 27
Importance: High

FODs:

Please see the preliminary guidance we have received from HQ below. As noted, it is intended only to assist in addressing immediate issues (the current CR in Indonesia, refugee cases for today and tomorrow, etc.) until finalized guidance can be issued in the coming days. We will be certain to inform you as soon as further information is received.

Regards,
Brian

From: Nicholson, Maura J
Sent: Monday, January 30, 2017 7:58 AM
To: Monica, Donald J; Spalter, Brian M; Langlois, Joseph E; Johnson, Bobbie L; Fatica, Erin K; Lassen, Brett H
Cc: Ruppel, Joanna; Kliska, Jennifer R
Subject: Interim Guidance on Executive Order Signed January 27
Importance: High

DDs/DDDs,

I realize that you have many questions about the Executive Order and appreciate that you have been sending them forward. Please continue to do so. Unfortunately, things remain in flux and we do not have cleared guidance we can provide other than the following for the next few days or less (if we get additional guidance sooner):

- Do not issue any final approvals for any I-730 refugee following to join cases. Further guidance will be coming about how to update CAMINO, etc.
- Do not issue any final approvals for any other application, including I-730 asylee following to join adjudication and travel eligibility cases for nationals or dual nationals of the 7 countries referenced in the Executive Order (Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen), with the exception of I-131As (see attached email). You can approve I-131As for all applicants following existing guidance, which requires that you flag for HQ any with serious derogatory information for possible discretionary denials. Further guidance will be coming.
- If you have refugee cases scheduled for Monday or Tuesday of this week, please cancel them if there is sufficient time to do so. If there is not sufficient time to cancel, then please collect the applicant's biometrics, review his or her bio-data for accuracy and completeness, and inform the applicant that he/she will be notified when the case is able to proceed in the future.

Right now, we are staying the course on the refugee CR in Indonesia; the team on the ground can continue interviewing and processing the cases there until further notice.

The above guidance is only a stop-gap to assist in addressing the most urgent needs for the next couple of days when more detailed cleared guidance can be issued. Also, for awareness, OCOMM is working on talking points and FAQs related to the Executive Order, which should be issued via USCIS Broadcast soon.

I appreciate the difficulty of being on the front line and getting inquiries from the public and others for which we don't yet have complete answers. Many people throughout the Agency and Department are working hard to sort out the impact of the E.O. on the Agency, and I will continue to keep you posted.

Thank you for your continued patience as we navigate the current policy changes.

Maura

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Maura J. Nicholson
Deputy Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations

[redacted]

(b)(6)

Shirk, Georgette L

From: Johnson, Bobbie L
Sent: Thursday, January 26, 2017 2:44 AM
To: RomeDist
Cc: Langlois, Joseph E; Nicholson, Maura J
Subject: EMEA Circuit Rides

EMEA Staff,

Please see the information below we just received this morning regarding refugee circuit rides. We wanted to be sure you have the most recent information right away.

At this time, we in IO are not being asked to cancel circuit rides that are currently deployed and we are not being asked to cease planning circuit rides that are scheduled to deploy. We will be discussing the situation with Maura today and will certainly keep you updated if that changes.

If you have any questions, please reach out to me and Joe.

Thank you,

Bobbie

From: Nicholson, Maura J
Sent: Thursday, January 26, 2017 12:19 AM
To: Langlois, Joseph E; Johnson, Bobbie L; Monica, Donald J; Spalter, Brian M
Cc: Lassen, Brett H; Fatica, Erin K; Kliska, Jennifer R
Subject: FW: circuit ride update

All,

FYI that RAD is suspending CRs through February 15 in light of the Executive Order that is expected tomorrow and which will affect refugee processing. We will be awaiting implementing guidance from DHS once the order is signed and can then assess what action we may need to take on our 2 currently deployed CRs and those scheduled for departure in February. We'll also then get a sense of how our I-730 caseloads will be affected.

I'm sure you've seen drafts online of the executive order as well as much press about what's likely coming, but we don't know what, if anything, of what's been reported may get changed in the final hours before the EO is signed.

FYI,

Maura

From: Stone, Mary M
Sent: Wednesday, January 25, 2017 4:17 PM
To: Ruppel, Joanna; Nicholson, Maura J
Subject: FW: circuit ride update

From: Strack, Barbara L
Sent: Wednesday, January 25, 2017 4:03:19 PM
To: RAIO - Refugee1
Subject: FW: circuit ride update

From: Strack, Barbara L
Sent: Wednesday, January 25, 2017 3:37:28 PM
To: Strack, Barbara L
Subject: circuit ride update

Dear RAD staff – I know that many of you have seen draft copies of an Executive Order related to the USRAP that is expected to be finalized and signed tomorrow. In light of this anticipated announcement, we've determined that it would be prudent to suspend circuit rides that are scheduled to depart between now and February 15.

We are also suspending the remaining PDBs planned for this week.

For our TDYers who are here in DC, we will be sharing information as soon as possible about travel arrangements for returning to home offices.

I hope to share more information tomorrow.

Barbara

Shirk, Georgette L

From: Nicholson, Maura J
Sent: Saturday, January 28, 2017 5:50 PM
To: Bird, John W (Wally); Kliska, Jennifer R; Kwan, Stephanie M; McAllum, Jessica L; Peralta Mihalko, Maria P (Pilar); Rankin, Carrie A
Cc: Benedict, Deborah L [redacted]
Subject: FW: FOR REVIEW: Draft interim guidance on EO (b)(6)
Attachments: DRAFT EO Guidance to IO - 20170128 v.1.docx

Importance: High

BCs,

Wanted to give you a heads up on the draft guidance I issued to the DDs/DDDs for their input. While most of this deals with refugee and I-730 processing, please note that I've also instructed the field not to issue any decisions on any form type for any individual who is a national or dual national of one of the 7 nationalities referenced in the E.O. (Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen). For HQ, this implicates parole cases.

Jess, on Monday, I'll need your help in running stats to identify IO cases with applicants or beneficiaries of these nationalities. I'll send you something separately on that. We'll also need to establish a case tag to help us i.d. cases being held due to the E.O.

Sorry to email on a weekend, but I wanted you to be able to weigh in, if desired, so that I can issue this guidance by COB tomorrow to the field.

Thanks,

Maura

From: Nicholson, Maura J
Sent: Saturday, January 28, 2017 6:42 PM
To: Monica, Donald J; Spalter, Brian M; Johnson, Bobbie L; Langlois, Joseph E; Fatica, Erin K; Lassen, Brett H
Cc: Kliska, Jennifer R
Subject: FOR REVIEW: Draft interim guidance on EO
Importance: High

DDs/DDDs,

We are continuing to seek clarification on elements of the E.O. signed Friday night, so the situation remains rather fluid. That said, the attached is a draft outline of the guidance I'm hoping you can review – I want to ensure I've captured our immediate needs, understanding that we'll have fuller guidance once DHS implementing guidance is issued and USCIS is able to issue its own, as well. If you are able to provide a quick review and get me any comments or questions tomorrow, I'll incorporate your feedback into the 'final' interim guidance to the field tomorrow. Continue to send questions my way – they've been very helpful in flagging issues we need to address.

Still no decision on our 2 CRs. At this point, I don't expect I'll have a further update until after their processed ends on Monday, so the teams should plan to proceed business as usual. Hopefully with this knowledge they can fully enjoy their Sunday. I appreciate their patience very much; limbo is not a desirable place to be.

Thank you!

Maura

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Maura J. Nicholson
Deputy Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations

[redacted]

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Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

Shirk, Georgette L

From: Nicholson, Maura J
Sent: Thursday, February 02, 2017 6:12 PM
To: Peralta Mihalko, Maria P (Pilar); Bird, John W (Wally); Mancuso, Deborah T; Teferra, Leikun [redacted] Smith, Jon P; Caldwell, Julia L
(b)(6)
Subject: FW: Implementing Guidance for January 27 Executive Order
Attachments: EO 1-27 implementation guidance signed and dated.pdf

All,

Based on the guidance acting D1 has issued, we are able to move forward with re-paroles for individuals already in the United States, regardless of nationality, as they are not affected by section 3(c) of the EO. However, we are still unable to issue parole approvals for individuals outside the U.S. who are nationals or dual nationals of the 7 countries. Wally has been alerting me to affected cases, and we will work with the FO and DHS to determine handling of those cases.

Thanks,

Maura

From: Nicholson, Maura J
Sent: Thursday, February 02, 2017 7:05 PM
To: RAIO - Oversea Managers; RAIO - International Ops - HQ
Subject: Implementing Guidance for January 27 Executive Order

IO colleagues,

Attached please find agency guidance on the handling of adjudications in light of the Executive Order (Protecting the Nation) signed on January 27, 2017.

A couple of clarifying points:

- Point 3 – until further guidance is issued on the handling of I-730 beneficiaries outside of the United States, please continue to follow the guidance I provided on January 29 (relevant text pasted below):
  - Do not issue any final approvals for any I-730 refugee following to join cases.
  - Do not issue any final approvals for I-730 asylee following to join adjudication and travel eligibility cases for nationals or dual nationals of the 7 countries referenced in the Executive Order (Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen).

  For these cases, please pause the Clock in CAMINO, and note as the reason Executive Order 1/27.

- Point 4 – IO staff will only interview religious minority cases if referred by State/PRM. We are working with State/PRM to determine the plan for refugee processing, including religious minorities, over the next 120 days and for the remainder of the year. We will let you know when processing of such cases will occur.

Further guidance related to IO adjudications not addressed in the attached will be forthcoming.

Thanks,

Maura

****

Maura J. Nicholson
Acting Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations

[redacted]

(b)(6)

Shirk, Georgette L

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 7:52 PM
To: Ruppel, Joanna
Subject: FW: IMPORTANT: Parole cases and Executive Order
Attachments: Pending Parole Cases as of 1-29-2017 affected nationalities.xlsx

Importance: High

FYI

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 8:52 PM
To: Peralta Mihalko, Maria P (Pilar); Bird, John W (Wally)
Cc: Kliska, Jennifer R; McAllum, Jessica L
Subject: IMPORTANT: Parole cases and Executive Order
Importance: High

Wally and Pilar,

I wanted to make sure you both were aware of the guidance I have issued below relative to adjudications and the impact of the EO. Effective immediately, please do not issue any approvals on parole cases where the applicant/beneficiary is a national or dual national (we will need to make sure to verify this) of Iraq, Iran, Libya, Somalia, Sudan, Syria, or Yemen. Those cases must go on hold. You may proceed processing denials to completion. I'll be coming out with something more official in the coming days. From a CAMINO report today, we seem to have quite a number of these cases, so I wanted to flag that for you.

Let's regroup tomorrow to make sure we have the right protocols in place to enact the holds.

Thanks,

Maura

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 7:58 PM
To: Monica, Donald J; Spalter, Brian M; Langlois, Joseph E; Johnson, Bobbie L; Fatica, Erin K; Lassen, Brett H
Cc: Ruppel, Joanna; Kliska, Jennifer R
Subject: Interim Guidance on Executive Order Signed January 27
Importance: High

DDs/DDDs,

I realize that you have many questions about the Executive Order and appreciate that you have been sending them forward. Please continue to do so. Unfortunately, things remain in flux and we do not have cleared guidance we can provide other than the following for the next few days or less (if we get additional guidance sooner):

- Do not issue any final approvals for any I-730 refugee following to join cases. Further guidance will be coming about how to update CAMINO, etc.

- Do not issue any final approvals for any other application, including I-730 asylee following to join adjudication and travel eligibility cases for nationals or dual nationals of the 7 countries referenced in the Executive Order (Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen), with the exception of I-131As (see attached email). You can approve I-131As for all applicants following existing guidance, which requires that you flag for HQ any with serious derogatory information for possible discretionary denials. Further guidance will be coming.

- If you have refugee cases scheduled for Monday or Tuesday of this week, please cancel them if there is sufficient time to do so. If there is not sufficient time to cancel, then please collect the applicant's biometrics, review his or her bio-data for accuracy and completeness, and inform the applicant that he/she will be notified when the case is able to proceed in the future.

Right now, we are staying the course on the refugee CR in Indonesia; the team on the ground can continue interviewing and processing the cases there until further notice.

The above guidance is only a stop-gap to assist in addressing the most urgent needs for the next couple of days when more detailed cleared guidance can be issued. Also, for awareness, OCOMM is working on talking points and FAQs related to the Executive Order, which should be issued via USCIS Broadcast soon.

I appreciate the difficulty of being on the front line and getting inquiries from the public and others for which we don't yet have complete answers. Many people throughout the Agency and Department are working hard to sort out the impact of the E.O. on the Agency, and I will continue to keep you posted.

Thank you for your continued patience as we navigate the current policy changes.

Maura

****

Maura J. Nicholson
Deputy Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations

[redacted]

(b)(6)

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 6:37 PM
To: Nicholson, Maura J
Subject: FW: Interim guidance for IO

Importance: High

I am focusing on Lori's positive response to my two messages combined below (cut and pasted here to illustrate the two thoughts she said Yes to). As long as your message is consistent with this and clearly just interim, stop-gap message for tomorrow or Tuesday, short and sweet (don't worry about CAMINO updates, etc.), Lori should be fine with it:

We can also say they can process a request for boarding letter from LPR per existing guidance (our existing guidance directs them to contact HQ if there is significant derog). Would be consistent with press release Tracy just forwarded.

Do you want us to send a simply message like FOD and SCOPS and Asylum did to their leadership to just hold all decisions for cases from affected countries and proceed otherwise?

Note we have no cases for boarding letters pending from the affected countries.

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 6:39 PM
To: Nicholson, Maura J
Subject: FW: Interim guidance for IO

Launch with revised and just copy me then go do something relaxing.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 3:37:33 PM
To: Ruppel, Joanna; Renaud, Tracy L
Cc: Nicholson, Maura J
Subject: RE: Interim guidance for IO

Yes. Say consistent with S1s directive regarding LPRs.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 6:31:33 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Nicholson, Maura J
Subject: RE: Interim guidance for IO

We can also say they can process a request for boarding letter from LPR per existing guidance (our existing guidance directs them to contact HQ if there is significant derog). Would be consistent with press release Tracy just forwarded.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 3:12:32 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Nicholson, Maura J
Subject: RE: Interim guidance for IO

Do you want us to send a simply message like FOD and SCOPS and Asylum did to their leadership to just hold all decisions for cases from affected countries and proceed otherwise?

Note we have no cases for boarding letters pending from the affected countries.

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 6:10 PM
To: Ruppel, Joanna; Renaud, Tracy L
Cc: Nicholson, Maura J
Subject: RE: Interim guidance for IO

I don't think you can send this as it is.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 6:01:45 PM
To: Renaud, Tracy L; Scialabba, Lori L
Cc: Nicholson, Maura J
Subject: FW: Interim guidance for IO

Tracy and Lori,

Just as FOD, SCOPs and Asylum have sent out guidance to staff to hold certain cases tomorrow, IO plans to send out the following tonight to address the questions we have been getting and ensure staff do not violate the E.O. Please let me know if you have any objections.

The guidance is only intended for cases this week, until we can issue cleared guidance.

Thanks,

Joanna

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 5:48 PM
To: Ruppel, Joanna
Subject: Interim guidance for IO
Importance: High

Joanna – this is what I'd like to send to the Field Managers. I'll attach the EO when I send it for their reference.

International Managers,

We continue to work as rapidly as possible to get clarification on implementation of the Executive Order signed on January 27, 2017 (attached for reference), and are working on detailed guidance to help field staff address various scenarios you may be encountering overseas. In the meantime, please follow the below guidance for the next few days until more complete guidance is available:

1. Refugee-Related Processing

A. For all I-590 Refugee Cases (all nationalities), all I-730 Refugee Follow-to-Join cases (all nationalities), and I-730 Asylee Follow-to-Join cases where the beneficiary is a national of Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen:

1. *Interview already scheduled this week, sufficient time to cancel*

- Cancel interview, even if Lautenberg or other religious minority case. We will offer further guidance on these types of cases as soon as it is available.

- If I-730 cases, pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".

2. *Interview already scheduled, insufficient time to cancel*

   - Collect fingerprints, review bio-data on case for accuracy and completeness, and notify applicant that he/she will be contacted with additional information in the future when we are able to proceed in the processing of his or her case.

   - For I-730 cases, pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".

3. *Interview not yet scheduled*

   - Do not schedule any cases until further notice.

   - For I-730 cases, pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".

<u>4-6 below relate to I-730 Refugee Follow-to-Joins (all nationalities) and I-730 Asylee Follow-to-Joins of the 7 nationalities (Only)</u>

4. *Already interviewed, pending decision or travel packet issuance*

   - No final decisions or travel packets should be issued. Pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".

5. *If new cases received*

   - Immediately pause the Clock upon case entry, noting 1/27/2017 E.O.

<u>Note</u>: I-730 Asylee Follow-to-Join cases of all other nationalities can continue processing to completion, as usual.

B. I-590 Adjudications, I-590 Supervisory Review and I-602 Adjudications

- Staff should stop making decisions or completing supervisory review until further notice.

C. RFR Adjudications

- You may continue to process RFR adjudications to completion if they are denials. All others should be held until further notice and the Clock in CAMINO paused as of 1/27/2017.

2. All Other Benefit Types where the Applicant/Beneficiary is a national or dual national of Iraq, Iran, Libya, Somalia, Sudan, Syria, or Yemen

You may continue processing other case types but do not issue any final decisions until further notice, including I-131A boarding letters. If you receive an I-131A boarding letter request from a national or dual national of one of the 7 countries listed above, please contact me and Jen Kliska for guidance. I-407 abandonments can continue to be processed.

3. Handling of Inquiries

If you receive inquiries from foreign governments about any DHS equities related to the Executive Orders, please direct those inquiries to Matt King, Deputy Assistant Secretary, Policy at [redacted] Please do not provide his contact information to parties external to USCIS.

(b)(6)

The above guidance is only a stop-gap to assist in addressing the most urgent needs for the next few days or even this week when more detailed cleared guidance can be issued. Also, for awareness, OCOMM is also working on talking points and FAQs related to the Executive Order, which should be issued via USCIS Broadcast soon.

If districts can continue to collect and consolidate questions from the field, that would be helpful. I appreciate the difficulty of being on the front line and getting inquiries from the public and others for which we don't yet have complete answers. Many people throughout the Agency and Department are working hard to sort out impact of the E.O. on the Agency. I appreciate your patience during this effort!

More to follow soon. Thank you for your continued support and dedication as we navigate the current policy changes!

Maura

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Maura J. Nicholson
Deputy Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations

[redacted]

(b)(6)

(b)(6

(b)(6

Referred to Department of Homeland Security

Shirk, Georgette L

From: Nicholson, Maura J
Sent: Thursday, February 02, 2017 6:05 PM
To: RAIO - Oversea Managers; RAIO - International Ops - HQ
Subject: Implementing Guidance for January 27 Executive Order
Attachments: EO 1-27 implementation guidance signed and dated.pdf

IO colleagues,

Attached please find agency guidance on the handling of adjudications in light of the Executive Order (Protecting the Nation) signed on January 27, 2017.

A couple of clarifying points:

- Point 3 – until further guidance is issued on the handling of I-730 beneficiaries outside of the United States, please continue to follow the guidance I provided on January 29 (relevant text pasted below):

  - Do not issue any final approvals for any I-730 refugee following to join cases.
  - Do not issue any final approvals for I-730 asylee following to join adjudication and travel eligibility cases for nationals or dual nationals of the 7 countries referenced in the Executive Order (Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen).

  For these cases, please pause the Clock in CAMINO, and note as the reason Executive Order 1/27.

- Point 4 – IO staff will only interview religious minority cases if referred by State/PRM. We are working with State/PRM to determine the plan for refugee processing, including religious minorities, over the next 120 days and for the remainder of the year. We will let you know when processing of such cases will occur.

Further guidance related to IO adjudications not addressed in the attached will be forthcoming.

Thanks,

Maura

****

Maura J. Nicholson
Acting Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations

[redacted] (b)(6)

Shirk, Georgette L

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 7:52 PM
To: Peralta Mihalko, Maria P (Pilar); Bird, John W (Wally)
Cc: Kliska, Jennifer R; McAllum, Jessica L
Subject: IMPORTANT: Parole cases and Executive Order
Attachments: Pending Parole Cases as of 1-29-2017 affected nationalities.xlsx

Importance: High

Wally and Pilar,

I wanted to make sure you both were aware of the guidance I have issued below relative to adjudications and the impact of the EO. Effective immediately, please do not issue any approvals on parole cases where the applicant/beneficiary is a national or dual national (we will need to make sure to verify this) of Iraq, Iran, Libya, Somalia, Sudan, Syria, or Yemen. Those cases must go on hold. You may proceed processing denials to completion. I'll be coming out with something more official in the coming days. From a CAMINO report today, we seem to have quite a number of these cases, so I wanted to flag that for you.

Let's regroup tomorrow to make sure we have the right protocols in place to enact the holds.

Thanks,

Maura

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 7:58 PM
To: Monica, Donald J; Spalter, Brian M; Langlois, Joseph E; Johnson, Bobbie L; Fatica, Erin K; Lassen, Brett H
Cc: Ruppel, Joanna; Kliska, Jennifer R
Subject: Interim Guidance on Executive Order Signed January 27
Importance: High

DDs/DDDs,

I realize that you have many questions about the Executive Order and appreciate that you have been sending them forward. Please continue to do so. Unfortunately, things remain in flux and we do not have cleared guidance we can provide other than the following for the next few days or less (if we get additional guidance sooner):

- Do not issue any final approvals for any I-730 refugee following to join cases. Further guidance will be coming about how to update CAMINO, etc.
- Do not issue any final approvals for any other application, including I-730 asylee following to join adjudication and travel eligibility cases for nationals or dual nationals of the 7 countries referenced in the Executive Order (Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen), with the exception of I-131As (see attached email). You can approve I-131As for all applicants following existing guidance, which requires that you flag for HQ any with serious derogatory information for possible discretionary denials. Further guidance will be coming.
- If you have refugee cases scheduled for Monday or Tuesday of this week, please cancel them if there is sufficient time to do so. If there is not sufficient time to cancel, then please collect the applicant's biometrics, review his

or her bio-data for accuracy and completeness, and inform the applicant that he/she will be notified when the case is able to proceed in the future.

Right now, we are staying the course on the refugee CR in Indonesia; the team on the ground can continue interviewing and processing the cases there until further notice.

The above guidance is only a stop-gap to assist in addressing the most urgent needs for the next couple of days when more detailed cleared guidance can be issued. Also, for awareness, OCOMM is working on talking points and FAQs related to the Executive Order, which should be issued via USCIS Broadcast soon.

I appreciate the difficulty of being on the front line and getting inquiries from the public and others for which we don't yet have complete answers. Many people throughout the Agency and Department are working hard to sort out the impact of the E.O. on the Agency, and I will continue to keep you posted.

Thank you for your continued patience as we navigate the current policy changes.

Maura

****

Maura J. Nicholson
Deputy Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations

[redacted]

(b)(6)

Gillispie, Anna E

From: Peasley, Mark L
Sent: Friday, January 27, 2017 4:01 PM
To: Quimby, Christopher M (Chris); Josephs-Conway, Corliss A; Vantran, Lynne E
Subject: RE: Executive order (not yet)

Will do.

Sincerely,

Mark L. Peasley
Chief, Resource Management
Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Quimby, Christopher M (Chris)
Sent: Friday, January 27, 2017 5:00 PM
To: Josephs-Conway, Corliss A; Peasley, Mark L; Vantran, Lynne E
Subject: FW: Executive order (not yet)

FYI

From: Valverde, Michael
Sent: Friday, January 27, 2017 4:57:27 PM
To: Young, Claudia F; Rinehart, Brett R; Quimby, Christopher M (Chris); Sapko, Jeffrey M; Spencer, Julie C; Kvortek, Lisette E
Cc: Farnam, Julie E; Renaud, Daniel M; Slattery, Shannon E
Subject: Executive order (not yet)

All-
Just a quick heads up that we are expecting anytime to get a signed executive order on issues that will impact us. You may have seen what's online, but we understand that language is draft.

At any rate, we may be asked to work out the impacts of the final executive order quickly and/or what steps we will need to take to implement. So I ask that you be near your phones or email this weekend in case we need to work quickly. Apologies for having to ask!

Thanks.

Michael Valverde

DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted]

(b)(6)

Gillispie, Anna E

From: Quimby, Christopher M (Chris)
Sent: Saturday, January 28, 2017 11:52 AM
To: Peasley, Mark L; Josephs-Conway, Corliss A; Vantran, Lynne E
Subject: FW: Executive Order

FYI. No actions yet that I see.

From: Rinehart, Brett R
Sent: Saturday, January 28, 2017 12:47:54 PM
To: Young, Claudia F; Valverde, Michael; Quimby, Christopher M (Chris); Sapko, Jeffrey M; Spencer, Julie C
Cc: Slattery, Shannon E; Kvortek, Lisette E; Farnam, Julie E; Renaud, Daniel M
Subject: RE: Executive Order

That could get very dicey in that many N600 and N600K applicants are already citizens by operation of law - save the oath taking. We would also need to consider those cases where State Department has already issued the COC applicant a US Passport.

From: Young, Claudia F
Sent: Saturday, January 28, 2017 12:40:10 PM
To: Valverde, Michael; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C
Cc: Slattery, Shannon E; Kvortek, Lisette E; Farnam, Julie E; Renaud, Daniel M
Subject: RE: Executive Order

Would N-600/N-600K be included in this? Should we also suspend COC for the affected countries? I am thinking specifically of over 14 that are required to take the oath prior to receiving their certificate.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 12:26:20 PM
To: Young, Claudia F; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C
Cc: Slattery, Shannon E; Kvortek, Lisette E; Farnam, Julie E; Renaud, Daniel M
Subject: FW: Executive Order

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted]
(b)(6)

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order
To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L

Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order
Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM

To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order
I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order
I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension (b)(5)
of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that perso[redacted]
We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

From: Goodwin, Shelley M
To: #NER-DD-FOD-COS
Cc: #NER-OPS; Haag, Andrew P; Fontanez, Andrew V; Richard, Wendy T; Pietropaoli, Lori A
Subject: Additional Note: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions
Date: Saturday, January 28, 2017 11:29:56 AM

Field Leadership

As noted below, it will be critical for field offices to ensure that staff members are aware of the need to hold all pending cases for individuals who were born or who are nationals of these countries. We will be providing the standard NFTS code to which offices must place these cases while pending additional guidance. It is important that all field offices uses the code provided to facilitate national tracking. I will provide you with that code Monday. Additionally, NER is in the process of creating a report for all field offices in USCIS what will identify the cases and NFTS file locations within your respective offices to facilitate the segregation of the cases. We should have that also early next week.

Please let us know if you have questions or concerns. Thanks

Shelley M. Goodwin
Northeast Region I Associate Regional Director, Operations I USCIS
[redacted]
(b)(6)

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally priviledged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank You.

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may

process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Gillispie, Anna E

From: Hoefer, Michael D
Sent: Monday, February 06, 2017 2:59 PM
To: Farnam, Julie E
Cc: Borgen, Michael R; Helfrich, John F (CTR); Putnam-Frenchik, Nicole L
Subject: CAT Report 2-6-17
Attachments: CAT Reports 2-6.xlsx

Julie,

We were able to get data from C4 and ELIS but not C3, so the report as of 2/6 has no updates for I-485s.

Mike

Michael Hoefer
Chief, Office of Performance and Quality
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Summary of Workload Statistics for EO Countries
Receipts and Approvals since 1/28/2017, and Pending Applications as of 2/6/2017**
Report Date: 2/6/2017

Category	Form	As of Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts since 1/28/2017	LPR Adjustments (I-485)	2/2/2017	242	61	56	-	82	11	30	2
	Naturalizations (N-400)	2/5/2017	504	245	71	9	55	32	56	36
	Derivative Citizenship (N-600)	2/5/2017	16	1	2	1	-	1	1	10
	Derivative Citizenship (N-600K)	2/5/2017	-	-	-	-	-	-	-	-
Approvals since 1/28/2017	LPR Adjustments (I-485)	2/2/2017	20	3	8	-	7	-	2	-
	Naturalizations (N-400)	2/5/2017	345	125	100	-	50	18	25	27
	Derivative Citizenship (N-600)	2/5/2017	49	4	11	-	20	2	1	11
	Derivative Citizenship (N-600K)	2/5/2017	-	-	-	-	-	-	-	-
Pending	LPR Adjustments (I-485)*	2/2/2017	29,202	6,724	9,590	385	6,442	1,779	3,548	734
	Naturalizations (N-400)	2/6/2017	32,930	10,630	8,408	301	6,222	2,296	2,526	2,547
	Derivative Citizenship (N-600)	2/6/2017	5,811	448	1,508	27	760	415	246	2,407
	Derivative Citizenship (N-600K)	2/6/2017	27	3	6	-	-	3	4	11

Source: Central Index System (CIS), SMART Tool, CLAIMS3, and CLAIMS4; Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

* The number of pending (I-485) adjustments increased by 1,054 between 1/31 and 2/1. Pending was relatively unchanged on 2/2.

It appears that this may have been due to a system issue which is still under investigation..

The pending totals may be revised depending on the findings as to the cause.

** I-485 data are not available after 2/2/2017 as of 2/6/17.

LPR Adjustments (I-485) for EO Countries
Cumulative Receipts; Approvals, Pending, and Interviews Scheduled by Date beginning 1/28/2017
Report Date: 2/6/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts	Cumulative	242	61	56		82	11	30	2
Approvals	Total	20	3	8	-	7	-	2	-
	1/28/2017	11	1	6		3		1	
	1/29/2017	1	1						
	1/30/2017	5	1			4			
	1/31/2017	1		1					
	2/1/2017	2		1				1	
	2/2/2017	-	-	-	-	-	-	-	-
Pending	1/28/2017	27,715	6,293	9,298	358	6,173	1,657	3,341	595
	1/29/2017	27,714	6,292	9,298	358	6,173	1,657	3,341	595
	1/30/2017	27,786	6,310	9,307	358	6,205	1,664	3,345	597
	1/31/2017	28,098	6,377	9,413	364	6,285	1,682	3,377	600
	2/1/2017	29,152	6,711	9,579	385	6,423	1,778	3,546	730
	2/2/2017	29,202	6,724	9,590	385	6,442	1,779	3,548	734
	2/2/2017	29,202	100.0%						
	Asylees waiting AOS	1,781	6.1%						
	Refugees waiting AOS	18,230	62.4%						
Interviews	1/28/2017	84							
Scheduled	1/29/2017	98							
Next 7 days	1/30/2017	97							
	1/31/2017	86							
	2/1/2017	92							
	2/2/2017	80							

Source: Central Index System, SMART Tool, CLAIMS3, Form I-485; Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

* The number of pending (I-485) adjustments increased by 1,054 between 1/31 and 2/1. Pending was relatively unchanged on 2/2.

It appears that this may have been due to a system issue which is still under investigation..

The pending totals may be revised depending on the findings as to the cause.

Naturalizations (N-400) for EO Countries

Cumulative Receipts; Approvals, Oaths, Pending, and Interviews Scheduled by Date beginning 1/28/2017

Report Date: 2/6/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts	Cumulative	504	245	71	9	55	32	56	36
Approvals	Total	345	125	100	-	50	18	25	27
	1/28/2017	1					1		
	1/29/2017	-							
	1/30/2017	88	26	34		11	2	4	11
	1/31/2017	74	26	20		14	4	4	6
	2/1/2017	77	25	30		8	4	6	4
	2/2/2017	54	24	8		10	4	5	3
	2/3/2017	37	20	6		5	3	3	
	2/4/2017	14	4	2		2		3	3
Oaths	Total	378	123	144	5	21	20	40	25
	1/28/2017	14	6	3		1	4		
	1/29/2017	5	4					1	
	1/30/2017	88	24	38		10	2	6	8
	1/31/2017	138	35	69	2	2	5	12	13
	2/1/2017	53	29	13	1	1	2	6	1
	2/2/2017	49	17	15		7		8	2
	2/3/2017	29	8	6	1		6	7	1
	2/4/2017	2			1		1		

Naturalizations (N-400) for EO Countries

Cumulative Receipts; Approvals, Oaths, Pending, and Interviews Scheduled by Date beginning 1/28/2017

Report Date: 2/6/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Pending	1/28/2017	32,982	10,561	8,478	295	6,176	2,398	2,527	2,547
	1/29/2017	32,965	10,554	8,472	295	6,175	2,395	2,527	2,547
	1/30/2017	32,959	10,549	8,472	295	6,175	2,395	2,526	2,547
	1/31/2017	32,778	10,498	8,403	295	6,152	2,388	2,515	2,527
	2/1/2017	32,624	10,502	8,352	291	6,165	2,277	2,520	2,517
	2/2/2017	32,609	10,501	8,323	298	6,165	2,285	2,515	2,522
	2/3/2017	32,721	10,528	8,365	299	6,190	2,297	2,514	2,528
	2/6/2017	32,930	10,630	8,408	301	6,222	2,296	2,526	2,547
Interviews	1/31/2017	189	43	60	2	38	11	23	12
Scheduled	2/1/2017	217	70	72	2	22	11	22	18
Next 7 days	2/2/2017	195	65	55	1	29	12	19	14
	2/3/2017	234	79	82	3	29	12	16	13
	2/6/2017	399	88	63	4	195	17	18	14

Source: Central Index System, SMART Tool, CLAIMS4 and ELIS, Form N-400;

Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

Derivative Citizenship (N-600) for EO Countries
Cumulative Receipts; Approvals, and Pending by Date beginning 1/28/2017
Report Date: 2/6/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts	Cumulative	16	1	2	1		1	1	10
Approvals	Total	49	4	11	-	20	2	1	11
	1/28/2017	3		1					2
	1/29/2017	-							
	1/30/2017	6	2			3		1	
	1/31/2017	7		2		2	1		2
	2/1/2017	13	1	2		7	1		2
	2/2/2017	11		5		6			
	2/3/2017	6	1			1			4
	2/4/2017	3		1		1			1
Pending	1/28/2017	5,821	451	1,492	26	766	423	244	2,419
	1/29/2017	5,818	451	1,491	26	766	423	244	2,417
	1/30/2017	5,818	451	1,491	26	766	423	244	2,417
	1/31/2017	5,811	449	1,491	26	763	423	243	2,416
	2/1/2017	5,813	452	1,491	26	765	413	248	2,418
	2/2/2017	5,805	449	1,495	27	762	414	243	2,415
	2/3/2017	5,801	447	1,500	27	757	415	243	2,412
	2/6/2017	5,811	448	1,508	27	760	415	246	2,407

Source: SMART Tool, CLAIMS4, Form N-600; Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

Derivative Citizenship (N-600K) for EO Countries
Cumulative Receipts; Approvals, and Pending by Date beginning 1/28/2017
Report Date: 2/6/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts	Cumulative	-							
Approvals	Total	-	-	-	-	-	-	-	-
	1/28/2017	-							
	1/29/2017	-							
	1/30/2017	-							
	1/31/2017	-							
	2/1/2017	-							
	2/2/2017	-							
Pending	1/28/2017	27	3	6			3	4	11
	1/29/2017	27	3	6			3	4	11
	1/30/2017	27	3	6			3	4	11
	1/31/2017	27	3	6			3	4	11
	2/1/2017	27	3	6			3	4	11
	2/2/2017	27	3	6			3	4	11
	2/3/2017	27	3	6			3	4	11
	2/6/2017	27	3	6			3	4	11

Gillispie, Anna E

From: Simmons, Tina Y
Sent: Monday, February 06, 2017 7:23 AM
To: Farnam, Julie E
Subject: Copy of EA Model 2017.02.03 1.45pm (2).xlsx
Attachments: Copy of EA Model 2017.02.03 1.45pm (2).xlsx

Julie,
For some odd reason the data fields contain calendar dates.

Gillispie, Anna E

From: Blackwood, Pharrah L
Sent: Monday, January 30, 2017 7:40 AM
To: Farnam, Julie E; Slattery, Shannon E; Rankin, Carrie A
Subject: Data on EO for adoptions.

FYI below. More to come as we run some official reports. Will run 130s, too.

Pharrah L Blackwood |DHS|USCIS| National Benefits Center / International Adoption
Assistant Center Director

[redacted] (b)(6)

From: Paulin, Bruce A
Sent: Monday, January 30, 2017 8:32:22 AM
To: Blackwood, Pharrah L
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Pharrah,
Just a quick run through of ACMS shows we have some open cases. The Iranian cases are not yet assigned. Shelly has the Yemeni cases, and Trevor has the Sudanese cases. Not as fancy as a Robin report, but something to start with.
Iran 2 I-600A 1 I-600 cases, Yemen 1 family, Sudan 2 families

Bruce Paulin
Non-Hague International Adoptions Supervisor
National Benefits Center, USCIS

[redacted] (b)(6)

From: Cowan, Robert M
Sent: Saturday, January 28, 2017 11:07 AM
To: #NBC CIS Broadcast
Cc: Renaud, Daniel M; Valverde, Michael
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Colleagues,

Please see the message below from AD Daniel Renaud. Per his instructions please cease taking final action on those petitions and applications where the applicant or beneficiary is a citizen or national from any of the listed countries. If you encounter a case that falls into this category please set it aside for the time being. We'll issue further guidance early next week. Thanks for your help in this matter.

Robert Cowan

Center Director/National Benefits Center

[redacted] (b)(6)

Sent from a mobile device

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12:16 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Referred to Department of Homeland Security

(b)(6)

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Referred to Department of Homeland Security

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Referred to Department of Homeland Security

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(b)(6

Gillispie, Anna E

From: Nicholson, Maura J
Sent: Wednesday, February 01, 2017 12:14 PM
To: Farnam, Julie E
Cc: Hamilton, Cristina A
Subject: DNA

(b)(5)

Julie,

One thing that wasn't explicitly mentioned today and could fall under the broader "biometrics" umbrella is use

As with the other ideas posed, there are pros and cons, but just putting that out there as something for possible inclusion.

Maura

****

Maura J. Nicholson
Deputy Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations

(b)(6)

Referred to Department of Homeland Security

Referred to Department of Homeland Security

(b)(6

(b)(6

Referred to Department of Homeland Security

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Referred to Department of Homeland Security

Gillispie, Anna E

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 9:30 AM
To: Rosenstock, Peter L; Meckley, Tammy M; Davidson, Andrew J
Cc: Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S
Subject: Draft of Exception Process - EO
Attachments: 192 eo option.docx

All: Based on yesterday's discussions for EO, attached is a draft from SCOPS on what might work if we were required to develop an exception for folks that are here in the US, but may need to travel for work and student reasons. Can you please take a look from your perspective and let us know if you have any concerns? Its due to the Department this afternoon, so we will need a response as quickly as possible. So sorry for the quick turnaround on this.

Appreciate your help.

Donna Campagnolo
HQ Service Center Operations

Exception Options

Background: As a result of recent Executive Orders relating to limiting travel to the United States from 7 identified countries, the Department of Homeland Security is in a challenging position to assist individuals that may be stuck in this process.

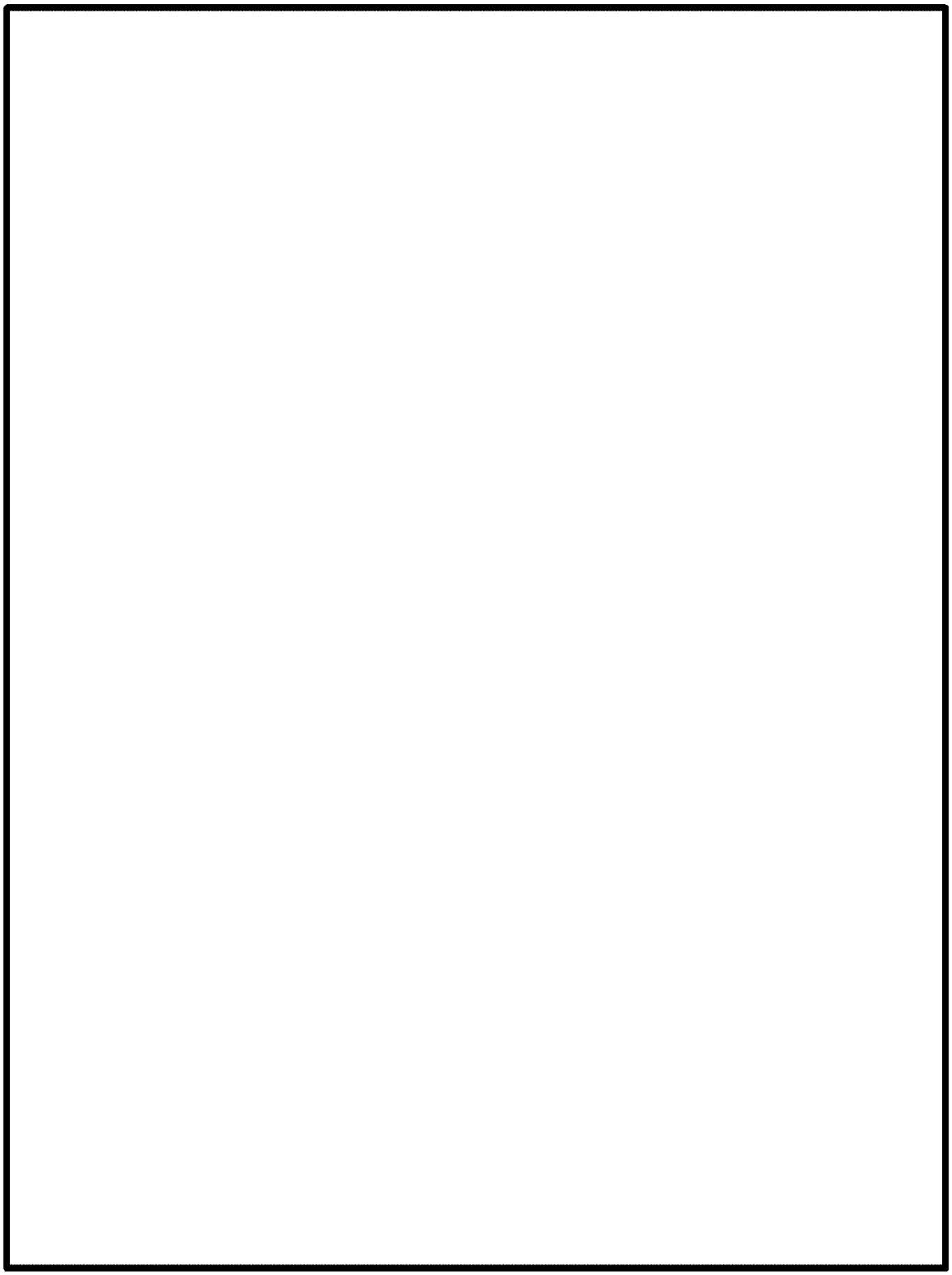
This proposal specifically applies to the population of individuals, currently in the United States, that came to the US on a valid business or student visa, and still has a current, unexpired visa and passport.

This is a truly unique situation for the Agency. One that we haven't encountered to date, thus, will require something new to be implemented. Essentially, DHS needs to create a process that would allow the individuals stuck in this scenario to apply to the Department prior to leaving the country. This provisional review will ensure that, upon their return to the United States, they will be allowed reentry. The goal being that this new process will provide them with a document that they could present to CBP when they arrive to allow entry.

It is estimated per the Department of State (DOS), as communicated to USCIS by CBP that approximately 18,000 people could be in this population.

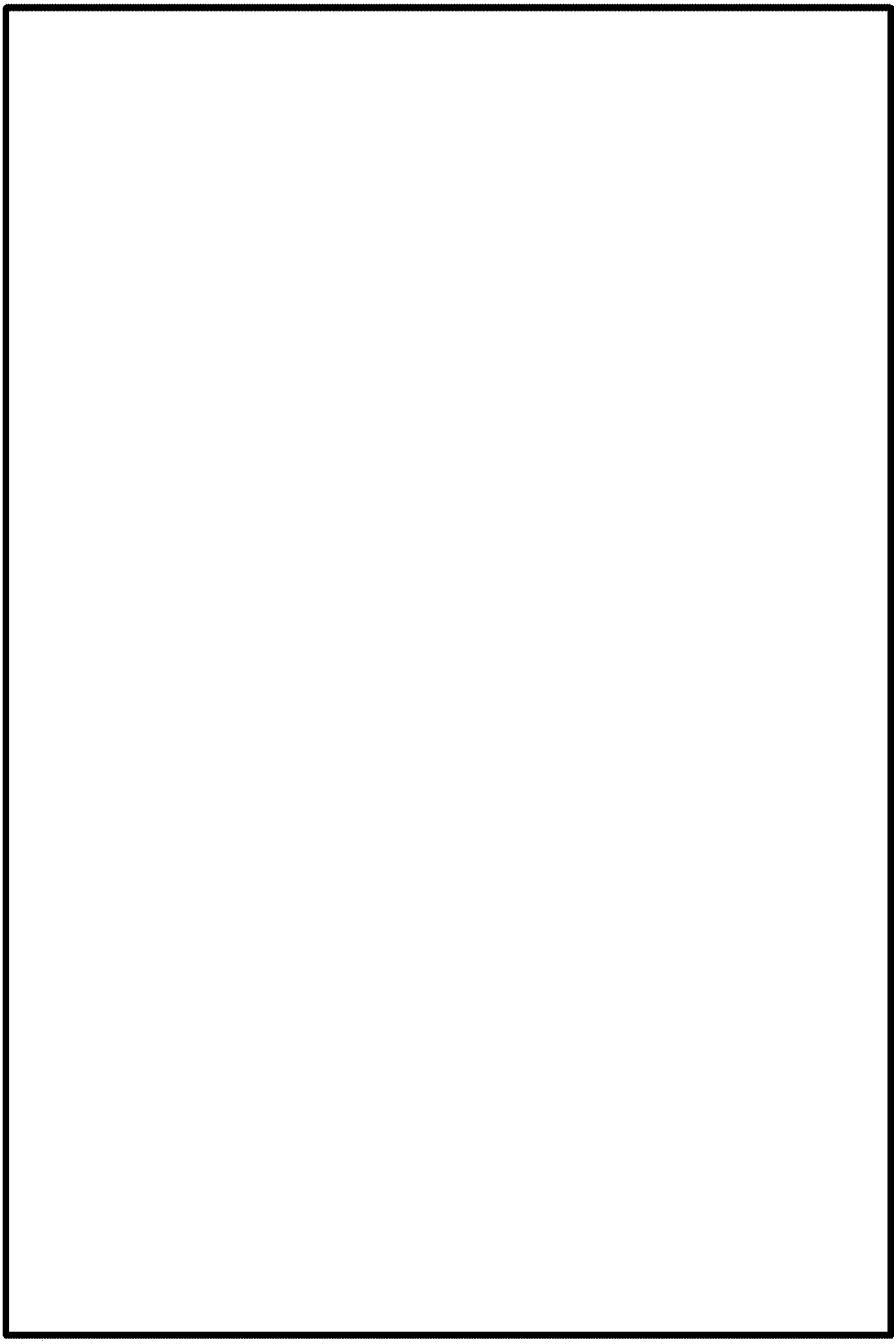
While we believe that the best option to truly stay aligned to the intent of the Order is to not allow this, we understand that the Department needs to consider and possibly create an option to assure impacted individuals a safe return to the US. USCIS currently doesn't have an existing process that allows for this; thus, a new process must be created for this sole reason. As a result, USCIS is proposing two possible options for consideration: (b)(5)

(b)(5)

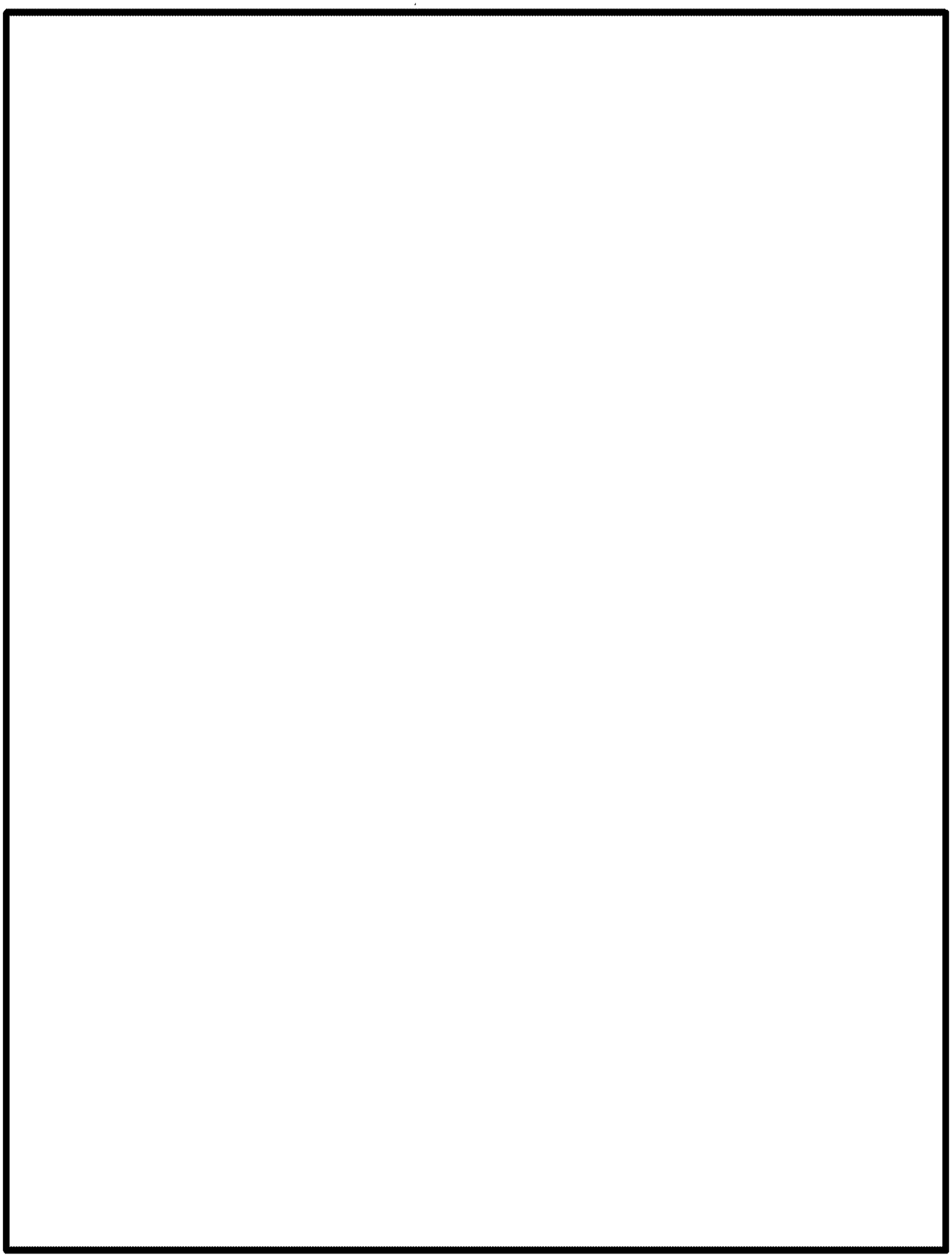


(b)(5)

(b)(5)



(b)(5)



Gillispie, Anna E

From: Hoefer, Michael D
Sent: Wednesday, February 01, 2017 4:34 PM
To: Farnam, Julie E
Cc: Kerns, Kevin J; Borgen, Michael R
Subject: EO Country Statistics
Attachments: CAT Reports 2-1.xlsx

Julie,

Here are the EO country statistics for 1/31/2017 for I-485s, N-400s, N-600s, and N-600ks. Note that we are still working on interviews scheduled for I-485s but we wanted to get these to you tonight. We do not have I-730 data yet but we met late this afternoon with SCOPS and RAIO to come up with a plan on how to consolidate and report the data. We were able to run totals on the I-485s pending to see how many were asylees (9.7%) and refugees (64.2%).

Let me know if you have any questions or concerns. I have not sent these tables to the larger group, but the data specifications have been coordinated at the worker level.

Mike

Michael Hoefer
Chief, Office of Performance and Quality
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Summary of Workload Statistics for EO Countries
Receipts and Approvals since 1/28/2017, and Pending Applications as of 1/31/2017
Report Date: 2/1/2017

Category	Form	As of Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
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	Naturalizations (N-400)	1/31/2017	56	27	8	-	3	5	10	3
	Derivative Citizenship (N-600)	1/31/2017	-	-	-	-	-	-	-	-
	Derivative Citizenship (N-600K)	1/31/2017	3	-	-	-	-	-	-	3
Approvals	LPR Adjustments (I-485)	1/31/2017	18	3	7	-	7	-	1	-
	Naturalizations (N-400)	1/31/2017	163	52	54	-	25	7	8	17
	Derivative Citizenship (N-600)	1/31/2017	16	2	3	-	5	1	1	4
	Derivative Citizenship (N-600K)	1/31/2017	-	-	-	-	-	-	-	-
Pending	LPR Adjustments (I-485)*	1/31/2017	28,098	6,377	9,413	364	6,285	1,682	3,377	600
	Naturalizations (N-400)	1/31/2017	32,778	10,498	8,403	295	6,152	2,388	2,515	2,527
	Derivative Citizenship (N-600)	1/31/2017	5,891	457	1,491	27	805	427	245	2,439
	Derivative Citizenship (N-600K)	1/31/2017	27	3	6	-	-	3	4	11

Source: Central Index System (CIS), SMART Tool, CLAIMS3, and CLAIMS4; Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

- Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

***Asylees account for 9.7% of the pending I-485 applications and Refugees account for 64.2%.**

LPR Adjustments (I-485) for EO Countries
Cumulative Receipts; Approvals, Pending, and Interviews Scheduled by Date beginning 1/28/2017
1/31/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts	Cumulative	66	17	16		25	7	1	
Approvals	Total	18	3	7	-	7	-	1	-
	1/28/2017	11	1	6		3		1	
	1/29/2017	1	1						
	1/30/2017	5	1			4			
	1/31/2017	1		1					
Pending	1/28/2017	27,715	6,293	9,298	358	6,173	1,657	3,341	595
	1/29/2017	27,714	6,292	9,298	358	6,173	1,657	3,341	595
	1/30/2017	27,786	6,310	9,307	358	6,205	1,664	3,345	597
	1/31/2017	28,098	6,377	9,413	364	6,285	1,682	3,377	600
	1/31/2017	28,908	100.0%						
	Asylees waiting AOS	1,748	9.7%						
	Refugees waiting AOS	18,038	64.2%						
Interviews Scheduled Next 7 days	1/28/2017	Not Available as of yet							
	1/29/2017								
	1/30/2017								
	1/31/2017								

Source: Central Index System, SMART Tool, CLAIMS3, Form I-485; Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

Naturalizations (N-400) for EO Countries

Cumulative Receipts; Approvals, Oaths, Pending, and Interviews Scheduled by Date beginning 1/28/2017

1/31/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts	Cumulative	56	27	8		3	5	10	3
Approvals	Total	163	52	54	-	25	7	8	17
	1/28/2017	1	-	-	-	-	1	-	
	1/29/2017	-							
	1/30/2017	88	26	34		11	2	4	11
	1/31/2017	74	26	20		14	4	4	6
Oaths	Total	232	65	104	1	16	8	18	20
	1/28/2017	14	6	3		1	4		
	1/29/2017	5	4					1	
	1/30/2017	89	24	37		12	2	6	8
	1/31/2017	124	31	64	1	3	2	11	12
Pending	1/28/2017	32,982	10,561	8,478	295	6,176	2,398	2,527	2,547
	1/29/2017	32,965	10,554	8,472	295	6,175	2,395	2,527	2,547
	1/30/2017	32,959	10,549	8,472	295	6,175	2,395	2,526	2,547
	1/31/2017	32,778	10,498	8,403	295	6,152	2,388	2,515	2,527
	2/1/2017	32,624	10,502	8,352	291	6,165	2,277	2,520	2,517
Interviews	1/28/2017	8	2	4		1		1	
Scheduled	1/29/2017	-							

Naturalizations (N-400) for EO Countries

Cumulative Receipts; Approvals, Oaths, Pending, and Interviews Scheduled by Date beginning 1/28/2017

1/31/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
	1/30/2017	9	2	4	1		2		
	1/31/2017	28	7	10	1	3	4	2	1
	2/1/2017	35	4	6		19	2	4	
	2/2/2017	69	13	35	1	7		7	6
	2/3/2017	39	7	7		8	6	7	4

Source: Central Index System, SMART Tool, CLAIMS4 and ELIS, Form N-400;

Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

Derivative Citizenship (N-600) for EO Countries
Cumulative Receipts; Approvals, and Pending by Date beginning 1/28/2017
1/31/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts	Cumulative	-							
Approvals	Total	16	2	3	-	5	1	1	4
	1/28/2017	3		1					2
	1/29/2017	-							
	1/30/2017	6	2			3		1	
	1/31/2017	7		2		2	1		2
Pending	1/28/2017	5,901	459	1,492	27	808	427	246	2,442
	1/29/2017	5,898	459	1,491	27	808	427	246	2,440
	1/30/2017	5,898	459	1,491	27	808	427	246	2,440
	1/31/2017	5,891	457	1,491	27	805	427	245	2,439
	2/1/2017	5,893	460	1,491	27	807	417	250	2,441

Source: SMART Tool, CLAIMS4, Form N-600; Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

Derivative Citizenship (N-600K) for EO Countries
Cumulative Receipts; Approvals, and Pending by Date beginning 1/28/2017
1/31/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts	Cumulative	3							3
Approvals	Total	-	-	-	-	-	-	-	-
	1/28/2017	-							
	1/29/2017	-							
	1/30/2017	-							
	1/31/2017	-							
Pending	1/28/2017	27	3	6			3	4	11
	1/29/2017	27	3	6			3	4	11
	1/30/2017	27	3	6			3	4	11
	1/31/2017	27	3	6			3	4	11
	2/1/2017	27	3	6			3	4	11

Source: SMART Tool, CLAIMS4, Form N-600K; Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

Gillispie, Anna E

From: Hoefer, Michael D
Sent: Friday, February 03, 2017 1:09 PM
To: Farnam, Julie E
Cc: Kerns, Kevin J; Borgen, Michael R; Putnam-Frenchik, Nicole L; Evans, Gary E; Helfrich, John F (CTR)
Subject: EO Statistical Report 2/3
Attachments: CAT Reports 2-3.xlsx

Julie,

Attached is the EO report with data primarily through 2/2. Please note the following issues:

- FOD was sent 20 I-485 case records on 2/2 where it appears that I-485s were approved after 1/27/17. They are still in the process of reviewing them.
- The increase in pending I-485s between 1/31 and 2/1 of about 1,000 held steady into 2/2. The assumption is that the increase was due to incomplete uploading before 2/1 and not any significant increase in receipts.

Mike

Michael Hoefer
Chief, Office of Performance and Quality
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Summary of Workload Statistics for EO Countries
Receipts and Approvals since 1/28/2017, and Pending Applications as of 2/1/2017
Report Date: 2/3/2017

Category	Form	As of Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts since 1/28/2017	LPR Adjustments (I-485)	2/2/2017	242	61	56	-	82	11	30	2
	Naturalizations (N-400)	2/2/2017	264	119	37	7	30	22	31	18
	Derivative Citizenship (N-600)	2/2/2017	6	1	1	1	-	-	-	3
	Derivative Citizenship (N-600K)	2/2/2017	-	-	-	-	-	-	-	-
Approvals since 1/28/2017	LPR Adjustments (I-485)	2/2/2017	20	3	8	-	7	-	2	-
	Naturalizations (N-400)	2/2/2017	292	100	92	-	42	15	19	24
	Derivative Citizenship (N-600)	2/2/2017	40	3	10	-	18	2	1	6
	Derivative Citizenship (N-600K)	2/2/2017	-	-	-	-	-	-	-	-
Pending	LPR Adjustments (I-485)*	2/2/2017	29,202	6,724	9,590	385	6,442	1,779	3,548	734
	Naturalizations (N-400)	2/2/2017	32,609	10,501	8,323	298	6,165	2,285	2,515	2,522
	Derivative Citizenship (N-600)	2/2/2017	5,805	449	1,495	27	762	414	243	2,415
	Derivative Citizenship (N-600K)	2/2/2017	27	3	6	-	-	3	4	11

Source: Central Index System (CIS), SMART Tool, CLAIMS3, and CLAIMS4; Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

* The number of pending (I-485) adjustments increased by 1,054 between 1/31 and 2/1. Pending was relatively unchanged on 2/2.

It appears that this may have been due to a system issue which is still under investigation..

The pending totals may be revised depending on the findings as to the cause.

LPR Adjustments (I-485) for EO Countries
Cumulative Receipts; Approvals, Pending, and Interviews Scheduled by Date beginning 1/28/2017
Report Date: 2/3/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts	Cumulative	242	61	56		82	11	30	2
Approvals	Total	20	3	8	-	7	-	2	-
	1/28/2017	11	1	6		3		1	
	1/29/2017	1	1						
	1/30/2017	5	1			4			
	1/31/2017	1		1					
	2/1/2017	2		1				1	
	2/2/2017	-	-	-	-	-	-	-	-
Pending	1/28/2017	27,715	6,293	9,298	358	6,173	1,657	3,341	595
	1/29/2017	27,714	6,292	9,298	358	6,173	1,657	3,341	595
	1/30/2017	27,786	6,310	9,307	358	6,205	1,664	3,345	597
	1/31/2017	28,098	6,377	9,413	364	6,285	1,682	3,377	600
	2/1/2017	29,152	6,711	9,579	385	6,423	1,778	3,546	730
	2/2/2017	29,202	6,724	9,590	385	6,442	1,779	3,548	734
	2/2/2017	29,202	100.0%						
	Asylees waiting AOS	1,781	6.1%						
	Refugees waiting AOS	18,230	62.4%						
Interviews	1/28/2017	84							
Scheduled	1/29/2017	98							
Next 7 days	1/30/2017	97							
	1/31/2017	86							
	2/1/2017	92							
	2/2/2017	80							

Source: Central Index System, SMART Tool, CLAIMS3, Form I-485; Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

* The number of pending (I-485) adjustments increased by 1,054 between 1/31 and 2/1. Pending was relatively unchanged on 2/2. It appears that this may have been due to a system issue which is still under investigation.. The pending totals may be revised depending on the findings as to the cause.

Naturalizations (N-400) for EO Countries

Cumulative Receipts; Approvals, Oaths, Pending, and Interviews Scheduled by Date beginning 1/28/2017

Report Date: 2/3/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts	Cumulative	264	119	37	7	30	22	31	18
Approvals	Total	292	100	92	-	42	15	19	24
	1/28/2017	1					1		
	1/29/2017	-							
	1/30/2017	88	26	34		11	2	4	11
	1/31/2017	74	26	20		14	4	4	6
	2/1/2017	75	24	30		7	4	6	4
	2/2/2017	54	24	8		10	4	5	3
Oaths	Total	327	109	127	3	21	12	31	24
	1/28/2017	14	6	3		1	4		
	1/29/2017	5	4					1	
	1/30/2017	87	24	37		10	2	6	8
	1/31/2017	134	32	69	2	2	4	12	13
	2/1/2017	53	29	13	1	1	2	6	1
	2/2/2017	34	14	5		7		6	2
Pending	1/28/2017	32,982	10,561	8,478	295	6,176	2,398	2,527	2,547
	1/29/2017	32,965	10,554	8,472	295	6,175	2,395	2,527	2,547
	1/30/2017	32,959	10,549	8,472	295	6,175	2,395	2,526	2,547
	1/31/2017	32,778	10,498	8,403	295	6,152	2,388	2,515	2,527

Naturalizations (N-400) for EO Countries

Cumulative Receipts; Approvals, Oaths, Pending, and Interviews Scheduled by Date beginning 1/28/2017

Report Date: 2/3/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
	2/1/2017	32,624	10,502	8,352	291	6,165	2,277	2,520	2,517
	2/2/2017	32,609	10,501	8,323	298	6,165	2,285	2,515	2,522
Interviews	1/31/2017	189	43	60	2	38	11	23	12
Scheduled	2/1/2017	217	70	72	2	22	11	22	18
Next 7 days	2/2/2017	195	65	55	1	29	12	19	14
	2/3/2017	234	79	82	3	29	12	16	13

Source: Central Index System, SMART Tool, CLAIMS4 and ELIS, Form N-400;

Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

Derivative Citizenship (N-600) for EO Countries
Cumulative Receipts; Approvals, and Pending by Date beginning 1/28/2017
Report Date: 2/3/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts	Cumulative	6	1	1	1				3
Approvals	Total	40	3	10	-	18	2	1	6
	1/28/2017	3		1					2
	1/29/2017	-							
	1/30/2017	6	2			3		1	
	1/31/2017	7		2		2	1		2
	2/1/2017	13	1	2		7	1		2
	2/2/2017	11		5		6			
Pending	1/28/2017	5,821	451	1,492	26	766	423	244	2,419
	1/29/2017	5,818	451	1,491	26	766	423	244	2,417
	1/30/2017	5,818	451	1,491	26	766	423	244	2,417
	1/31/2017	5,811	449	1,491	26	763	423	243	2,416
	2/1/2017	5,813	452	1,491	26	765	413	248	2,418
	2/2/2017	5,805	449	1,495	27	762	414	243	2,415

Source: SMART Tool, CLAIMS4, Form N-600; Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

Derivative Citizenship (N-600K) for EO Countries
Cumulative Receipts; Approvals, and Pending by Date beginning 1/28/2017
Report Date: 2/3/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts	Cumulative	-							
Approvals	Total	-	-	-	-	-	-	-	-
	1/28/2017	-							
	1/29/2017	-							
	1/30/2017	-							
	1/31/2017	-							
	2/1/2017	-							
	2/2/2017	-							
Pending	1/28/2017	27	3	6			3	4	11
	1/29/2017	27	3	6			3	4	11
	1/30/2017	27	3	6			3	4	11
	1/31/2017	27	3	6			3	4	11
	2/1/2017	27	3	6			3	4	11
	2/2/2017	27	3	6			3	4	11

Source: SMART Tool, CLAIMS4, Form N-600K; Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

Gillispie, Anna E

From: Hoefer, Michael D
Sent: Thursday, February 02, 2017 4:57 PM
To: Farnam, Julie E
Cc: Borgen, Michael R; Kerns, Kevin J; Putnam-Frenchik, Nicole L; Evans, Gary E
Subject: EO Statistics 2/2
Attachments: CAT Reports 2-2.xlsx

Julie,

Attached is the EO report with data primarily through 2/1. Please note the following issues and changes in the report from yesterday:

- FOD was sent 20 I-485 case records where it appears that I-485s were approved after 1/27/17. They are still in the process of reviewing them.
- As I indicated when I spoke to you, we have an inexplicable increase in the number of pending I-485 applications pending over the past day. We suspect this is a system issue as nearly all of the added records were received in 2015 and should have appeared in the 2 previous daily runs. We did not change our program so we suspect it was a system uploading error. We will adjust the totals to the extent we can after we research this some more.
- We now have data on interviews scheduled over the next 7 days for both I-485s and N-400s, though the I-485 data are not available by country. The totals for 1/28 show the number of interviews scheduled for 1/29 and the next 6 days.
- The N-600K receipt total of 3 from yesterday's report was in listed in error. The correct total in today's report is that we have not received any N-600Ks from the 7 countries.

Mike

Michael Hoefer
Chief, Office of Performance and Quality
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Summary of Workload Statistics for EO Countries
Receipts and Approvals since 1/28/2017, and Pending Applications as of 2/1/2017
Report Date: 2/2/2017

Category	Form	As of Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts since 1/28/2017	LPR Adjustments (I-485)	2/1/2017	204	51	49	-	64	11	29	-
	Naturalizations (N-400)	2/1/2017	171	76	21	5	19	15	23	12
	Derivative Citizenship (N-600)	2/1/2017	5	1	-	1	-	-	-	3
	Derivative Citizenship (N-600K)	2/1/2017	-	-	-	-	-	-	-	-
Approvals since 1/28/2017	LPR Adjustments (I-485)	2/1/2017	20	3	8	-	7	-	2	-
	Naturalizations (N-400)	2/1/2017	238	76	84	-	32	11	14	21
	Derivative Citizenship (N-600)	2/1/2017	29	3	5	-	12	2	1	6
	Derivative Citizenship (N-600K)	2/1/2017	-	-	-	-	-	-	-	-
Pending	LPR Adjustments (I-485)*	2/1/2017	29,152	6,711	9,579	385	6,423	1,778	3,546	730
	Naturalizations (N-400)	2/1/2017	32,624	10,502	8,352	291	6,165	2,277	2,520	2,517
	Derivative Citizenship (N-600)	2/1/2017	5,813	452	1,491	26	765	413	248	2,418
	Derivative Citizenship (N-600K)	2/1/2017	27	3	6	-	-	3	4	11

Source: Central Index System (CIS), SMART Tool, CLAIMS3, and CLAIMS4; Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

***Asylees account for 6.1% of the pending I-485 applications and Refugees account for 62.4%. The number of pending (I-485) adjustments increased by 1,054 between 1/31 and 2/1. It appears that this may have been due to a system issue which is still under investigation as of the publication of the 2/2 report. The pending totals may be revised depending on the findings as to the cause.**

LPR Adjustments (I-485) for EO Countries
Cumulative Receipts; Approvals, Pending, and Interviews Scheduled by Date beginning 1/28/2017
Report Date: 2/2/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts	Cumulative	204	51	49		64	11	29	
Approvals	Total	20	3	8	-	7	-	2	-
	1/28/2017	11	1	6		3		1	
	1/29/2017	1	1						
	1/30/2017	5	1			4			
	1/31/2017	1		1					
	2/1/2017	2		1				1	
Pending	1/28/2017	27,715	6,293	9,298	358	6,173	1,657	3,341	595
	1/29/2017	27,714	6,292	9,298	358	6,173	1,657	3,341	595
	1/30/2017	27,786	6,310	9,307	358	6,205	1,664	3,345	597
	1/31/2017	28,098	6,377	9,413	364	6,285	1,682	3,377	600
	2/1/2017	29,152	6,711	9,579	385	6,423	1,778	3,546	730
	2/1/2017	29,152	100.0%						
	Asylees waiting AOS	1,777	6.1%						
	Refugees waiting AOS	18,197	62.4%						
Interviews	1/28/2017	84							
Scheduled	1/29/2017	98							
Next 7 days	1/30/2017	97							
	1/31/2017	86							
	2/1/2017	92							

Source: Central Index System, SMART Tool, CLAIMS3, Form I-485; Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

The number of pending (I-485) adjustments increased by 1,054 between 1/31 and 2/1. It appears that this may have been due to a system issue which is still under investigation as of the publication of the 2/2 report.

The pending totals may be revised depending on the findings as to the cause.

Naturalizations (N-400) for EO Countries

Cumulative Receipts; Approvals, Oaths, Pending, and Interviews Scheduled by Date beginning 1/28/2017

Report Date: 2/2/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts	Cumulative	171	76	21	5	19	15	23	12
Approvals	Total	238	76	84	-	32	11	14	21
	1/28/2017	1					1		
	1/29/2017	-							
	1/30/2017	88	26	34		11	2	4	11
	1/31/2017	74	26	20		14	4	4	6
	2/1/2017	75	24	30		7	4	6	4
Oaths	Total	291	94	121	3	14	12	25	22
	1/28/2017	14	6	3		1	4		
	1/29/2017	5	4					1	
	1/30/2017	87	24	37		10	2	6	8
	1/31/2017	134	32	69	2	2	4	12	13
	2/1/2017	51	28	12	1	1	2	6	1
Pending	1/28/2017	32,982	10,561	8,478	295	6,176	2,398	2,527	2,547
	1/29/2017	32,965	10,554	8,472	295	6,175	2,395	2,527	2,547
	1/30/2017	32,959	10,549	8,472	295	6,175	2,395	2,526	2,547
	1/31/2017	32,778	10,498	8,403	295	6,152	2,388	2,515	2,527
	2/1/2017	32,624	10,502	8,352	291	6,165	2,277	2,520	2,517

Naturalizations (N-400) for EO Countries

Cumulative Receipts; Approvals, Oaths, Pending, and Interviews Scheduled by Date beginning 1/28/2017

Report Date: 2/2/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Interviews	1/31/2017	189	43	60	2	38	11	23	12
Scheduled	2/1/2017	217	70	72	2	22	11	22	18
Next 7 days	2/2/2017	195	65	55	1	29	12	19	14

Source: Central Index System, SMART Tool, CLAIMS4 and ELIS, Form N-400;

Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

Derivative Citizenship (N-600) for EO Countries
Cumulative Receipts; Approvals, and Pending by Date beginning 1/28/2017
Report Date: 2/2/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts	Cumulative	5	1		1				3
Approvals	Total	29	3	5	-	12	2	1	6
	1/28/2017	3		1					2
	1/29/2017	-							
	1/30/2017	6	2			3		1	
	1/31/2017	7		2		2	1		2
	2/1/2017	13	1	2		7	1		2
Pending	1/28/2017	5,821	451	1,492	26	766	423	244	2,419
	1/29/2017	5,818	451	1,491	26	766	423	244	2,417
	1/30/2017	5,818	451	1,491	26	766	423	244	2,417
	1/31/2017	5,811	449	1,491	26	763	423	243	2,416
	2/1/2017	5,813	452	1,491	26	765	413	248	2,418
	2/2/2017	5,805	449	1,495	27	762	414	243	2,415

Source: SMART Tool, CLAIMS4, Form N-600; Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of birth or country of citizenship in the 7 countries.

Derivative Citizenship (N-600K) for EO Countries
Cumulative Receipts; Approvals, and Pending by Date beginning 1/28/2017
Report Date: 2/2/2017

Category	Date	Total	Iran	Iraq	Libya	Somalia	Sudan	Syria	Yemen
Receipts	Cumulative	-							
Approvals	Total	-	-	-	-	-	-	-	-
	1/28/2017	-							
	1/29/2017	-							
	1/30/2017	-							
	1/31/2017	-							
Pending	1/28/2017	27	3	6			3	4	11
	1/29/2017	27	3	6			3	4	11
	1/30/2017	27	3	6			3	4	11
	1/31/2017	27	3	6			3	4	11
	2/1/2017	27	3	6			3	4	11
	2/2/2017	27	3	6			3	4	11

Source: SMART Tool, CLAIMS4, Form N-600K; Prepared by USCIS, Office of Performance and Quality

Note: Delays in reporting will result in changes in totals by date. Data should be mostly complete after 2-3 days.

Applications selected if the beneficiary had either a country of-birth or country of citizenship in the 7 countries.

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From:	Strack, Barbara L
To:	Scialabba, Lori L; Renaud, Tracy L; Groom, Molly M; Zenqotitabengoa, Colleen R; Busch, Philip B; Ruppel, Joanna
Cc:	Stone, Mary M; Farnam, Julie E; Walters, Jessica S; Chiorazzi, Anne
Subject:	FW: [***HOT HOT HOT*** CLEARANCE REQUEST] PRESIDENT'S EXECUTIVE ORDER ENTITLED "PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES -- 1138091 -Due 8am 2/3
Date:	Thursday, February 02, 2017 2:54:46 PM
Attachments:	Maher Memo Re Delegation to Commissioner of CBP for Exercise of Auth Under 5(e) of President"s Exec Order.pdf Attachment 1 - Delegation to CBP 5(e) waiver Authority.docx
Importance:	High

Lori and Tracy – were you award of this recommended delegation that would make CBP responsible for exercising the refugee exemption authority under 5(e)? Seems quite odd to me. At least it should be "in consultation with" USCIS.

Also, the factual representation under "Need" is off-base. There is no reason to "expect hundreds of individuals to seek such waivers in the next week." PRM will be controlling who gets put forward for exemptions.

Referred to Department of Homeland Security

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Referred to Department of Homeland Security

Referred to Department of Homeland Security

Shirk, Georgette L

From: Sohrakoff, Karen A
Sent: Wednesday, February 15, 2017 8:38 AM
To: Farnam, Julie E
Cc: Ruppel, Joanna; Nicholson, Maura J; Sohrakoff, Karen A
Subject: Final package: TRIG Briefing Document
Attachments: Briefing Memo -TRIG Hold Policy 2.15.17.docx; Attachment A - TRIG Exemption Authorities as of February 2017 2.15.17.docx; Attachment B- TRIG Holds by Form Type and Nationality as of 2.1.17 (Updated).xlsx; Attachment C - SPC Paper - TRIG Natz 318 10-30-16.docx; Attachment D - Draft PM Elimination of TRIG hold policy 2.15.17.doc

Julie,

Please find attached a completed, final TRIG package for AD1's consideration. We made sure to note in the briefing memo that the draft PM would need to go through the Exec Sec process, but we wanted to include a complete draft now just in case a quick decision is made to go this route. We'd then be poised to get this into that process immediately.

Thank you for coordinating the feedback on this package. We look forward to next steps.

Thanks,
Karen S.

K. Sohrakoff
RAIO TRIG Program Branch Chief
U.S. Citizenship and Immigration Services

From: Farnam, Julie E
Sent: Wednesday, February 15, 2017 9:04 AM
To: Sohrakoff, Karen A
Cc: Ruppel, Joanna; Nicholson, Maura J
Subject: FW: TRIG Briefing Document

Hi, Karen. Please see OCC's edits. If you could review the briefing memo and the attachment A and have those back to me by noon today, that would be appreciated.

I think they're correct about needing to send the PM update through the full clearance process, but I think we can hold off on that until the front office and Department give us more direction as to where they want to go with these TRIG cases. But it's great that we already have this drafted. Thanks for all your work on this.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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From: Zengotitabengoa, Colleen R
Sent: Tuesday, February 14, 2017 5:32 PM
To: Farnam, Julie E
Cc: OCC-Clearance; RALD
Subject: FW: TRIG Briefing Document

Julie,
Attached are OCC's edits to the briefing memo. Also included are the attachments that we edits. We did not have edits to the other two attachments. I was wondering if this briefing memo is just for the USCIS FO or if it's intended for DHS? I assume that it is being packaged as EO-related since you are coordinating all EO-related items. Also, will the draft PM (Attachment D) go through ExecSec in a separate process or is this the clearance process for the PM? I guess I'm just trying to figure out the intent here. Appreciate any insight.

Thanks again for the extension of time.
Colleen

From: Farnam, Julie E
Sent: Friday, February 10, 2017 2:28 PM
To: Renaud, Daniel M; Valverde, Michael; Emrich, Matthew D; Davidson, Andrew J; Neufeld, Donald W; McCament, James W; Campagnolo, Donna P; OCC-Clearance; Hoefer, Michael D
Cc: Ruppel, Joanna; Sohrakoff, Karen A; Hinds, Ian G; Muhletaler, Catherine; Levine, Laurence D; Prelogar, Brandon B; Kerns, Kevin J; Borgen, Michael R
Subject: TRIG Briefing Document

Good afternoon,

Attached is the briefing paper RAIO drafted regarding TRIG cases (special thanks to Karen Sohrakoff for her quick work on this!). If you have any edits or comments on the attached documents, please provide them to me by COB Monday. Thank you and have a nice weekend.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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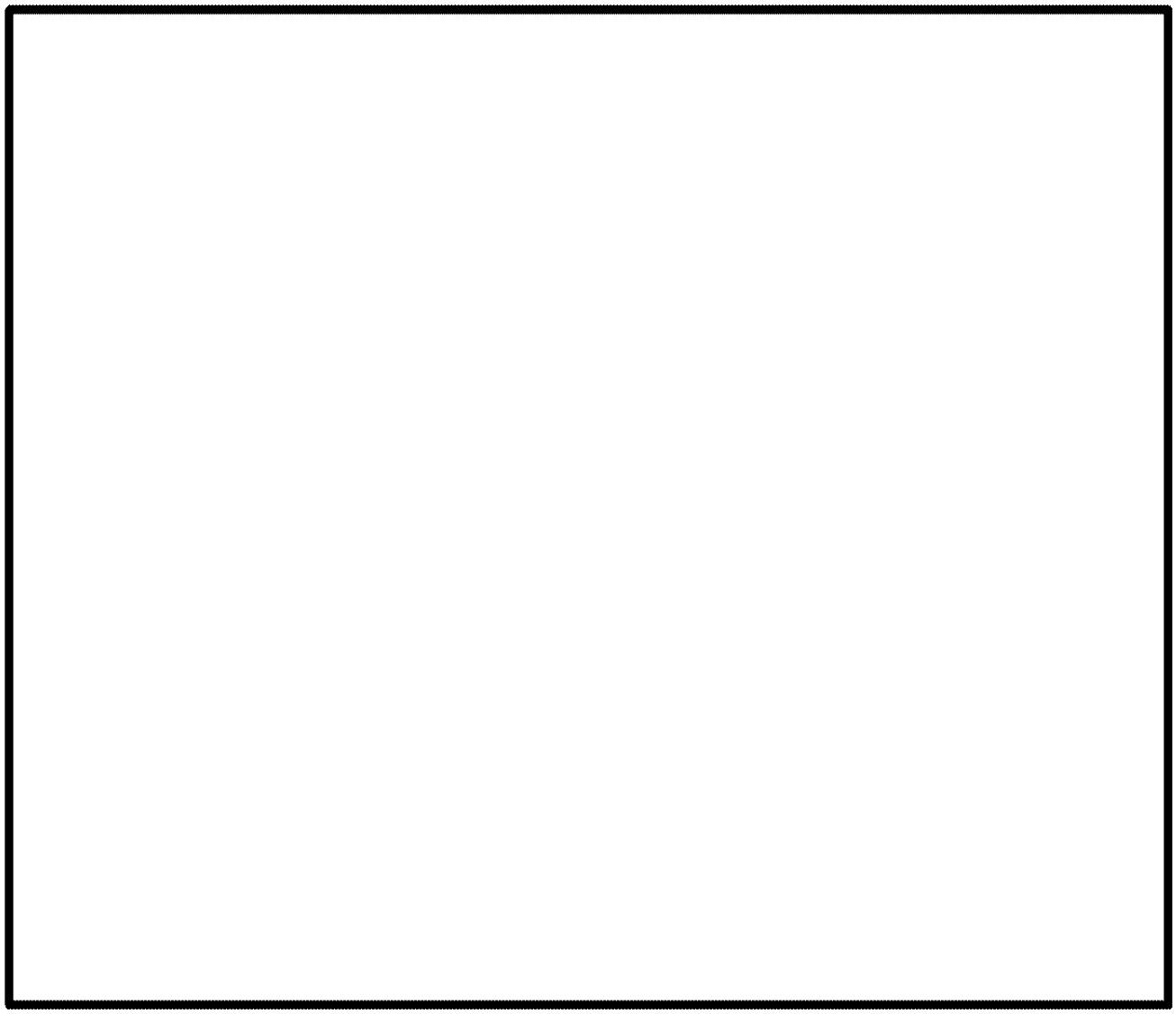

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Referred to Department of Homeland Security

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Referred to Department of Homeland Security

From:	Franke, Evan R
To:	Busch, Philip B; Zengotitabengoa, Colleen R; Boll, Annemarie E; Miles, John D; Miller, Caitlin E; Lonegan, Bryan K
Cc:	Smith, Alice J; Ooi, Maura M; Elder, Phillip D; Hinds, Jan G; Kleczek, Marguerite P (Ania); Groom, Molly M; Charette, Kaitlyn E; Angustia, Kathleen M (Kate); Schau Nelson, Jessica R
Subject:	Filings and materials to review for today"s DOJ respons(es)
Date:	Monday, February 06, 2017 7:33:14 AM
Attachments:	FW Washington v. Trump - Hawaii motion to intervene.msg FW Washington v. Trump - Response to Stay.msg RE Washington v. Trump - Response to Stay.msg

All,

Materials are coming in fast and furious.

Hawaii has moved to intervene (or in the alternative be counted as *amicus*) in the Washington v. Trump litigation at the request for stay and the appeal of the TRO.

Washington and Minnesota have filed their response to the request for stay.

A number of other *amici* have filed briefs.

All I have so far received are attached. You may have received these from other sources. Sorry if I am doubling up, but I want to have everyone have all of these.

Washington has finally cited the Fifth Circuit *Texas* case as supporting their bid to challenge the EO here. Interestingly, this is a the opposite of the position they took when they were among the non-plaintiff states opposing the attack on DAPA/DACA where they approved of the brief filed by the United States opposing the PI and its reasoning and filed additional briefing to the argument made by the United States: http://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Home/News/Press_Releases/2015/Texas%20v.%20US%20Multi-State%20PI%20Amicus%20As%20Filed.pdf

It was the same Washington AG as it is now. There are distinguishing factors. We have the additional procedural hurdle at being at the TRO stage rather than the PI stage. Also, Washington factually asserted that the Nov. 20 Memo from Secretary Johnson was a net economic positive and they argue only economic harm from the EO. However, the U.S. argued no standing for Texas and the other states on their economic harm theory, and Washington signed onto a brief saying (on page 3)

"To avoid redundancy, the amici States will not repeat the United States' compelling arguments as to why the district court erred in holding that Plaintiffs' APA claim was likely to succeed. Instead, the amici States will focus on the other three elements of the preliminary injunction test: irreparable injury, the balance of hardships, and the public interest. The amici States will also explain why the preliminary injunction is so overbroad that this error independently merits reversal."

Evan

Evan R Franke

Chief, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
20 Massachusetts Avenue, N.W.
Suite 4210
Washington, D.C. 20529-2120

[redacted] (b)(6)

Litigation Issues Emailbox: OCC.Lcol@dhs.gov
National Security Issues Emailbox: USCISoccNSCD@dhs.gov

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Thank you.

From: Smith, Alice J
To: Busch, Philip B; OCC-Clearance; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver
Date: Wednesday, February 08, 2017 11:44:00 AM

My comments:

1) While it's helpful to see in the draft WH guidance that they appear to want to provide "categorical" mechanisms to permit various groups of the E.O.- affected aliens to enter or reenter the U.S., should the full TRO be lifted, I don't really understand how they get around POTUS' directives in secs. 3(g) and 5(e) that the Secretaries of HS and State do "case by case" determinations. But if they want to read his E.O. to permit category exemptions w/o need for waivers, I would not object.

2) Would help to make it a little clearer in the DOS paper in para. beginning "For an individual who is physically present in the United States....the revocation will take effect...." that the adv. parole grant by DHS may be relied upon by State to grant a Section 3(g) waiver for the issuance of visas. Does the person then have 2 docs to get back in the U.S.: a DHS-issued I-512 AP + a DOS waiver-infused visa? Or does the issuance of the visa cancel our adv. parole doc? Just curious. Maybe it doesn't have to be stated in these two docs., but affected travelers and CBP may want guidance.

No further edits or comments, and please disregard these if they aren't helpful. I know this a very moving target.

Thanks,
Alice

From: Busch, Philip B
Sent: Wednesday, February 08, 2017 10:47 AM
To: Smith, Alice J; OCC-Clearance; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

Would appreciate any thoughts on what is attached. Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

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From: Smith, Alice J
Sent: Tuesday, February 07, 2017 7:29 PM
To: Busch, Philip B; OCC-Clearance; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

Thank you, Phil. I know that must have been a bit of torture trying to pull together so much of our simultaneous "ECN-ing" (I like that term ☺).

General question, and I fully recognize this may well have been raised and nixed in other discussions about this E.O. waiver process. If so, please feel free to say "thank you for playing, Alice, time to move on":

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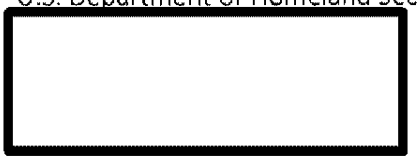
Thanks again,
Alice

From: Busch, Philip B
Sent: Tuesday, February 07, 2017 6:25 PM
To: OCC-Clearance; Smith, Alice J; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

Thanks all for your careful review and input. Attached FYI is what I just sent back to SCOPs et al. I used the OPS documents as a baseline as they requested – have tried to capture the key points made in the OCC comments and edits, while trying to trim them down a bit to eliminate some of the redundancy, back and forth, etc. that inevitably arise when lots of people are ECNing (is that a verb? I guess it is now) on short notice simultaneously, so as not to overwhelm the recipients. Let me know if you think I've missed anything essential. Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security



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From: Hinds, Ian G **On Behalf Of** OCC-Clearance
Sent: Tuesday, February 07, 2017 2:52 PM
To: Smith, Alice J; Busch, Philip B; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Cc: OCC-Clearance
Subject: RE: Waiver

I defer to Phil/Molly on how they want to handle this.

From: Smith, Alice J
Sent: Tuesday, February 07, 2017 2:49 PM
To: Busch, Philip B; Hinds, Ian G; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Cc: OCC-Clearance
Subject: RE: Waiver

I've made my comments, as I know PE and a few others have, to the ecn. Before this goes back, I think it needs a final OCC reviewer (is that you Ian ?) to clean up some places where we were editing on top of each other and it's choppy.

Thanks,
Alice

From: Busch, Philip B
Sent: Tuesday, February 07, 2017 1:02 PM
To: Hinds, Ian G; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Cc: OCC-Clearance
Subject: RE: Waiver

Adding ALD

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

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From: Hinds, Ian G
Sent: Tuesday, February 07, 2017 12:59 PM
To: Busch, Philip B; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Cc: OCC-Clearance
Subject: RE: Waiver

Here is the link.

From: Busch, Philip B
Sent: Tuesday, February 07, 2017 12:53 PM
To: Hinds, Ian G; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

Could someone put this on an ECN for our comments? Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services

U.S. Department of Homeland Security

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From: Hinds, Ian G
Sent: Tuesday, February 07, 2017 12:52 PM
To: Groom, Molly M; Kleczek, Marguerite P (Ania); Busch, Philip B; Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

Here is what we just received from SCOPS. They want comments by 3 pm.

From: Groom, Molly M
Sent: Monday, February 06, 2017 10:36 PM
To: Kleczek, Marguerite P (Ania); Busch, Philip B; Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

That was the plan discussed. SCOPS was given flexibility on how to set it up so we will comment on what they provide. I think they are considering using the 131 and the 192. But Lori was focused on AP. Neither is on point and would have to be adapted. I understand you all recommended not going with the 192 because that generally goes to inadmissibility, but the 131 is targeted for the parole standard so both will require adaptations. Let's see what they come up with and I look forward to learning more about our best recommendations. Thanks so much for us know and careful work on this front.

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 10:28:58 PM
To: Busch, Philip B; Lonegan, Bryan K; Groom, Molly M; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

Based on what Phil said offline, just confirming that it will be implementation using the advance parole process as a model—it will not be for advance parole itself. So, if the person is an H-1B, gets the waiver, leaves the US, and then returns, CBP will admit this person as an H-1B.

From: Busch, Philip B
Sent: Monday, February 06, 2017 4:36 PM

To: Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Groom, Molly M; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E
Subject: RE: Waiver

Just had a call with Lori, etc. and CBP and OGC. SCOPs is going to put together a paper by tomorrow on how they think this could be implemented using advance parole. Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

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From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 3:29 PM
To: Lonegan, Bryan K; Groom, Molly M; Elder, Phillip D; Busch, Philip B; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E
Subject: RE: Waiver

Thanks, Bryan, for finding that case law. Much appreciated!

I think if we model implementation after how we conduct the case-by-case parole program, such that there are only guidelines put out there for adjudicators, and adjudicators retain discretion in the decisions, we should be able to withstand an APA challenge.

From: Lonegan, Bryan K
Sent: Monday, February 06, 2017 3:11 PM
To: Groom, Molly M; Kleczek, Marguerite P (Ania); Elder, Phillip D; Busch, Philip B; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E
Subject: RE: Waiver

Sorry, I was not clear. [redacted] (b)(5)

That being said, they key to this whole thig is what does the order mean when it says "the national interest?"

From: Groom, Molly M
Sent: Monday, February 06, 2017 3:04 PM
To: Kleczek, Marguerite P (Ania); Elder, Phillip D; Busch, Philip B; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

[redacted] (b)(5)

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 3:01:27 PM
To: Elder, Phillip D; Busch, Philip B; Vignier, Monica A; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Phillip, Monica, and I have come up with these options—We agree to step away from proposing use of the I-192. Instead consider the following: (b)(5)

[redacted]

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 2:42 PM
To: Elder, Phillip D; Busch, Philip B; Vignier, Monica A; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

What a great find! Do you have any experience with using that exception?

From: Elder, Phillip D
Sent: Monday, February 06, 2017 2:40 PM
To: Kleczek, Marguerite P (Ania); Busch, Philip B; Vignier, Monica A; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K

Subject: RE: Waiver

(b)(5)

[redacted]

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 2:32 PM
To: Busch, Philip B; Vignier, Monica A; Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

(b)(5)

[redacted]

From: Busch, Philip B
Sent: Monday, February 06, 2017 2:17 PM
To: Kleczek, Marguerite P (Ania); Vignier, Monica A; Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

(b)(5)

[redacted]

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 2:08 PM
To: Vignier, Monica A; Busch, Philip B; Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

[redacted] (b)(5)

From: Vignier, Monica A
Sent: Monday, February 06, 2017 2:00 PM
To: Kleczek, Marguerite P (Ania); Busch, Philip B; Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Well INA 235 is the authority for inspections.

Monica A. Vignier
Associate Counsel, USCIS-OCC

[redacted] (b)(6)

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 1:52 PM
To: Busch, Philip B; Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K; Vignier, Monica A
Subject: RE: Waiver

Adding Monica.

See the latest we've have learned on this. Please see attached.

What's the authority for CBP to turn folks around at POEs? I feel like I'm missing the answer to that

basic question.

From: Busch, Philip B
Sent: Monday, February 06, 2017 10:54 AM
To: Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Take a look at the I-192 – advance permission for a nonimmigrant with documentation to enter. It's not exact, but this one seems to me to be by far the best fit for this process. And unless one is seeking T status, it's filed with CBP.

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Elder, Phillip D
Sent: Monday, February 06, 2017 10:00 AM
To: Groom, Molly M; Busch, Philip B; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver (b)(5)

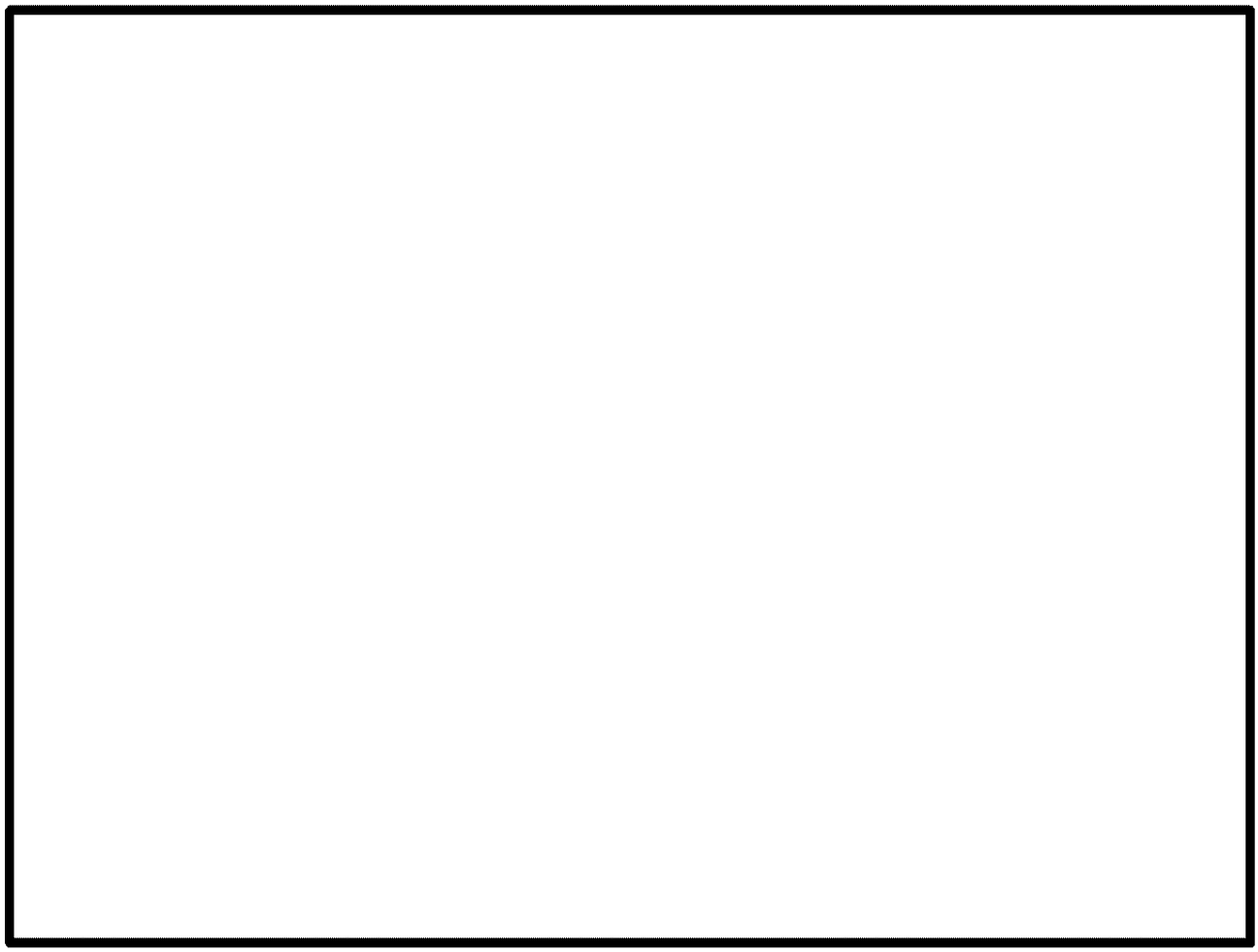
[redacted]

From: Groom, Molly M
Sent: Monday, February 06, 2017 9:54 AM
To: Elder, Phillip D; Busch, Philip B; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Thanks all—but do we think any of our current forms could be used to adjudicate the national interest standard—which at this point we aren't clear on what it is. But if someone concluded that the waiver was in the national interest where someone needed to travel and showed urgent humanitarian reasons or SPB, could we then use the 131 for the waiver decision? And how would that work if folks who needed the waiver couldn't currently apply for the 131?

From: Elder, Phillip D
Sent: Monday, February 06, 2017 9:24 AM
To: Busch, Philip B; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Molly,
Executive Order 13769, section 3, paragraph (g), states, "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." (b)(5)



[redacted]

(b)(5)

Let me know if you need anything else.

Thanks,
Phillip

From: Busch, Philip B
Sent: Monday, February 06, 2017 9:13 AM
To: Miller, Caitlin E; Kleczek, Marguerite P (Ania); Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

I think CBP has been freely using this one at the ports on its own.

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted]

(b)(6)

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From: Miller, Caitlin E
Sent: Monday, February 06, 2017 9:06 AM
To: Kleczek, Marguerite P (Ania); Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

I have one issue, although I am not sure if it has been decided already. The EO says in Sec. 3(g):

"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."

The use of and seems like the EO could be read to either 1) require both DHS and DOJ to jointly agree to waivers; or 2) provide independent authority for DHS and DOS to grant waivers.

(b)(5)

[redacted]

Caitlin Miller (formerly Shay)
Associate Counsel, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Ave., NW, Suite 3100
Mail Stop 2121
Washington, DC 20529-2121

[redacted]

(b)(6)

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dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message.

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 8:00 AM
To: Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Will try!

From: Groom, Molly M
Sent: Monday, February 06, 2017 7:59 AM
To: Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Can you sketch it out in next hour?

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 7:58:07 AM
To: Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

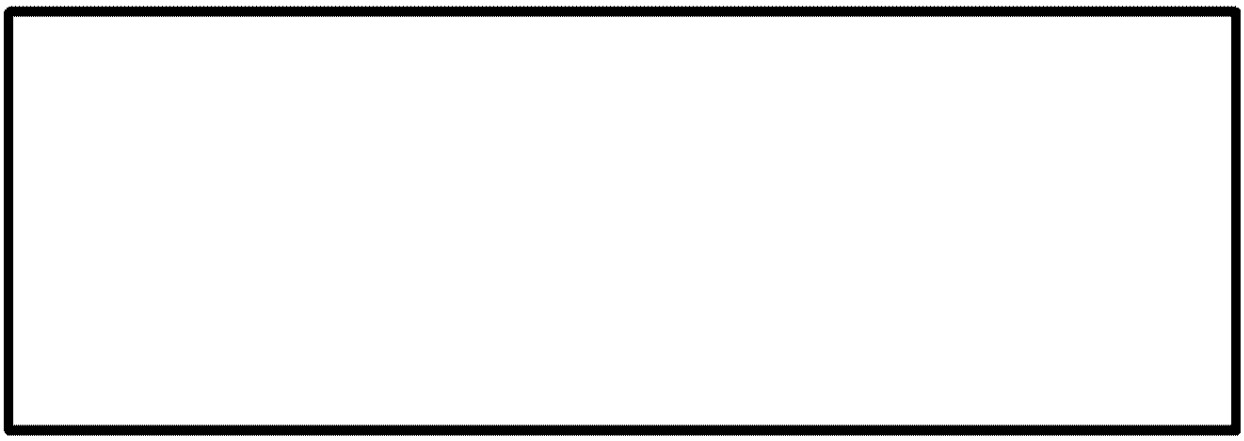
RVLD can start figuring out a process.

From: Groom, Molly M
Sent: Sunday, February 05, 2017 11:27 PM
To: Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Thanks Alice. No need to cancel anything at 9 tomorrow as the call was at 9 tonight but limited lines. Waiting to hear from Lori. All the information is helpful. If anyone—Evan? Could synthesize issues with creating process for individuals to apply for a waiver under the EO that would be good—regardless of which part of DHS does it.

From: Smith, Alice J
Sent: Sunday, February 05, 2017 11:18 PM
To: Ooi, Maura M; Groom, Molly M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

[redacted] (b)(5)



(b)(5)

Agree it's best if USCIS can avoid having to do these E. O. waivers and keep them at CBP.

Will try to join you at 9 am. but have outside appt. I may not be able to cancel.

Alice

From: Ooi, Maura M
Sent: Sunday, February 05, 2017 9:19:47 PM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

I believe the Paperwork Reduction Act generally requires us to go through the OMB approval process for a new information collection, including publishing the information collection for notice and public comment. I'm definitely outside my swim lane with this, so I don't know if there are exceptions that might apply here..

From: Groom, Molly M
Sent: Sunday, February 05, 2017 9:09:17 PM
To: Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Is the information collection required by OMB or any statute? All help appreciated.

From: Ooi, Maura M
Sent: Sunday, February 05, 2017 9:07:50 PM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

I was just thinking that if we needed to be ready to accept requests very quickly given how fast things are moving, that wouldn't leave us much (or perhaps enough) time to go through the OMB approval process for this information collection

From: Groom, Molly M
Sent: Sunday, February 05, 2017 8:58:16 PM
To: Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

What PRA issues might you envision? Simple and straightforward appreciated. And just throw it out even if you are just flagging

---

From: Ooi, Maura M
Sent: Sunday, February 05, 2017 8:55:52 PM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Also, as for broader legal issues with USCIS adjudicating these waiver requests, and along the lines of the rule making issues Evan raised, there's the question of how people would make these requests to us - just with a letterr? I would think we'd need a form for these requests, which could raise potential PRA issues. I defer to Phillip on that, but wanted to flag it.

From: Zengotitabengoa, Colleen R
Sent: Sunday, February 05, 2017 8:34:46 PM
To: Groom, Molly M; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Shouldn't the second to last sentence about seeking benefits from USCIS be clarified to those seeking benefits from within the United States?

From: Groom, Molly M
Sent: Sunday, February 05, 2017 8:01:11 PM
To: Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Thought on issues with agreeing to this statement? Assuming USCIS fights being the entity to adjudicate such travel requests, we should still identify legal issues.

From: Franke, Evan R
Sent: Sunday, February 05, 2017 7:28:36 PM
To: Groom, Molly M; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K

Subject: RE: Waiver

Thanks!

From: Groom, Molly M
Sent: Sunday, February 05, 2017 7:20:49 PM
To: Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Many thanks [redacted] (b)(5)
[redacted] Still we need to discuss with CBP and maybe OGC at 9. If that happens I will send a number.

From: Franke, Evan R
Sent: Sunday, February 05, 2017 7:15:01 PM
To: Groom, Molly M; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

(b)(5)

All,

[redacted]

(b)(5)

Sorry this is not more coherent, but I wanted to start articulating thoughts.

Regards,

Evan

From: Groom, Molly M
Sent: Sunday, February 05, 2017 5:55:13 PM
To: Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Franke, Evan R; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: Waiver

Looking for quick thoughts on legal issues if we were asked to adjudicate waivers under the EO at section 3 for the 7 countries in the national interest.

Knowing what we know from DACA, what should we be thinking about. This is a tonight issue so what thoughts you have would be appreciated.

Shirk, Georgette L

From: Schwartz, Claudia R
Sent: Wednesday, February 01, 2017 12:07 PM
To: Prelogar, Brandon B; Anderson, Kathryn E
Subject: RE: Executive Order

Sorry, back at my desk. Please give a call!

Claudia Schwartz, Associate Counsel
Office of the Chief Counsel, Refugee and Asylum Law Division
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Prelogar, Brandon B
Sent: Wednesday, February 01, 2017 12:13 PM
To: Schwartz, Claudia R; Anderson, Kathryn E
Subject: RE: Executive Order

Claudia,

Kathryn and I just rang. Just curious whether there's been any further movement or discussion of USCIS developing an interpretation of what "entry" means, as used in the EO and in the context of INA 212(f), for the purposes of deciding what USCIS adjudications can go forward. We've continued to hear piecemeal of which adjudications are being suspended and which are not. (It's haphazard at best – including SCOPS holding not only TPS cases for the 4 TPS countries covered by Section 3(c) of the EO that have TPS (Sudan, Somalia, Yemen, and Syria), but also South Sudan.) Is the posture still just wait and see what comes down from on high w/o giving any independent thought ourselves to what we think falls within the ambit of the EO? We're checking on this again now as we're prepping Larry to potentially raise this as a question for leadership's consideration.

Thanks,

b-

From: Schwartz, Claudia R
Sent: Monday, January 30, 2017 8:26 AM
To: Prelogar, Brandon B; Anderson, Kathryn E
Subject: RE: Executive Order

Can we meet at 10am? Diana and I can come to your office. I'd like to chat with folks in OCC first (if possible). Let me know if that works.

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 9:34:04 PM
To: Anderson, Kathryn E; Schwartz, Claudia R
Subject: RE: Executive Order

Works for me.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 3:48:37 PM
To: Schwartz, Claudia R
Cc: Prelogar, Brandon B
Subject: RE: Executive Order

Yep. Great. Thanks. I'll give you a call then.

From: Schwartz, Claudia R
Sent: Sunday, January 29, 2017 3:38:56 PM
To: Anderson, Kathryn E
Cc: Prelogar, Brandon B
Subject: RE: Executive Order

Thanks Kathryn - let's talk by phone at 9:30 tomorrow? I will share this in my office as well re:entry. Thank you!

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 6:33:13 PM
To: Schwartz, Claudia R
Cc: Prelogar, Brandon B
Subject: FW: Executive Order

Hi, Claudia,

Wanted to flag for you FOD's question in the chain below and in the attached matrix regarding whether to adjudicate TRIG hold cases in light of the EO's directive to "consider rescinding" the TRIG exemptions, as FOD (reasonably) suggests that new exemptions are unlikely. Not sure exactly how all these issues will shake out or be discussed next week, but just wanted to share that it may be part of the discussion. My thoughts here. Brandon also made a good point that we need to make sure people understand that nothing in the EO prevents continuing to apply the existing exemptions.

Also, wondering whether once it's decided if we can grant natz cases at all, we should make another push with Lori to apply the exemptions to those cases while we still have them – as discussed in the WG meeting, as an application of a legal interpretation, not a policy change.

Finally, was curious whether you knew if OCC has arrived at an interpretation of what "entry" means, as used in the EO and in the context of INA 212(f), for the purposes of deciding what USCIS adjudications can go forward? We've heard most FOD, SCOPS, and RAIO adjudications from the 7 countries are currently on hold pending further guidance. Wondered whether this is precautionary at this point or if it's based on OCC's legal interpretation of the order. More here.

K

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon,

Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order (b)(5)

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also.

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S

Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)
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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant bu [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

Referred to U.S. Department of State

Referred to U.S. Department of State

(b)(6

Referred to U.S. Department of State

(b)(6

Referred to U.S. Department of State

Shirk, Georgette L

From: Schwartz, Claudia R
Sent: Monday, February 06, 2017 5:15 PM
To: Sohrakoff, Karen A; Ruppel, Joanna
Cc: Prelogar, Brandon B
Subject: RE: TRIG Cases

Thanks for looping me in as well Karen. OCC would like to contribute a bullet or two on litigation considerations.

From: Sohrakoff, Karen A
Sent: Monday, February 06, 2017 11:10:16 PM
To: Ruppel, Joanna; Farnam, Julie E; Neufeld, Donald W; McCament, James W; Campagnolo, Donna P; Renaud, Daniel M; Valverde, Michael; Kvortek, Lisette E; Emrich, Matthew D; Davidson, Andrew J
Cc: Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Palmer, Ann M; Prelogar, Brandon B; Levine, Laurence D
Subject: RE: TRIG Cases

Yes, we'll make it happen.

Thanks,
Karen

From: Ruppel, Joanna
Sent: Monday, February 06, 2017 4:21:55 PM
To: Farnam, Julie E; Neufeld, Donald W; McCament, James W; Campagnolo, Donna P; Renaud, Daniel M; Valverde, Michael; Kvortek, Lisette E; Emrich, Matthew D; Davidson, Andrew J; Sohrakoff, Karen A
Cc: Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Palmer, Ann M; Prelogar, Brandon B; Levine, Laurence D
Subject: RE: TRIG Cases

Since I believe that RAIO was tasked with the lead on this for USCIS, I would like to suggest that Karen Sohrakoff, copied here, take the lead on this. She already did a data call and has put together some numbers. Also, I know that the USCIS Office of Policy and she have been working on identifying some preliminary issues.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate
[redacted]
(b)(6)

From: Farnam, Julie E
Sent: Monday, February 06, 2017 4:19 PM
To: Neufeld, Donald W; McCament, James W; Campagnolo, Donna P; Renaud, Daniel M; Valverde, Michael; Kvortek, Lisette E; Ruppel, Joanna; Emrich, Matthew D; Davidson, Andrew J
Cc: Renaud, Tracy L; Young, Todd P; Walters, Jessica S
Subject: TRIG Cases

Good afternoon,

Could your office put together a briefing paper for AD1 that looks at the following issues:

1. TRIG cases that are currently on hold and for which there is no exemption right now.
   a. Number of cases
   b. Cases broken down by country
   c. Considerations as to whether we should deny these cases
2. A summary of pending TRIG exemption requests and the status of those requests.
3. List of current exemptions.

This paper is to help inform the decision as to whether we should we deny or continue to hold TRIG cases based on the recent Executive Order. Section 6 of the "Protecting the Nation from Foreign Terrorist Entry into the United States" Executive Order states:

"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 memorandum."

Please provide me with a draft no later than COB Friday, February 10th.

Thank you,
Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services
[redacted]

(b)(6)

Shirk, Georgette L

From: Groom, Molly M
Sent: Wednesday, February 01, 2017 6:35 AM
To: Zengotitabengoa, Colleen R; Whitney, Ronald W
Subject: FW: EO

(b)(5)

Any good arguments regarding why section 3 doesn't cover refugees? [redacted]

[redacted] Anyway can this be a top priority today?

From: Benedict, Deborah L
Sent: Tuesday, January 31, 2017 7:31:12 PM
To: Groom, Molly M
Subject: RE: EO

Having other departments weigh in might help (and the below is just based on my reading, maybe State has something stronger!).

From: Groom, Molly M
Sent: Tuesday, January 31, 2017 7:29 PM
To: Benedict, Deborah L
Subject: RE: EO

They dismissed any argument Friday night. But maybe they will reconsider.

From: Benedict, Deborah L
Sent: Tuesday, January 31, 2017 7:21:20 PM
To: Groom, Molly M
Subject: RE: EO

(b)(5)

Nope unfortunately not [redacted]

From: Groom, Molly M
Sent: Tuesday, January 31, 2017 7:11 PM
To: Benedict, Deborah L
Subject: RE: EO

She told me who the lawyer was but didn't provide her reasoning—do you have that?

From: Benedict, Deborah L
Sent: Tuesday, January 31, 2017 7:08 PM
To: Groom, Molly M
Subject: EO

Assuming Barbara reached you regarding the State lawyer's interpretation of the EO Section 3?

Shirk, Georgette L

From: Ho, Cheri L
Sent: Thursday, February 02, 2017 6:53 PM
To: ZSF STAFF - CIS
Subject: FW: EO Guidance - business as usual
Attachments: EO 1-27 implementation guidance signed and dated.pdf

All,
We can now proceed with adjudicating all pending cases. Cheri

Cheri Ho
Deputy Director
San Francisco Asylum Office
U.S. Citizenship & Immigration Services, DHS
[redacted] (b)(6)

From: Kim, Ted H
Sent: Thursday, February 02, 2017 2:40 PM
To: Aguilar, Kimberly M; Bardini, Emilia M; Boyle, Meghann W; Bundy, Kelsey D; Daum, Robert L; Flanagan, Lisa M; Gadson, Irvin C; Ho, Cheri L; Hong, Marianne X; Hussey, Jedidah M; Kline, Jennifer M; Madsen, Kenneth S; Menges, Patricia A; Papazian, Varsenik L; Radel, David M; Raufer, Susan; Rellis, Jennifer L; Varghese, Mathew C; Varghese, Sunil R
Cc: Caudill-Mirillo, Ashley B; Kirkland, Brooke A; Lafferty, John L; Mura, Elizabeth E; Pilotti, David A; Potts-Hansen, Stephanie N; Roberts, Rhonda J; Schaper, Michael C; Tanner, Rebecca S
Subject: FW: EO Guidance

Attached is the written formal USCIS guidance that we have been waiting for that allows us to resume adjudicating affirmative asylum cases as normal.

I also checked with CSPED, and if you are asked by members of the public if we are operating "business as usual," we can respond affirmatively. If the inquiries are more complicated than that or relate to other aspects of the Executive Orders, please continue to forward those to me for response by HQ CSPED.

Thanks,
Ted

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.

5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

Shirk, Georgette L

From: Carpenter, Dea D on behalf of OCC-Clearance
Sent: Friday, February 03, 2017 8:17 AM
To: RALD; USCIS OCC NSCD
Cc: Zengotitabengoa, Colleen R; Whitney, Ronald W; Hammill, Hunter A; Owens, Jessica D; Franke, Evan R; Zill, Katherine F; Groom, Molly M; Busch, Philip B
Subject: FW: EO Tasking on Information for Adjudications - Edits requested by 11:00 a.m.!
Attachments: TEMPLATE_E.O Section 3 Data Call USCIS.docx

RALD - Please take the lead on review and response of this item for OCC, and cc the Box on your reply to the client. Thank you!

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:51 PM
To: Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R
Cc: Groom, Molly M; OCC-Clearance
Subject: RE: EO Tasking on Information for Adjudications

Sorry, please use this version. Added two points to data point 2.

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:41 PM
To: Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R
Cc: Groom, Molly M; OCC-Clearance
Subject: EO Tasking on Information for Adjudications

Attached is a summary of information we'd want from other countries to assist in our adjudications process as requested in the "Terrorist Entry" EO, Section 3a. For this tasking we just need a list that DHS PLCY/SCO can incorporate into the larger report they are drafting for this deliverable. This is due to the department tomorrow, so if I could have your edits by 11:00 tomorrow morning, that would be greatly appreciated. It's a fairly succinct document, so hopefully it shouldn't take long to review. Much thanks!

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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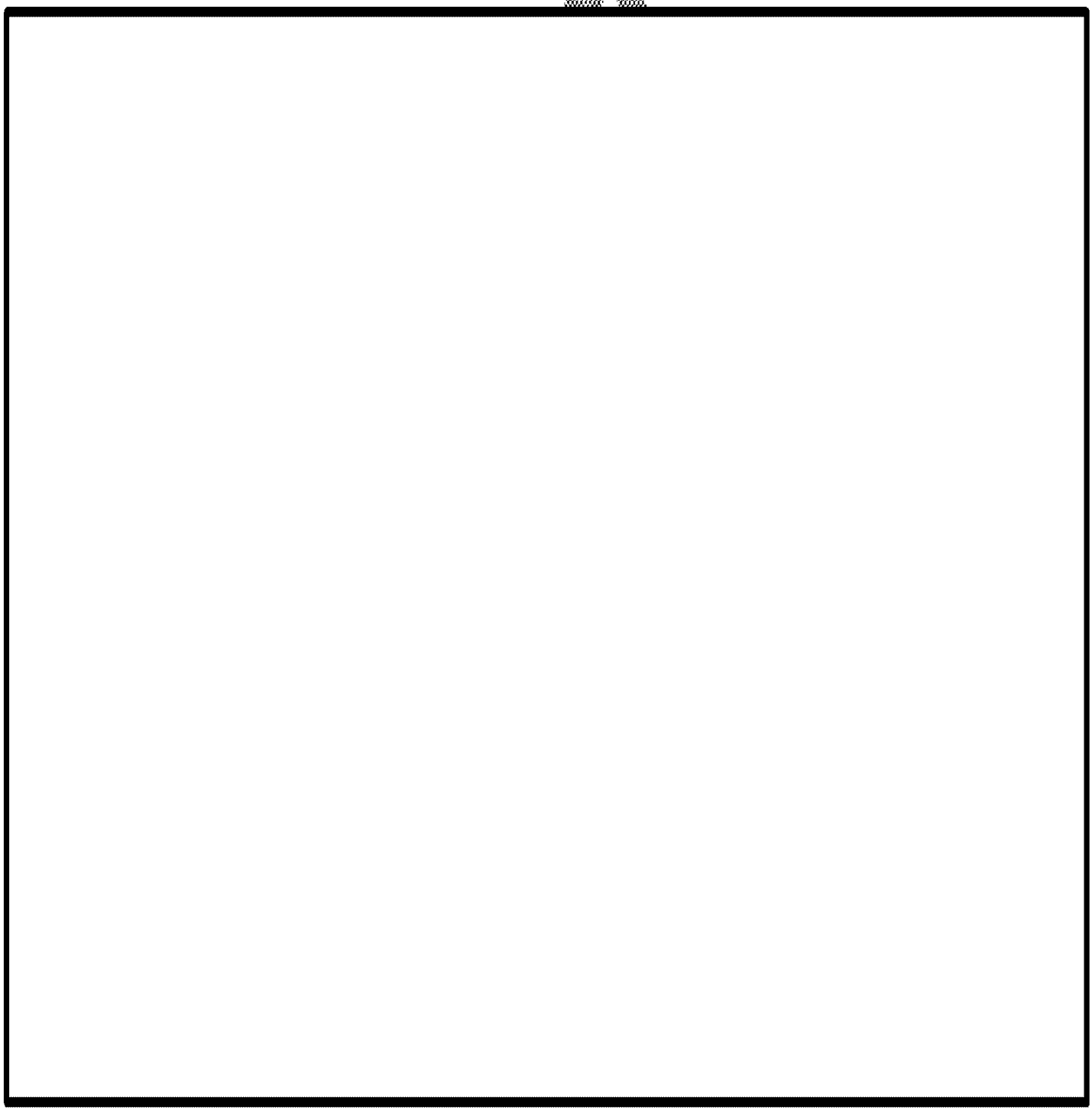
COMPONENT DATA CALL

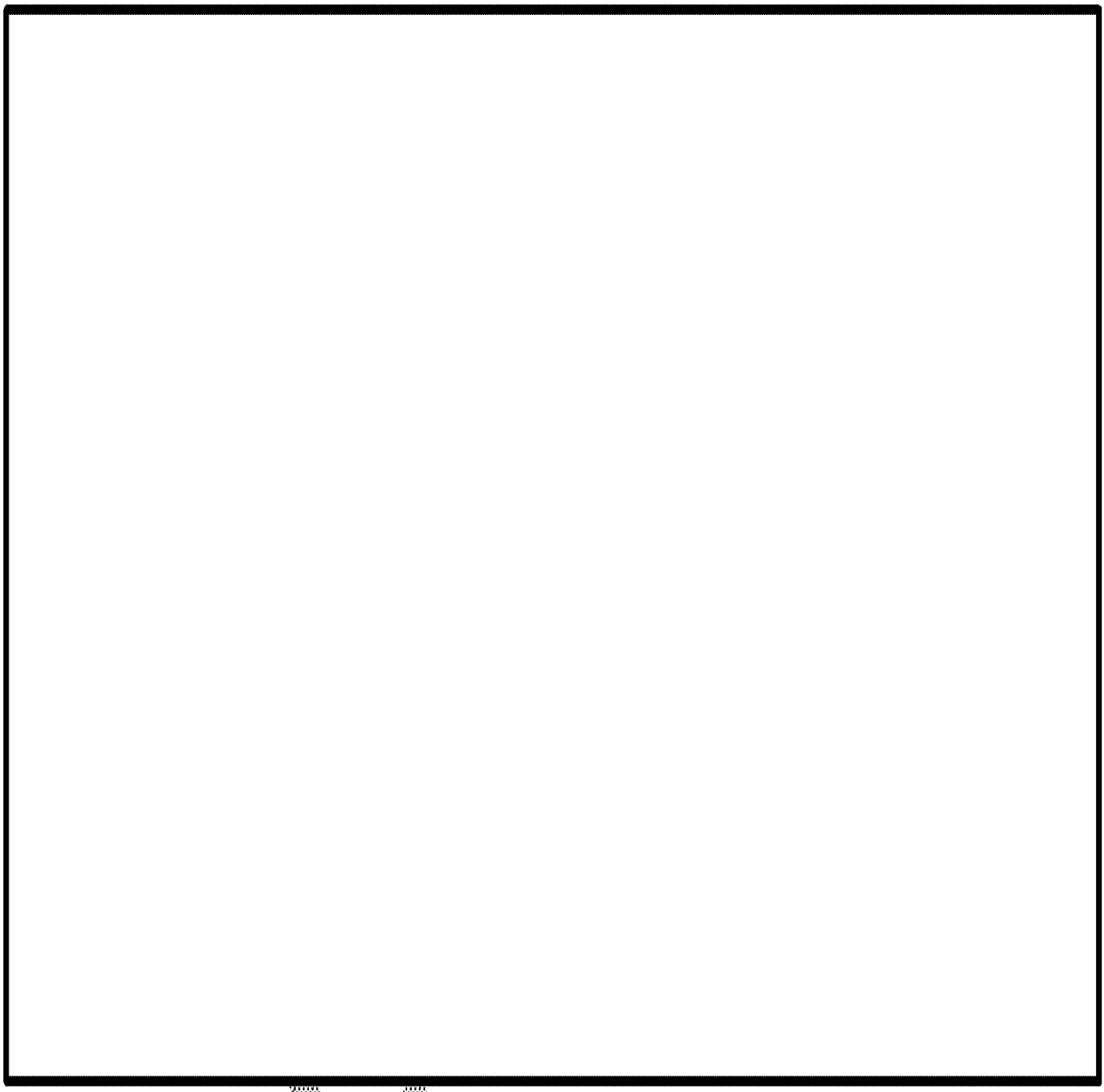
General Instructions for Section 3 of Executive Order

(b)(7)(e)

"Protecting the Nation from Foreign Terrorist Entry into the United States"

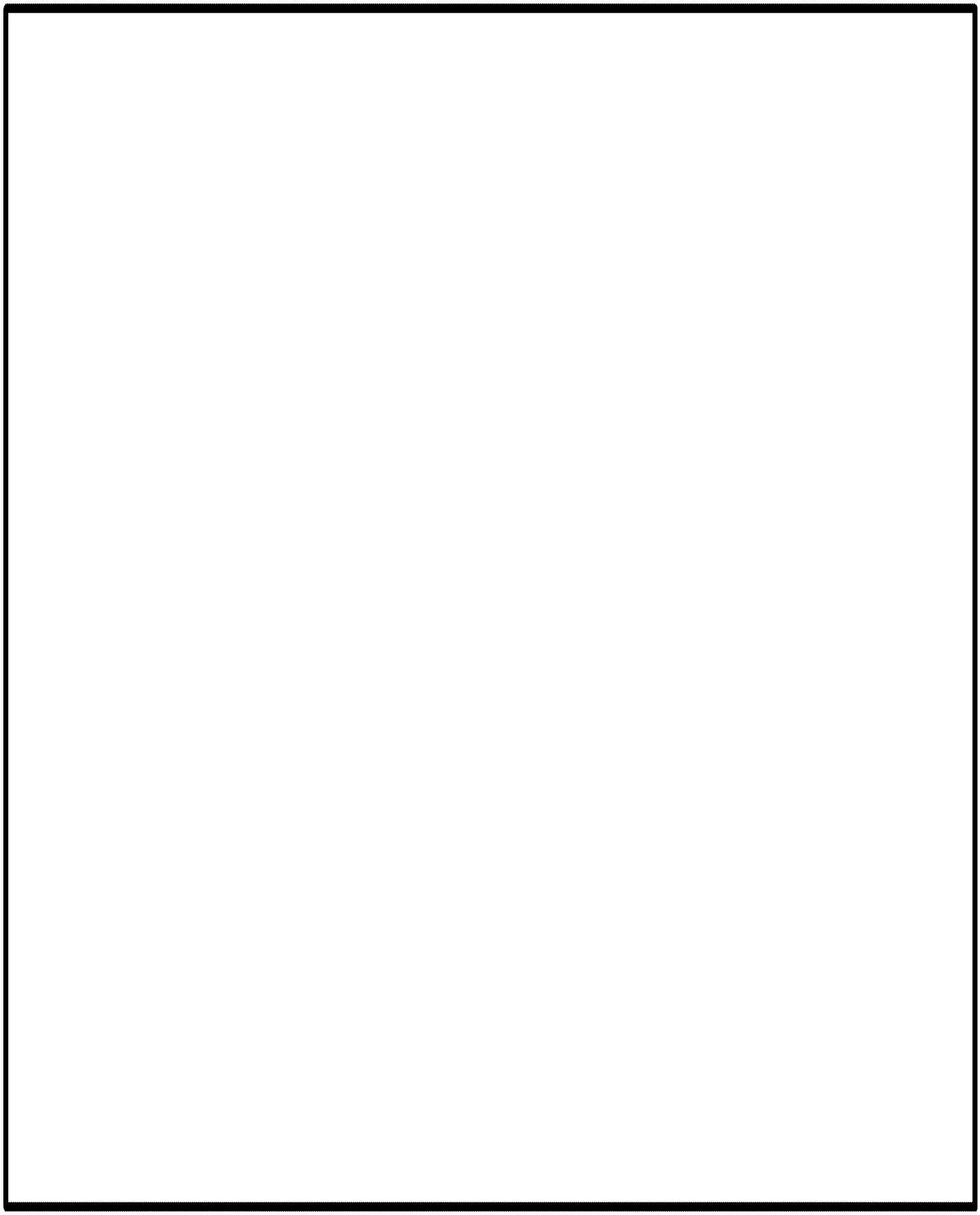
Data Objective 1: Confirm Individual's Identity

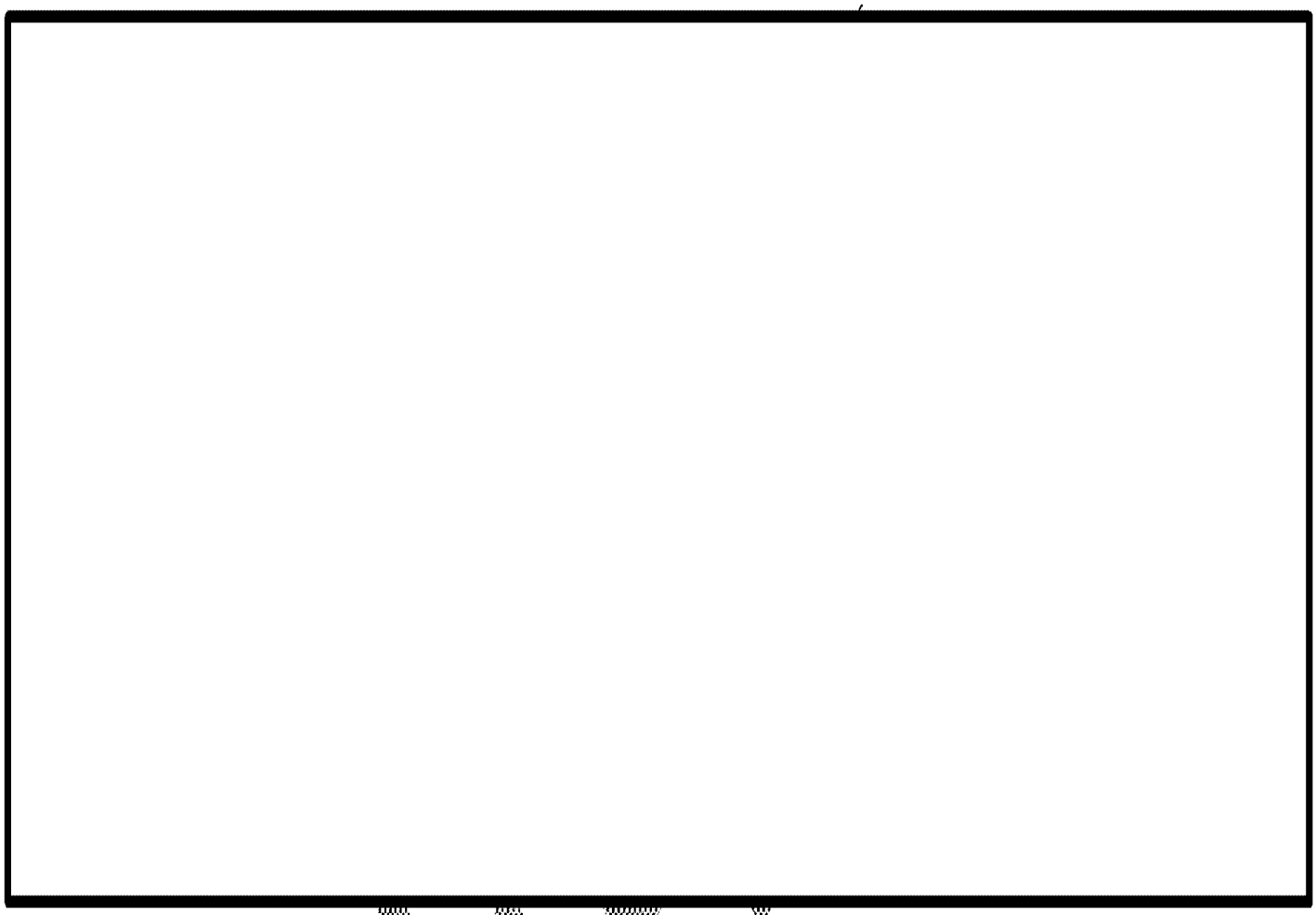




Data Objective 2: Determine Security (Counterterrorism) Risk (b)(7)(e)

(b)(7)(e)





Data Objective 3: Determine Public Safety (Law Enforcement and Illegal Immigration) Risk (b)(7)(e)

(b)(7)(e)

[redacted]

Submitted by: Lori Scialabba

Component: USCIS

POC (Name, email, telephone): Julie Farnam; [redacted] (b)(6)

Cleared By:

DRAFT

Referred to U.S. Customs and Border Protection

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Referred to Department of Homeland Security

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Referred to Department of Justice

Shirk, Georgette L

From: Zengotitabengoa, Colleen R
Sent: Wednesday, February 01, 2017 8:12 AM
To: Groom, Molly M; Whitney, Ronald W
Subject: RE: EO

That would be my argument but can focus on this today.

From: Groom, Molly M
Sent: Wednesday, February 01, 2017 7:34:36 AM
To: Zengotitabengoa, Colleen R; Whitney, Ronald W
Subject: FW: EO

(b)(5)

Any good arguments regarding why section 3 doesn't cover refugees? [redacted]

[redacted] Anyway can this be a top priority today?

From: Benedict, Deborah L
Sent: Tuesday, January 31, 2017 7:31:12 PM
To: Groom, Molly M
Subject: RE: EO

Having other departments weigh in might help (and the below is just based on my reading, maybe State has something stronger!).

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Subject: RE: EO

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Sent: Tuesday, January 31, 2017 7:21:20 PM
To: Groom, Molly M
Subject: RE: EO

(b)(5)

[redacted]

From: Groom, Molly M
Sent: Tuesday, January 31, 2017 7:11 PM

To: Benedict, Deborah L
Subject: RE: EO

She told me who the lawyer was but didn't provide her reasoning—do you have that?

From: Benedict, Deborah L
Sent: Tuesday, January 31, 2017 7:08 PM
To: Groom, Molly M
Subject: EO

Assuming Barbara reached you regarding the State lawyer's interpretation of the EO Section 3?

Shirk, Georgette L

From: Groom, Molly M
Sent: Wednesday, February 01, 2017 11:11 AM
To: Whitney, Ronald W; Zengotitabengoa, Colleen R
Subject: RE: EO

You were on the reply—did you get it?

From: Whitney, Ronald W
Sent: Wednesday, February 01, 2017 12:09 PM
To: Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: EO

Did you ever hear back from Meg?

From: Groom, Molly M
Sent: Wednesday, February 01, 2017 4:35 AM
To: Zengotitabengoa, Colleen R; Whitney, Ronald W
Subject: FW: EO (b)(5)

Any good arguments regarding why section 3 doesn't cover refugees? [redacted]

[redacted] Anyway can this be a top priority today?

From: Benedict, Deborah L
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To: Groom, Molly M
Subject: RE: EO (b)(5)

[redacted]

(b)(5)

[redacted]

From: Groom, Molly M
Sent: Tuesday, January 31, 2017 7:11 PM
To: Benedict, Deborah L
Subject: RE: EO

She told me who the lawyer was but didn't provide her reasoning—do you have that?

From: Benedict, Deborah L
Sent: Tuesday, January 31, 2017 7:08 PM
To: Groom, Molly M
Subject: EO

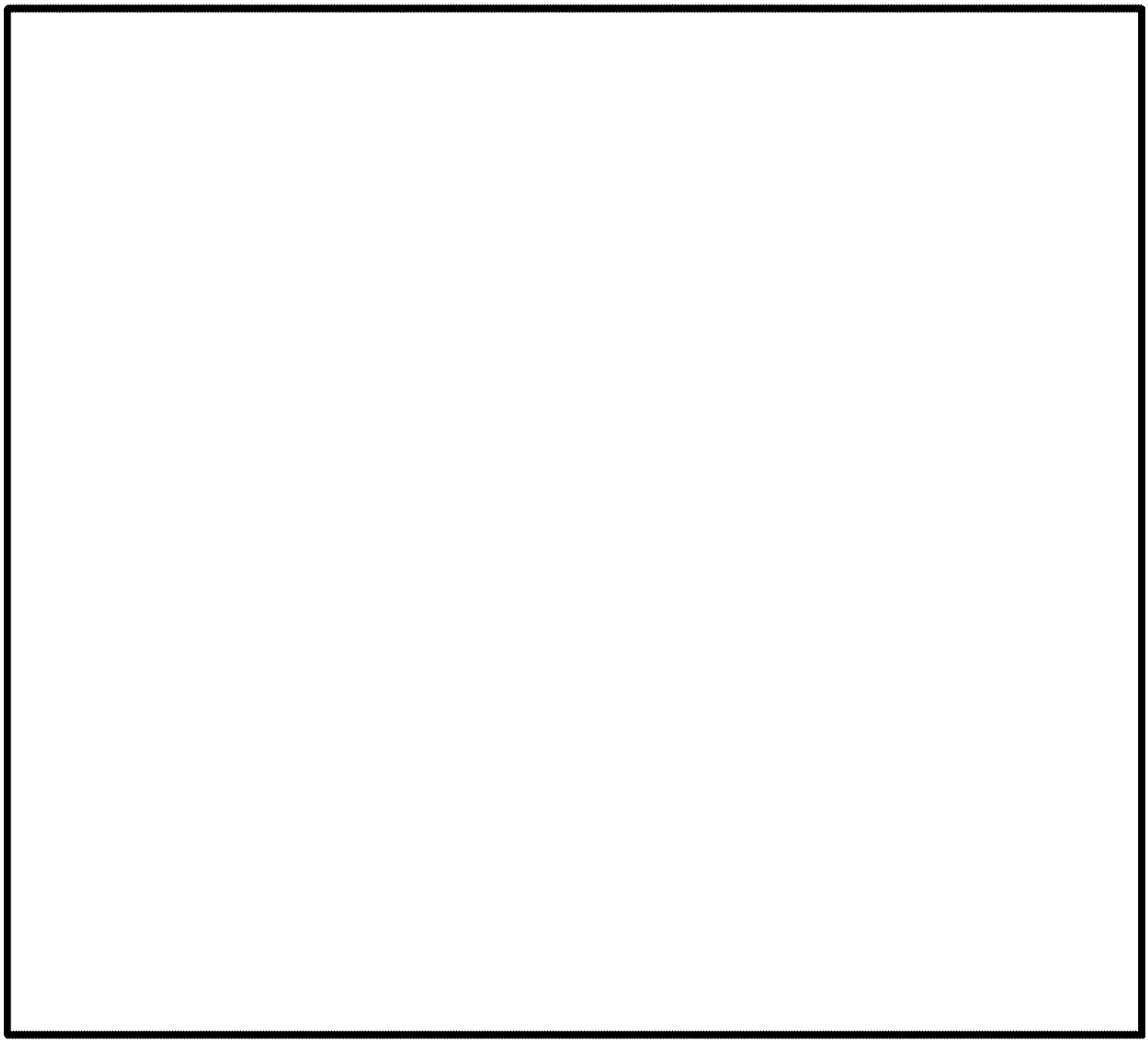
Assuming Barbara reached you regarding the State lawyer's interpretation of the EO Section 3?

Shirk, Georgette L

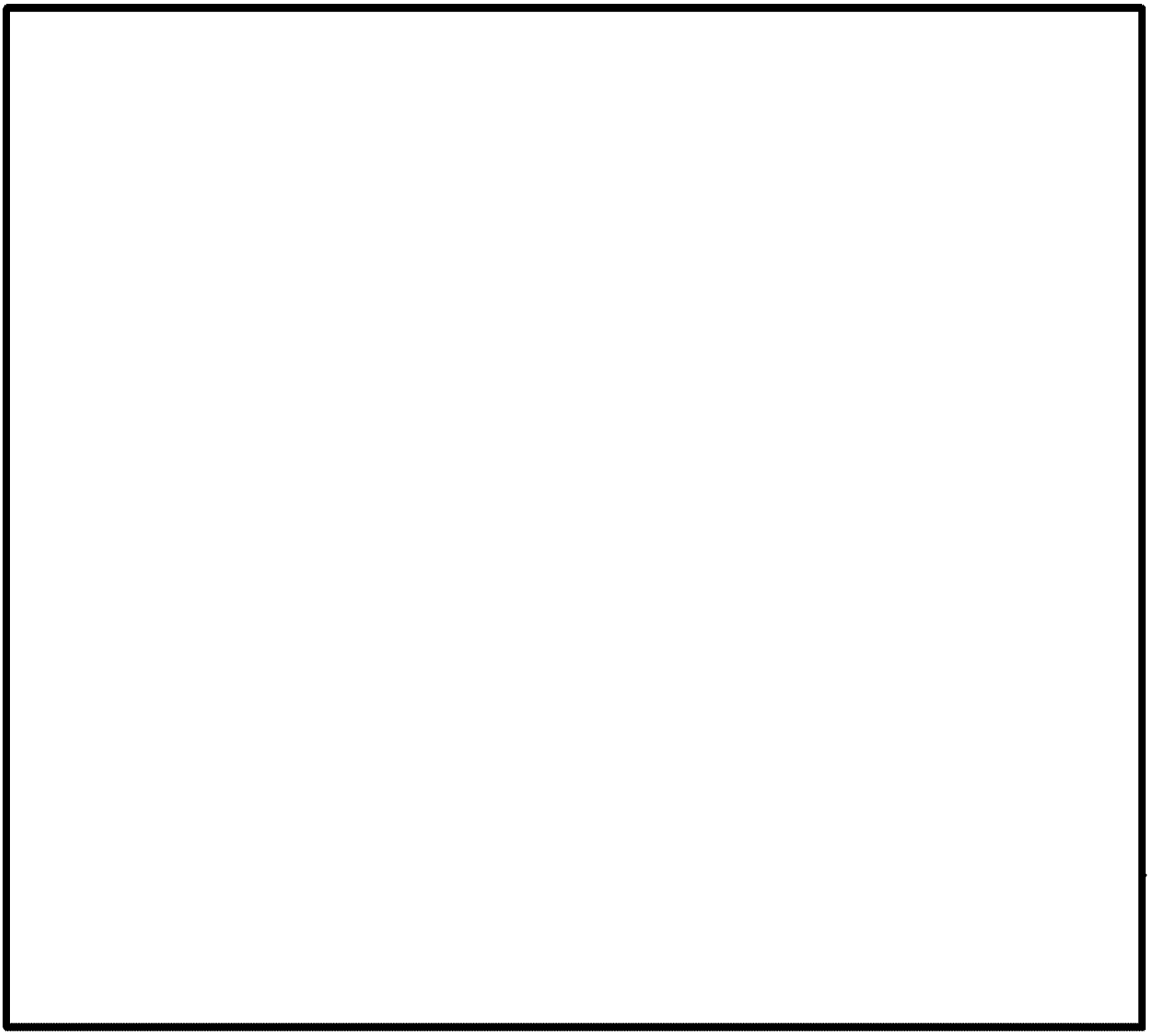
From: Groom, Molly M
Sent: Sunday, February 05, 2017 6:52 PM
To: Whitney, Ronald W; Busch, Philip B; Zengotitabengoa, Colleen R; Lonegan, Bryan K
Subject: RE: Follow up thoughts on litigation

It hasn't been decided what prioritizing means.

From: Whitney, Ronald W
Sent: Sunday, February 05, 2017 7:33:56 PM
To: Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R; Lonegan, Bryan K
Subject: RE: Follow up thoughts on litigation (b)(5)



(b)(5)



Go Falcons.

--Ron

From: Busch, Philip B
Sent: Sunday, February 05, 2017 11:02 AM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

(b)(5)

From: Groom, Molly M
Sent: Sunday, February 05, 2017 1:30:44 PM
To: Busch, Philip B; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

(b)(5)

It may be and we will figure that out. [redacted]

From: Busch, Philip B
Sent: Sunday, February 05, 2017 12:37:04 PM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

(b)(5)

I was thinking about this question while churning up and down the Yorktown pool this morning. [redacted]

[redacted] (b)(5)

Phil

From: Zengotitabengoa, Colleen R
Sent: Sunday, February 05, 2017 11:35:19 AM
To: Groom, Molly M; Lonegan, Bryan K; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Will do.

From: Groom, Molly M
Sent: Sunday, February 05, 2017 11:01:22 AM
To: Lonegan, Bryan K; Zengotitabengoa, Colleen R; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Colleen I think you should reach out to Meg and see what she has in mind.

From: Lonegan, Bryan K
Sent: Sunday, February 05, 2017 10:40:53 AM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation (b)(5)

[redacted]

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Sent: Sunday, February 05, 2017 10:31:11 AM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Yes, discussions with DOJ folks would be mutually beneficial; [redacted]

(b)(5)

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Sent: Sunday, February 05, 2017 8:52:15 AM

To: Zengotitabengoa, Colleen R; Lonegan, Bryan K; Busch, Philip B; Whitney, Ronald W
Subject: FW: Follow up thoughts on litigation

Colleen/Bryan/Ron-

(b)(5)

Can you all dig deeper on this issue and continue the discussions with DOS. Meg P. wants to have discussion with DOJ establishment expert at that seems like good idea. [redacted] Let's figure it out.

From: Strack, Barbara L
Sent: Sunday, February 05, 2017 8:44:37 AM
To: Groom, Molly M; Ruppel, Joanna; Stone, Mary M; Busch, Philip B
Subject: Follow up thoughts on litigation

All -

I wanted to follow up w/you on some issues related to yesterday's litigation call, with the understanding that this communication is protected by attorney/client privilege. In particular, I want to focus on the "religious minority" language.

(b)(5)

[redacted]

Wanted to share this thinking and bring Joanna and MM into the loop before I leave for vacation later today, Barbara

Shirk, Georgette L

From: Groom, Molly M
Sent: Sunday, February 05, 2017 12:31 PM
To: Busch, Philip B; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation (b)(5)

It may be and we will figure that out [redacted]

From: Busch, Philip B
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To: Zengotitabengoa, Colleen R; Groom, Molly M; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

I was thinking about this question while churning up and down the Yorktown pool this morning (b)(5)

[redacted]

(b)(5)

[redacted]

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Colleen/Bryan/Ron-

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(b)(5)

Shirk, Georgette L

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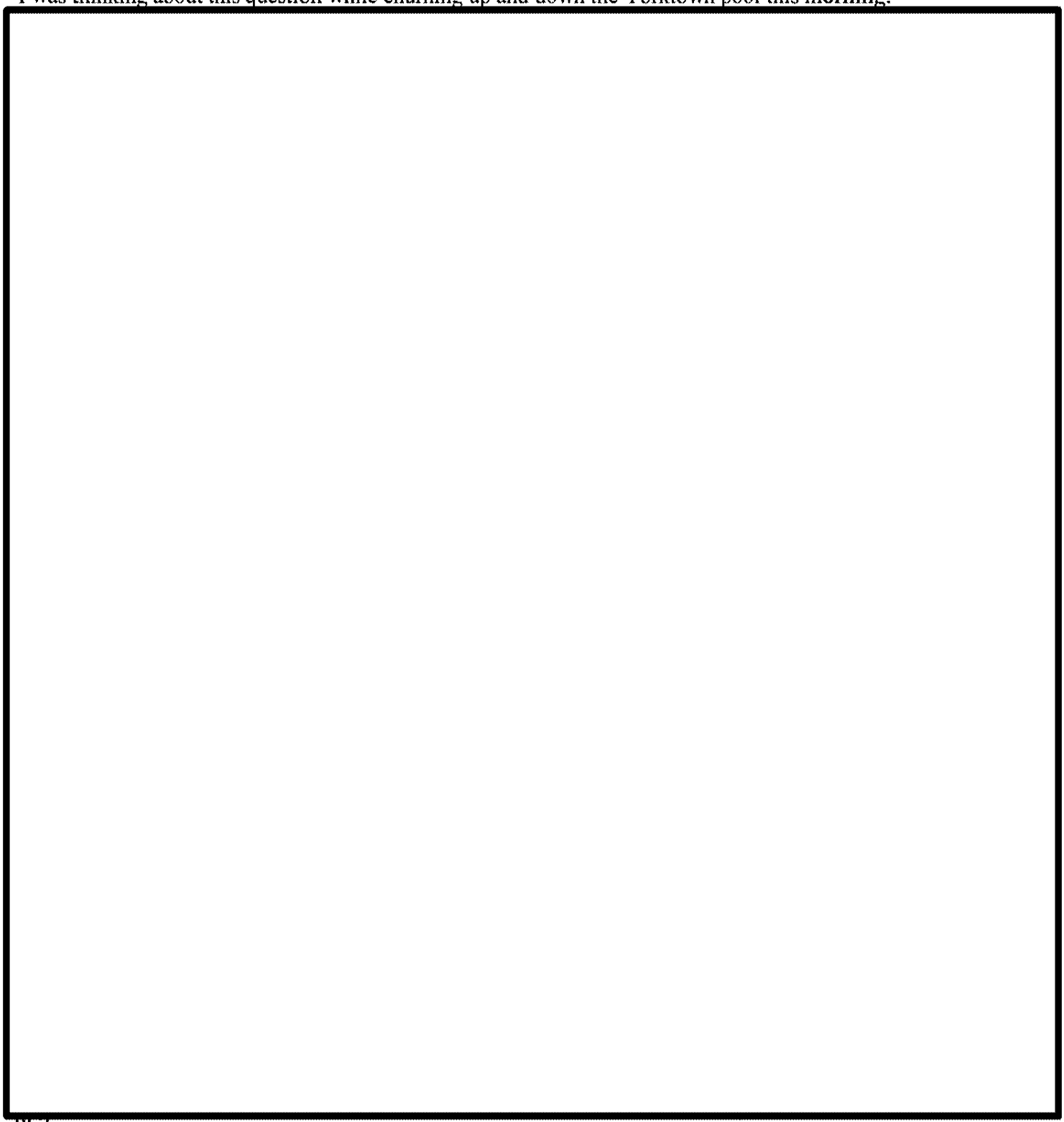

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[redacted]

Wanted to share this thinking and bring Joanna and MM into the loop before I leave for vacation later today, Barbara

Shirk, Georgette L

From: Lonegan, Bryan K
Sent: Wednesday, February 08, 2017 7:58 AM
To: Whitney, Ronald W; Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: Follow up thoughts on litigation

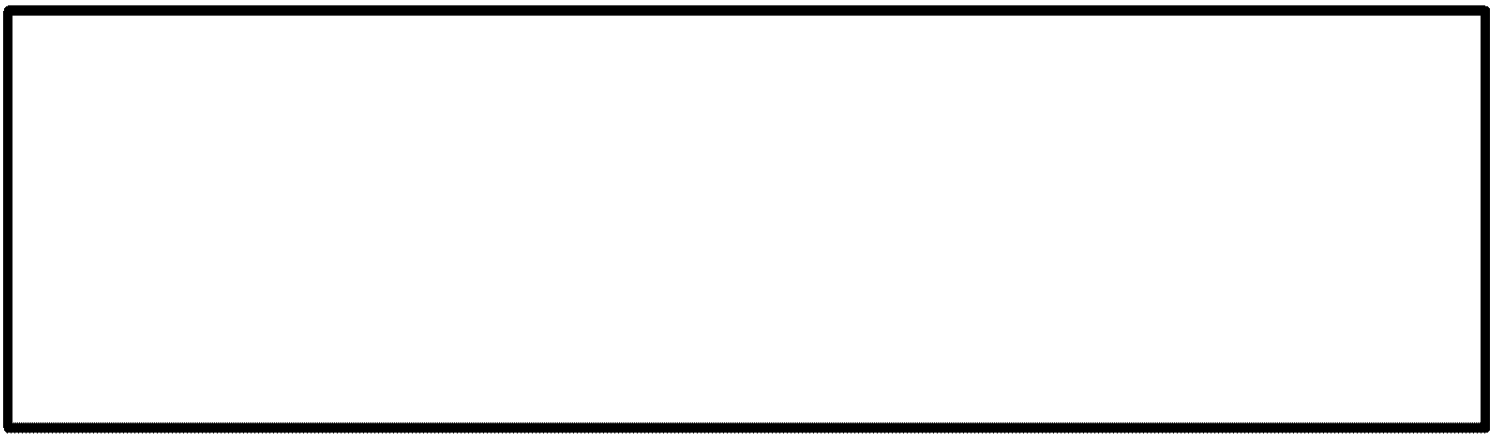
(b)(5)

Just wanted to share this.

From: Whitney, Ronald W
Sent: Sunday, February 05, 2017 9:57 PM
To: Lonegan, Bryan K; Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: Follow up thoughts on litigation

(b)(5)

(b)(5)



--Ron

From: Lonegan, Bryan K
Sent: Sunday, February 05, 2017 5:05 PM
To: Whitney, Ronald W; Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: Follow up thoughts on litigation

(b)(5)

From: Whitney, Ronald W
Sent: Sunday, February 05, 2017 7:33:56 PM
To: Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R; Lonegan, Bryan K
Subject: RE: Follow up thoughts on litigation

(b)(5)

[redacted]

Go Falcons.

--Ron

From: Busch, Philip B
Sent: Sunday, February 05, 2017 11:02 AM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

(b)(5)

[redacted]

From: Groom, Molly M
Sent: Sunday, February 05, 2017 1:30:44 PM
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Subject: RE: Follow up thoughts on litigation

(b)(5)

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[redacted]

(b)(5)

[redacted]

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(b)(5)

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Colleen/Bryan/Ron-

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[redacted]

(b)(5)

[redacted]

Wanted to share this thinking and bring Joanna and MM into the loop before I leave for vacation later today,
Barbara

Referred to U.S. Department of State

(b)(6

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Shirk, Georgette L

From: Schwartz, Claudia R
Sent: Monday, February 06, 2017 3:54 PM
To: Groom, Molly M
Cc: Zengotitabengoa, Colleen R; Whitney, Ronald W
Subject: RE: TRIG points for PCC

Molly – (b)(5)

Below are some thoughts on litigation risks on revocation/rescission per our brief conversation. This chain below also includes some correspondence between Brandon and Joanna about tomorrow's Transborder PCC meeting.

[redacted]

Let me know if anything else would be helpful,
Claudia (b)(5)

Claudia Schwartz, Associate Counsel
Office of the Chief Counsel, Refugee and Asylum Law Division
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Monday, February 06, 2017 4:00 PM
To: Prelogar, Brandon B
Cc: Sohrakoff, Karen A; Schwartz, Claudia R; Anderson, Kathryn E
Subject: RE: TRIG points for PCC

Tremendously helpful! Thank you. Do you have any sense of the DHS position here?

Also, with respect to your prior email, we should have our final RAIO task tracker done by tomorrow and I will share with you, then we can discuss how best to collaborate.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

From: Prelogar, Brandon B
Sent: Monday, February 06, 2017 3:53 PM
To: Ruppel, Joanna
Cc: Sohrakoff, Karen A; Schwartz, Claudia R; Anderson, Kathryn E
Subject: TRIG points for PCC

Joanna,

I know Karen updated you on the work we've initiated with State relating to the TRIG directive in the EO. We were just discussing and thinking that for tomorrow's PCC it may be helpful to arm you with a couple points to help guide consensus on the appropriate course of action responsive to the directive, insofar as you have a chance to weigh in. On process, our thinking is that the most thoughtful result is likely to follow from bilateral collaboration between USCIS and State – i.e., the other USG entity with experience applying the exemptions to actual cases – followed by broader

interagency consultation based on what is hopefully a joint State-DHS (i.e., USCIS) analysis and recommendation. In the event that there is a call for a WH-driven process, our hope is that (1) Multilat leads it, as that directorate traditionally has with respect to TRIG, and (2) some time is permitted to allow the State-USCIS collaboration to take place first. I'm touching base with Sarah Cross (Ronnie's successor) tomorrow and plan to advocate the same with her. Let me know if you want to discuss or think a different course makes sense, though.

Here are TPs that briefly highlight our work and suggest a path forward:

- In response to EO Section 6, which requires considering rescission of existing exercises of authority for TRIG exemptions, DHS and State have begun working on a joint review process to assess the value of the exercises of authority. The review process will take into account factors such as their utility in adjudications, national security implications, and foreign policy considerations. The aim of this work is to arrive at a joint, evidence-based, working-level analysis responsive to Section 6's directive. We would then share this with DOJ for consultation, as set out in the EO, with the aim of arriving at a consensus recommendation for our departments' respective leadership.
- *[If asked for an estimate of how long it would take us to produce the analysis]:* For USCIS' part, if State agrees, we think we could have something preliminarily developed at the working-level in 2-3 weeks.

Hope that helps, and good luck tomorrow!

Brandon Prelogar
Chief, International and Humanitarian Affairs Division
Department of Homeland Security/U.S. Citizenship and Immigration Services
Office of Policy and Strategy

[redacted] (b)(6)

Shirk, Georgette L

From: Elder, Phillip D
Sent: Tuesday, February 07, 2017 2:52 PM
To: Whitney, Ronald W; Zengotitabengoa, Colleen R; Hammill, Hunter A
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

I don't know, but we may want to prepare for that possibility. Meanwhile, we still need to decide on how we will communicate termination of the CAM program.

From: Whitney, Ronald W
Sent: Tuesday, February 07, 2017 3:34 PM
To: Elder, Phillip D; Zengotitabengoa, Colleen R; Hammill, Hunter A
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Have we conveyed our comments? Presumably, this won't be posted unless Section 5(a) of the EO is put back in place?

Ron Whitney
Deputy Chief, Refugee and Asylum Law Division
USCIS, Office of the Chief Counsel
[redacted] (b)(6)

From: Elder, Phillip D
Sent: Tuesday, February 07, 2017 6:13 AM
To: Zengotitabengoa, Colleen R; Hammill, Hunter A; Whitney, Ronald W
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

(b)(5)

Okay. I don't have any major concerns with Joanna's draft below [redacted]

From: Zengotitabengoa, Colleen R
Sent: Tuesday, February 07, 2017 9:02 AM
To: Hammill, Hunter A; Elder, Phillip D; Whitney, Ronald W
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Nothing went out, as far as I know. IO is looking for this language today, since they got permission for the parolees to travel this week, but looks like it's turned off after this week. Though we don't have confirmation of that yet.

From: Hammill, Hunter A
Sent: Tuesday, February 07, 2017 9:01 AM
To: Elder, Phillip D; Zengotitabengoa, Colleen R; Whitney, Ronald W
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

I didn't see anything actually go out, and our website looks like it's not updated.

From: Elder, Phillip D
Sent: Tuesday, February 07, 2017 8:32:52 AM

To: Hammill, Hunter A; Zengotitabengoa, Colleen R; Whitney, Ronald W
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Did we issue anything on this?

From: Hammill, Hunter A
Sent: Friday, February 03, 2017 11:56 AM
To: Elder, Phillip D
Subject: FW: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Can you look at this too?

From: Groom, Molly M
Sent: Friday, February 03, 2017 11:53 AM
To: Hammill, Hunter A; Whitney, Ronald W; Zengotitabengoa, Colleen R
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Oh yes—he was just here—I'm going too fast!

From: Hammill, Hunter A
Sent: Friday, February 03, 2017 11:50 AM
To: Groom, Molly M; Whitney, Ronald W; Zengotitabengoa, Colleen R
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Yes, I think it leaves open the question of winding down and concerns related to that on pipeline cases. Do you want me to run it be Phillip as well?

From: Groom, Molly M
Sent: Friday, February 03, 2017 11:42 AM
To: Hammill, Hunter A; Whitney, Ronald W; Zengotitabengoa, Colleen R
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Yes! You ok with suspension language?

From: Hammill, Hunter A
Sent: Friday, February 03, 2017 11:42 AM
To: Groom, Molly M; Whitney, Ronald W; Zengotitabengoa, Colleen R
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees (b)(5)

[redacted]

From: Groom, Molly M
Sent: Friday, February 03, 2017 11:35 AM
To: Whitney, Ronald W; Zengotitabengoa, Colleen R; Hammill, Hunter A
Subject: FW: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees
Importance: High

Are we ok with the language—suspending parole? I think that accurately reflects what they are doing but any legal vulnerabilities?

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 11:33 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Farnam, Julie E; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Strack, Barbara L; Stone, Mary M; Chiorazzi, Anne; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees
Importance: High

Here is our proposed language, based on what we understand the current thinking to be. Is this your understanding of the decision and can we message this as noted below? We have people scheduled to travel on Monday. IOM has booked and the beneficiaries have paid for their travel. Please note that approximately 190 people have booked travel. Of those, only one individual would be traveling with a refugee family member. [note, our numbers are from IOM, so we may be off a bit, but this is close]

SUSPENSION OF TRAVEL FOR INDIVIDUALS GRANTED PAROLE UNDER THE CENTRAL AMERICAN MINORS REFUGEE/PAROLE PROGRAM (CAM)

On January 27, 2017, President Donald J. Trump signed an Executive Order, "Protecting the Nation From Terrorist Entry into the United States" that called for an immediate suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days. In light of this temporary suspension, USCIS will also be pausing travel to the United States for all individuals granted parole under the Central American Minors Refugee/Parole Program. USCIS will act as follows:

- During this suspension, an applicant whose parole request has been approved by USCIS will be permitted to travel with any refugee family member who is permitted to travel pursuant to an exemption.
- The travel for all other individuals who were granted parole by USCIS under this program will be suspended until the U.S. Refugee Admission Program resumes for this population.

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

Shirk, Georgette L

From: Stone, Mary M
Sent: Sunday, January 29, 2017 2:50 PM
To: Ruppel, Joanna
Cc: Strack, Barbara L; Nicholson, Maura J; Gulati, Sonia; Kliska, Jennifer R; McAllum, Jessica L; Hottel, Erin M; Strong, Stacy K
Subject: FW: EO implementation
Attachments: Responses for D1 1.29.17.docx; Q2 Breakdown of Nationalities and Religions with CR Information 1.29.17.docx

Joanna – here is what we have so far. Maura is still trying to add the I-730 stats, but I wanted to send you something before Lori's 4p.

From: Kliska, Jennifer R
Sent: Sunday, January 29, 2017 3:48 PM
To: Stone, Mary M; Nicholson, Maura J; McAllum, Jessica L; Gulati, Sonia; Hottel, Erin M; Strong, Stacy K
Subject: RE: EO implementation

Now it includes the updated table.

From: Stone, Mary M
Sent: Sunday, January 29, 2017 3:46 PM
To: Nicholson, Maura J; McAllum, Jessica L; Kliska, Jennifer R; Gulati, Sonia; Hottel, Erin M; Strong, Stacy K
Subject: RE: EO implementation

Here's the document....

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 3:41 PM
To: Stone, Mary M; McAllum, Jessica L; Kliska, Jennifer R; Gulati, Sonia; Hottel, Erin M; Strong, Stacy K
Subject: RE: EO implementation

Fine with me. I'd tweaked the I-730 response a bit. Otherwise looks good to me. We just need to add the stats and the tables Jen has.

From: Stone, Mary M
Sent: Sunday, January 29, 2017 3:35 PM
To: Nicholson, Maura J; McAllum, Jessica L; Kliska, Jennifer R; Gulati, Sonia; Hottel, Erin M; Strong, Stacy K
Subject: RE: EO implementation

Here are the drafted responses in email format – just to make sure people are okay with them. I'll work on the word doc next.

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 12:00 PM
To: Ruppel, Joanna; Strack, Barbara L; Stone, Mary M

Cc: Renaud, Tracy L; Nicholson, Maura J; Hatchett, Dolline L; Alfonso, Angelica M; Walters, Jessica S; Young, Todd P
Subject: RE: EO implementation

Whatever we have already scheduled.

Go ahead with the interviews that you are recommending we keep. I already told DHS we are going ahead with Vienna. The one issue we might have is after the review of the process if we are adding anything to vetting or interviewing you may have to revisit the cases you are now interviewing.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 11:35:49 AM
To: Scialabba, Lori L; Strack, Barbara L; Stone, Mary M
Cc: Renaud, Tracy L; Nicholson, Maura J
Subject: RE: EO implementation

Lori,

We are working with RAD to provide you a consolidated response to questions below. We need clarification from you on question #3. Are you seeking all Circuit Rides scheduled for Q2?

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 9:42 AM
To: Strack, Barbara L; Ruppel, Joanna; Stone, Mary M
Cc: Renaud, Tracy L; Scialabba, Lori L
Subject: EO implementation

Barbara/Joanna,

I need some information.

1. How many refugees are travel ready and by that I mean we've completed everything and they could get on a plane. I want a breakdown by nationality.

RESPONSE: We have to request this information from PRM to extract from WRAPS. Additionally, RAD has been told to work with the RSCs to provide the most detailed information about cases as not everything is reflected in WRAPS.

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South Africa - Sudanese/Somalis, team of 4
Malaysia (sp) - Rohinga team of 4?

Make corrections where I have things wrong

RESPONSE: See attached.

3. Scheduled circuit rides coming up with the same information.

RESPONSE: See attached.

4. Can we get an RSO assessment on places we would normally go that may be dangerous after this announcement. Baghdad, Turkey, Egypt, Jordan, etc. Get me a completely list of where you think that is necessary. I don't think we will be going anywhere but having the information will be helpful.

RESPONSE: Any location in the Middle East (Egypt, Iraq, Jordan, Turkey, Lebanon, Saudi Arabia, and UAE). We would want to closely monitor all locations as we were notified today about unrest in Vienna affecting processing.

5. IF we are only admitting 50,000 refugees do we need to do more circuit rides to reach that number. Keep in mind we may not be admitting anyone or very few people from the 7countries.

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6. Please get me the number of I730s we have ready to interview or have interviewed that could travel. Break it down that way with nationalities. I also need it broken down by Asylum vs Refugee following to join.

RESPONSE: Only IO data is reported below which represents approximately 40-45% of total I-730 caseload worldwide. Please note DOS/Consular Affairs does roughly 50% of these interviews. USCIS will request statistics from State/PRM and State/Consular Affairs to try to obtain complete I-730 caseload data.

I know this is a tall order. I have a call at 4 and would appreciate anything you can get me by then.

Also, if you have any suggestions on how to handle case by case reviews (you'll need to have something that represents additional vetting) let me have that to run up the chain. If we can get that cleared we might be able to move ahead with some case by case review.

Sorry for the fire drill on a Sunday especially when we had one on Saturday too.

Thanks,
Lori

QUESTION 1

How many refugees are travel ready and by that I mean we've completed everything and they could get on a plane. I want a breakdown by nationality.

RESPONSE: We have to request this information from PRM to extract from WRAPS. Additionally, RAD has been told to work with the RSCs to provide the most detailed information about cases as not everything is reflected in WRAPS.

QUESTION 2

I know you already did it but give me a list of where we are on circuit rides right now, how many officers, and what the populations look like.

South Africa - Sudanese/Somalis, team of 4

Malaysia (sp) - Rohinga team of 4?

Make corrections where I have things wrong

RESPONSE: Here is a table with all planned Q2 circuit rides and their current status. Please see attached for further information on nationalities.

Ongoing In-Office Processing			
Division	**Location**	**Dates**	
IO	Bangkok, Thailand (USCIS FIELD OFFICE)	Ongoing	
IO	Havana, Cuba (USCIS FIELD OFFICE)	Ongoing	
IO	Moscow, Russia (USCIS FIELD OFFICE)	Ongoing	
IO	New Delhi, India (USCIS FIELD OFFICE)	Ongoing	
Circuit Rides in Progress on 01/28/2017			
Division	**Location**	**End Date**	**Estimated # of Team Members**
IO	Cape Town, South Africa (Curtailed as of 01/30/2017)	01/30	4
IO	Indonesia (Continuing to process)	02/10	4
RAD	Vienna, Austria (at US Consulate but postponed for security reasons)	02/24	1
Upcoming Circuit Rides			
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IO	Riyadh, Saudi Arabia (CANCELLED)	02/06 – 02/15	4
IO	Pretoria, South Africa (CANCELLED)	02/07 – 02/23	5
IO	Colombo, Sri Lanka (CANCELLED)	02/13 – 02/17	3
IO	Addis Ababa, Ethiopia (PENDING	02/22 – 02/22 (1	1

	DECISION)	day)	
IO	Ban Don Yang, Thailand (PENDING DECISION)	02/22 – 02/23	2
IO	Islamabad, Pakistan (PENDING DECISION)	02/22 – 03/03	3
IO	Malta (PENDING DECISION)	02/27 – 03/10	3
IO	Tham Hin, Thailand (PENDING DECISION)	02/28 – 03/02	2
IO	Malaysia (PENDING DECISION)	03/13 – 03/17	3
RAD	Burundi (CANCELLED)	1/27 – 2/26	5
RAD	Burundi (PENDING DECISION)	2/25/ - 3/25	5
RAD	Chad (CANCELLED)	2/3-3/17	5
RAD	Chad (CANCELLED)	2/10-3/22	6
RAD	Ethiopia (CANCELLED)	2/5-3/23	9
RAD	Kenya (CANCELLED)	1/30-3/17	13
RAD	Kenya/Ethiopia (PENDING DECISION)	2/27 – 4/14	11
RAD	Tanzania (CANCELLED)	2/12-3/21	12
RAD	Uganda (CANCELLED)	1/28-3/8	13
RAD	Malaysia/Nepal (CANCELLED)	2/10-3/8	13
RAD	Malaysia/Nepal (PENDING DECISION)	3/9 – 3/26	9
RAD	Nauru (CANCELLED)	1/29-2/25	5
RAD	Nauru (PENDING DECISION)	3/24-4-28	8
RAD	Thailand (CANCELLED)	1/27-3/11	4
RAD	El Salvador (CANCELLED)	2/1-3/17	15
RAD	El Salvador (PENDING DECISION)	3/20-5/5	16
RAD	Guatemala (PENDING DECISION)	2/25-3/4	4
RAD	Honduras (CANCELLED)	2/1-2/25	6
RAD	Vienna, Austria (ONGOING)	1/23-2/24	1
RAD	Vienna, Austria (ONGOING)	3/18-4/20	3
RAD	Trinidad (PENDING DECISION)	3/6-3/15	1
RAD	Ecuador (CANCELLED)	1/30-2/24	4
RAD	Cairo, Egypt (CANCELLED)	2/4-3/21	18
RAD	Baghdad, Iraq (CANCELLED)	2/4-3/23	14
RAD	Baghdad, Iraq (PENDING DECISION)	3/20-5/4	15
RAD	Erbil, Iraq (PENDING DECISION)	3/1-3/17	4
RAD	Tel Aviv, Israel (CANCELLED)	02/04 – 02/24	3
RAD	Amman, Jordan (CANCELLED)	1/29-3/15	26
RAD	Amman, Jordan (PENDING DECISION)	3/12-4/27	25
RAD	Lebanon (CANCELLED)	2/3-3/18	5
RAD	Istanbul, Turkey (CANCELLED)	2/6 – 3/22	28
RAD	Dubai, UAE (PENDING DECISION)	2/19-3/24	4

QUESTION 3

Scheduled circuit rides coming up with the same information.

RESPONSE: See above and attached.

QUESTION 4

Can we get an RSO assessment on places we would normally go that may be dangerous after this announcement. Baghdad, Turkey, Egypt, Jordan, etc. Get me a completely list of where you think that is necessary. I don't think we will be going anywhere but having the information will be helpful.

RESPONSE: Any location in the Middle East (Egypt, Iraq, Jordan, Turkey, Lebanon, Saudi Arabia, and UAE). We would want to closely monitor all locations as we were notified today about unrest in Vienna affecting processing.

QUESTION 5

IF we are only admitting 50,000 refugees do we need to do more circuit rides to reach that number. Keep in mind we may not be admitting anyone or very few people from the 7countries.

RESPONSE: USCIS will request this pipeline data extract from PRM. Without reviewing the data, our impression is that there would likely be enough refugees (excluding the 7 nationalities) to ensure 20K additional admissions. We understand that that RSC could pivot to other nationalities for pre-screening if necessary. We also may have to conduct re-interviews on any post-interview refugees that are in the pipeline in order to apply extreme vetting measures.

QUESTION 6

Please get me the number of I730s we have ready to interview or have interviewed that could travel. Break it down that way with nationalities. I also need it broken down by Asylum vs Refugee following to join.

RESPONSE: Only IO data is reported below which represents approximately 40-45% of total I-730 caseload worldwide. Please note DOS/Consular Affairs does roughly 50% of these interviews. USCIS will request statistics from State/PRM and State/Consular Affairs to try to obtain complete I-730 caseload data.

USCIS Refugee Processing: Q2 Breakdown of Nationalities and Religions

Jordan Fy17 Q2						
RAD Circuit Ride 1 (January 29-March 15)/Team Size 26: CANCELLED **RAD Circuit Ride 2 (March 12-April 27)/Team Size 25: PENDING DECISION**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	200	23%		Christian	54	6%
Somalia	9	1%		Druze	1	0%
Sudan	25	3%		Muslim	792	93%
Syria	620	73%		Sabeans-Mandean	7	1%

Egypt FY17 Q2						
RAD Circuit Ride (February 4-March 21)/Team Size 18: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	54	9%		Christian	132	22%
Eritria	8	1%		Muslim	454	77%
Ethiopia	11	2%		Sabeans-Mandean	1	0%
Somalia	14	2%		Agnostic	1	0%
South Sudan	23	4%				
Sudan	173	29%				
Syria	305	52%				

Lebanon FY17 Q2						
RAD Circuit Ride 1 (February 3-March 18)/Team Size 5: CANCELLED **RAD Circuit Ride 2 (March 10-April 8)/Team Size 5: PENDING DECISION**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	8	5%		Christian	77	48%
South Sudan	1	1%		Druze	1	1%
Sudan	5	3%		Muslim	84	52%
Syria	148	91%				

IRAQ FY17 Q2						
RAD Circuit Ride 1 Baghdad (February 4-March 23)/Team Size 14: CANCELLED **RAD Circuit Ride 2 Erbil (March 1-March 17)/Team Size 4: PENDING DECISION** **RAD Circuit Ride 3 Baghdad (March 20-May 4)/Team Size 15: PENDING DECISION**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	334	96%		Muslim	293	84%
Palestinian	11	3%		Yazidi	42	12%
				Christian	10	2.8%

Austria FY17 Q2						
RAD Circuit Ride 1 (January 23-February 24)/Team Size 1: ONGOING (RAD could send a second team member next weekend –original team was supposed to be 2) **RAD Circuit Ride 2 (March 18-April 20)/Team Size 3: ONGOING (in light of this weekend's decisions)**						
Nationality	**# of Cases**	**Percentage**		**Religion**	**# of Cases**	**Percentage**
Iran	~350	100%		Christian	221	88.4%
				Jewish	4	1.6%
				Bahai	unknown	
				Zoroastrian	25	10%

Israel FY17 Q2						
RAD Circuit Ride (February 2-February 24)/Team Size 3: CANCELLED						
Nationality	**# of Cases**	**Percentage**		**Religion**	**# of Cases**	**Percentage**
Eritrea	76	76%		Christian	86	86%
Sudan	21	21%		Muslim	14	14%
Ethiopia	2	2%				
Iraq	1	1%				

Turkey Fy17 Q2						
RAD Circuit Ride 1 (February 6-March 22)/Team Size 28: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Afghanistan	36	3.8%		Christians	222	23.5%
Eritrea	1	0.1%		Muslims	592	62.8%
Iran	290	30.8%		No religion	77	8.2%
Iraq	500	53%		Atheist	6	0.63%
Palestine	1	0.1%		Bahai	35	3.7%
Somalia	6	0.63%		Jehovah Witness	1	0.1%
Sudan	1	0.1%		Kakai	4	0.4%
Syria	107	11.4%		Zoroastrians	1	0.1%
Total	942			Yazidi	1	0.1%
				Other	3	0.3%

Note: the last two weeks of the CR has not yet been scheduled. Historically, ICMC does not schedule the last two weeks until the middle of the CR, to allow for expedites, unexpected issues, etc.

Trinidad Fy17 Q2						
RAD Circuit Ride (March 6-March 15)/Team Size 1: PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Syria	5	45%		Christian	5	45%

Nauru Fy17 Q2						
RAD Circuit Ride (January 29-February 25)/Team Size 5: CURRENTLY CANCELLED BUT PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Afghan	17	11%		Muslim	93	63%
Bangladesh	3	2%		Muslim-Christian Converts (Iranians)	55	37%
Burma	21	14%				
Iran	55	37%				
Somali	18	12%				
Pakistani	6	4%				
Sri Lankan	14	9%				
Iraq	8	5%				
Lebanon	5	3%				
Palestine	1	1%				

Tanzania Fy17 Q2						
RAD Circuit Ride February 12-March 21/Team Size 12: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	584	~100%		Christian:	~175	~30%
				Catholic:	~128	~22%
				Methodist:	~105	~18%
				Other Christian denom:	~146	~25%
				Other		~< 5%

Country Malaysia Fy17 Q2						
RAD Circuit Ride (March 9-March 26)/Team Size 9: PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	12	35%		Muslim	33	97%
Somalia	3	1%				
Sudan	1	1%				
Iran	4	1%				
Syria	2	1%				

Burundi Fy17 Q2						
RAD Circuit Ride 1 (January 27-February 26)/Team Size 5: CANCELLED **RAD Circuit Ride 2 (February 25-March 25)/Team Size 5: PENDING DECISION**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	258	100%		Protestant	126	49%
				Pentecostal	44	17%
				Catholic	41	16%
				Muslim	24	9%
				Methodist	17	7%
				Jehovah's Witness	2	< 1%
				Christian	2	< 1%
				7th Day Adventist	1	< 1%
				Other	1	< 1%

Chad Fy17 Q2						
RAD Circuit Ride 1 (February 3-March 17)/Team Size 5: CANCELLED **RAD Circuit Ride 2 (February 10-March 22)/Team Size 6: CANCELLED**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Sudanese	419	67%		Muslim:	533	85%
CAR	204	33%		Catholic:	36	6%
Total	623			Protestant:	26	4%
				Baptist:	20	3%
				Christian:	10	2%
				Evangelical:	1	<1%
				Pentecostal:	1	<1%

Ethiopia Fy17 Q2						
RAD Circuit Ride (February 5-March 23)/Team Size 9: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Somali	752	99%		Muslim:	752	99%
South Sudanese	1	<1%		Christian	1	>1%
Total	753					

Kenya Fy17 Q2						
RAD Circuit Ride 1 (January 30-March 17)/Team Size 13: CANCELLED **RAD Circuit Ride 2 (February 27-April 14)/Team Size 11: PENDING DECISION**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Somali	626	76%		Muslim:	673	82%
Congolese	82	10%		Christian:	83	10%
Ethiopian	65	0.08		Protestant:	23	3%
Ugandan	20	0.02		Pentacostal:	14	2%
South Sudanese	15	0.02		Catholic:	12	1%
Eritrean	5	<1%		Orthodox:	10	0.01
Kenyan (V93)	4	<1%		Baptist:	2	<1%
Burundian	3	<1%		Methodist:	2	<1%
Rwandan	3	<1%		Lutheran:	1	<1%
Total	823			Evangelican:	1	<1%
				7th Day Adventist:	1	<1%

Uganda Fy17 Q2						
RAD Circuit Ride (January 28-March 8)/Team Size 13: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	577	86%		Protestant:	185	28%
Somali	79	12%		Catholic:	127	19%
South Sudanese	5	<1%		Muslim:	110	16%
Burundian	3	<1%		7th Day Adventist	90	13%
Ethiopian	2	<1%		Baptist	90	13%
Eritrean	2	<1%		Jehovah's Witness	34	0.05

Sudanese	1	<1%		Christian	25	0.04
Egyptian	1	<1%		Methodist:	3	<1%
Total	670			Orthodox:	2	<1%
				Coptic:	1	<1%

Shirk, Georgette L

From: Stone, Mary M
Sent: Sunday, January 29, 2017 2:50 PM
To: Ruppel, Joanna
Cc: Strack, Barbara L; Nicholson, Maura J; Gulati, Sonia; Kliska, Jennifer R; McAllum, Jessica L; Hottel, Erin M; Strong, Stacy K
Subject: FW: EO implementation
Attachments: Responses for D1 1.29.17.docx; Q2 Breakdown of Nationalities and Religions with CR Information 1.29.17.docx

Joanna – here is what we have so far. Maura is still trying to add the I-730 stats, but I wanted to send you something before Lori's 4p.

From: Kliska, Jennifer R
Sent: Sunday, January 29, 2017 3:48 PM
To: Stone, Mary M; Nicholson, Maura J; McAllum, Jessica L; Gulati, Sonia; Hottel, Erin M; Strong, Stacy K
Subject: RE: EO implementation

Now it includes the updated table.

From: Stone, Mary M
Sent: Sunday, January 29, 2017 3:46 PM
To: Nicholson, Maura J; McAllum, Jessica L; Kliska, Jennifer R; Gulati, Sonia; Hottel, Erin M; Strong, Stacy K
Subject: RE: EO implementation

Here's the document....

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 3:41 PM
To: Stone, Mary M; McAllum, Jessica L; Kliska, Jennifer R; Gulati, Sonia; Hottel, Erin M; Strong, Stacy K
Subject: RE: EO implementation

Fine with me. I'd tweaked the I-730 response a bit. Otherwise looks good to me. We just need to add the stats and the tables Jen has.

From: Stone, Mary M
Sent: Sunday, January 29, 2017 3:35 PM
To: Nicholson, Maura J; McAllum, Jessica L; Kliska, Jennifer R; Gulati, Sonia; Hottel, Erin M; Strong, Stacy K
Subject: RE: EO implementation

Here are the drafted responses in email format – just to make sure people are okay with them. I'll work on the word doc next.

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 12:00 PM
To: Ruppel, Joanna; Strack, Barbara L; Stone, Mary M

Cc: Renaud, Tracy L; Nicholson, Maura J; Hatchett, Dolline L; Alfonso, Angelica M; Walters, Jessica S; Young, Todd P
Subject: RE: EO implementation

Whatever we have already scheduled.

Go ahead with the interviews that you are recommending we keep. I already told DHS we are going ahead with Vienna. The one issue we might have is after the review of the process if we are adding anything to vetting or interviewing you may have to revisit the cases you are now interviewing.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 11:35:49 AM
To: Scialabba, Lori L; Strack, Barbara L; Stone, Mary M
Cc: Renaud, Tracy L; Nicholson, Maura J
Subject: RE: EO implementation

Lori,

We are working with RAD to provide you a consolidated response to questions below. We need clarification from you on question #3. Are you seeking all Circuit Rides scheduled for Q2?

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 9:42 AM
To: Strack, Barbara L; Ruppel, Joanna; Stone, Mary M
Cc: Renaud, Tracy L; Scialabba, Lori L
Subject: EO implementation

Barbara/Joanna,

I need some information.

1. How many refugees are travel ready and by that I mean we've completed everything and they could get on a plane. I want a breakdown by nationality.

RESPONSE: We have to request this information from PRM to extract from WRAPS. Additionally, RAD has been told to work with the RSCs to provide the most detailed information about cases as not everything is reflected in WRAPS.

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Make corrections where I have things wrong

RESPONSE: See attached.

3. Scheduled circuit rides coming up with the same information.

RESPONSE: See attached.

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Sorry for the fire drill on a Sunday especially when we had one on Saturday too.

Thanks,
Lori

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Malaysia (sp) - Rohinga team of 4?

Make corrections where I have things wrong

RESPONSE: Here is a table with all planned Q2 circuit rides and their current status. Please see attached for further information on nationalities.

Ongoing In-Office Processing			
Division	**Location**	**Dates**	
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IO	Havana, Cuba (USCIS FIELD OFFICE)	Ongoing	
IO	Moscow, Russia (USCIS FIELD OFFICE)	Ongoing	
IO	New Delhi, India (USCIS FIELD OFFICE)	Ongoing	
Circuit Rides in Progress on 01/28/2017			
Division	**Location**	**End Date**	**Estimated # of Team Members**
IO	Cape Town, South Africa (Curtailed as of 01/30/2017)	01/30	4
IO	Indonesia (Continuing to process)	02/10	4
RAD	Vienna, Austria (at US Consulate but postponed for security reasons)	02/24	1
Upcoming Circuit Rides			
Division	**Location**	**Dates**	**Estimated # of Team Members**
IO	Rabat, Morocco (CANCELLED)	02/01 – 02/04	1
IO	Riyadh, Saudi Arabia (CANCELLED)	02/06 – 02/15	4
IO	Pretoria, South Africa (CANCELLED)	02/07 – 02/23	5
IO	Colombo, Sri Lanka (CANCELLED)	02/13 – 02/17	3
IO	Addis Ababa, Ethiopia (PENDING	02/22 – 02/22 (1	1

	DECISION)	day)	
IO	Ban Don Yang, Thailand (PENDING DECISION)	02/22 – 02/23	2
IO	Islamabad, Pakistan (PENDING DECISION)	02/22 – 03/03	3
IO	Malta (PENDING DECISION)	02/27 – 03/10	3
IO	Tham Hin, Thailand (PENDING DECISION)	02/28 – 03/02	2
IO	Malaysia (PENDING DECISION)	03/13 – 03/17	3
RAD	Burundi (CANCELLED)	1/27 – 2/26	5
RAD	Burundi (PENDING DECISION)	2/25/ - 3/25	5
RAD	Chad (CANCELLED)	2/3-3/17	5
RAD	Chad (CANCELLED)	2/10-3/22	6
RAD	Ethiopia (CANCELLED)	2/5-3/23	9
RAD	Kenya (CANCELLED)	1/30-3/17	13
RAD	Kenya/Ethiopia (PENDING DECISION)	2/27 – 4/14	11
RAD	Tanzania (CANCELLED)	2/12-3/21	12
RAD	Uganda (CANCELLED)	1/28-3/8	13
RAD	Malaysia/Nepal (CANCELLED)	2/10-3/8	13
RAD	Malaysia/Nepal (PENDING DECISION)	3/9 – 3/26	9
RAD	Nauru (CANCELLED)	1/29-2/25	5
RAD	Nauru (PENDING DECISION)	3/24-4-28	8
RAD	Thailand (CANCELLED)	1/27-3/11	4
RAD	El Salvador (CANCELLED)	2/1-3/17	15
RAD	El Salvador (PENDING DECISION)	3/20-5/5	16
RAD	Guatemala (PENDING DECISION)	2/25-3/4	4
RAD	Honduras (CANCELLED)	2/1-2/25	6
RAD	Vienna, Austria (ONGOING)	1/23-2/24	1
RAD	Vienna, Austria (ONGOING)	3/18-4/20	3
RAD	Trinidad (PENDING DECISION)	3/6-3/15	1
RAD	Ecuador (CANCELLED)	1/30-2/24	4
RAD	Cairo, Egypt (CANCELLED)	2/4-3/21	18
RAD	Baghdad, Iraq (CANCELLED)	2/4-3/23	14
RAD	Baghdad, Iraq (PENDING DECISION)	3/20-5/4	15
RAD	Erbil, Iraq (PENDING DECISION)	3/1-3/17	4
RAD	Tel Aviv, Israel (CANCELLED)	02/04 – 02/24	3
RAD	Amman, Jordan (CANCELLED)	1/29-3/15	26
RAD	Amman, Jordan (PENDING DECISION)	3/12-4/27	25
RAD	Lebanon (CANCELLED)	2/3-3/18	5
RAD	Istanbul, Turkey (CANCELLED)	2/6 – 3/22	28
RAD	Dubai, UAE (PENDING DECISION)	2/19-3/24	4

QUESTION 3

Scheduled circuit rides coming up with the same information.

RESPONSE: See above and attached.

QUESTION 4

Can we get an RSO assessment on places we would normally go that may be dangerous after this announcement. Baghdad, Turkey, Egypt, Jordan, etc. Get me a completely list of where you think that is necessary. I don't think we will be going anywhere but having the information will be helpful.

RESPONSE: Any location in the Middle East (Egypt, Iraq, Jordan, Turkey, Lebanon, Saudi Arabia, and UAE). We would want to closely monitor all locations as we were notified today about unrest in Vienna affecting processing.

QUESTION 5

IF we are only admitting 50,000 refugees do we need to do more circuit rides to reach that number. Keep in mind we may not be admitting anyone or very few people from the 7countries.

RESPONSE: USCIS will request this pipeline data extract from PRM. Without reviewing the data, our impression is that there would likely be enough refugees (excluding the 7 nationalities) to ensure 20K additional admissions. We understand that that RSC could pivot to other nationalities for pre-screening if necessary. We also may have to conduct re-interviews on any post-interview refugees that are in the pipeline in order to apply extreme vetting measures.

QUESTION 6

Please get me the number of I730s we have ready to interview or have interviewed that could travel. Break it down that way with nationalities. I also need it broken down by Asylum vs Refugee following to join.

RESPONSE: Only IO data is reported below which represents approximately 40-45% of total I-730 caseload worldwide. Please note DOS/Consular Affairs does roughly 50% of these interviews. USCIS will request statistics from State/PRM and State/Consular Affairs to try to obtain complete I-730 caseload data.

QUESTION 1

How many refugees are travel ready and by that I mean we've completed everything and they could get on a plane. I want a breakdown by nationality.

RESPONSE: We have to request this information from PRM to extract from WRAPS. Additionally, RAD has been told to work with the RSCs to provide the most detailed information about cases as not everything is reflected in WRAPS.

QUESTION 2

I know you already did it but give me a list of where we are on circuit rides right now, how many officers, and what the populations look like.

South Africa - Sudanese/Somalis, team of 4

Malaysia (sp) - Rohinga team of 4?

Make corrections where I have things wrong

RESPONSE: Here is a table with all planned Q2 circuit rides and their current status. Please see attached for further information on nationalities.

Ongoing In-Office Processing			
Division	**Location**	**Dates**	
IO	Bangkok, Thailand (USCIS FIELD OFFICE)	Ongoing	
IO	Havana, Cuba (USCIS FIELD OFFICE)	Ongoing	
IO	Moscow, Russia (USCIS FIELD OFFICE)	Ongoing	
IO	New Delhi, India (USCIS FIELD OFFICE)	Ongoing	
Circuit Rides in Progress on 01/28/2017			
Division	**Location**	**End Date**	**Estimated # of Team Members**
IO	Cape Town, South Africa (Curtailed as of 01/30/2017)	01/30	4
IO	Indonesia (Continuing to process)	02/10	4
RAD	Vienna, Austria (at US Consulate but postponed for security reasons)	02/24	1
Upcoming Circuit Rides			
Division	**Location**	**Dates**	**Estimated # of Team Members**
IO	Rabat, Morocco (CANCELLED)	02/01 – 02/04	1
IO	Riyadh, Saudi Arabia (CANCELLED)	02/06 – 02/15	4
IO	Pretoria, South Africa (CANCELLED)	02/07 – 02/23	5
IO	Colombo, Sri Lanka (CANCELLED)	02/13 – 02/17	3
IO	Addis Ababa, Ethiopia (PENDING	02/22 – 02/22 (1	1

	DECISION)	day)	
IO	Ban Don Yang, Thailand (PENDING DECISION)	02/22 – 02/23	2
IO	Islamabad, Pakistan (PENDING DECISION)	02/22 – 03/03	3
IO	Malta (PENDING DECISION)	02/27 – 03/10	3
IO	Tham Hin, Thailand (PENDING DECISION)	02/28 – 03/02	2
IO	Malaysia (PENDING DECISION)	03/13 – 03/17	3
RAD	Burundi (CANCELLED)	1/27 – 2/26	5
RAD	Burundi (PENDING DECISION)	2/25/ - 3/25	5
RAD	Chad (CANCELLED)	2/3-3/17	5
RAD	Chad (CANCELLED)	2/10-3/22	6
RAD	Ethiopia (CANCELLED)	2/5-3/23	9
RAD	Kenya (CANCELLED)	1/30-3/17	13
RAD	Kenya/Ethiopia (PENDING DECISION)	2/27 – 4/14	11
RAD	Tanzania (CANCELLED)	2/12-3/21	12
RAD	Uganda (CANCELLED)	1/28-3/8	13
RAD	Malaysia/Nepal (CANCELLED)	2/10-3/8	13
RAD	Malaysia/Nepal (PENDING DECISION)	3/9 – 3/26	9
RAD	Nauru (CANCELLED)	1/29-2/25	5
RAD	Nauru (PENDING DECISION)	3/24-4-28	8
RAD	Thailand (CANCELLED)	1/27-3/11	4
RAD	El Salvador (CANCELLED)	2/1-3/17	15
RAD	El Salvador (PENDING DECISION)	3/20-5/5	16
RAD	Guatemala (PENDING DECISION)	2/25-3/4	4
RAD	Honduras (CANCELLED)	2/1-2/25	6
RAD	Vienna, Austria (ONGOING)	1/23-2/24	1
RAD	Vienna, Austria (ONGOING)	3/18-4/20	3
RAD	Trinidad (PENDING DECISION)	3/6-3/15	1
RAD	Ecuador (CANCELLED)	1/30-2/24	4
RAD	Cairo, Egypt (CANCELLED)	2/4-3/21	18
RAD	Baghdad, Iraq (CANCELLED)	2/4-3/23	14
RAD	Baghdad, Iraq (PENDING DECISION)	3/20-5/4	15
RAD	Erbil, Iraq (PENDING DECISION)	3/1-3/17	4
RAD	Tel Aviv, Israel (CANCELLED)	02/04 – 02/24	3
RAD	Amman, Jordan (CANCELLED)	1/29-3/15	26
RAD	Amman, Jordan (PENDING DECISION)	3/12-4/27	25
RAD	Lebanon (CANCELLED)	2/3-3/18	5
RAD	Istanbul, Turkey (CANCELLED)	2/6 – 3/22	28
RAD	Dubai, UAE (PENDING DECISION)	2/19-3/24	4

QUESTION 3

Scheduled circuit rides coming up with the same information.

RESPONSE: See above and attached.

QUESTION 4

Can we get an RSO assessment on places we would normally go that may be dangerous after this announcement. Baghdad, Turkey, Egypt, Jordan, etc. Get me a completely list of where you think that is necessary. I don't think we will be going anywhere but having the information will be helpful.

RESPONSE: Any location in the Middle East (Egypt, Iraq, Jordan, Turkey, Lebanon, Saudi Arabia, and UAE). We would want to closely monitor all locations as we were notified today about unrest in Vienna affecting processing.

QUESTION 5

IF we are only admitting 50,000 refugees do we need to do more circuit rides to reach that number. Keep in mind we may not be admitting anyone or very few people from the 7countries.

RESPONSE: USCIS will request this pipeline data extract from PRM. Without reviewing the data, our impression is that there would likely be enough refugees (excluding the 7 nationalities) to ensure 20K additional admissions. We understand that that RSC could pivot to other nationalities for pre-screening if necessary. We also may have to conduct re-interviews on any post-interview refugees that are in the pipeline in order to apply extreme vetting measures.

QUESTION 6

Please get me the number of I730s we have ready to interview or have interviewed that could travel. Break it down that way with nationalities. I also need it broken down by Asylum vs Refugee following to join.

RESPONSE: Only IO data is reported below which represents approximately 40-45% of total I-730 caseload worldwide. Please note DOS/Consular Affairs does roughly 50% of these interviews. USCIS will request statistics from State/PRM and State/Consular Affairs to try to obtain complete I-730 caseload data.

USCIS Refugee Processing: Q2 Breakdown of Nationalities and Religions

Jordan Fy17 Q2						
RAD Circuit Ride 1 (January 29-March 15)/Team Size 26: CANCELLED						
RAD Circuit Ride 2 (March 12-April 27)/Team Size 25: PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	200	23%		Christian	54	6%
Somalia	9	1%		Druze	1	0%
Sudan	25	3%		Muslim	792	93%
Syria	620	73%		Sabeans-Mandean	7	1%

Egypt FY17 Q2						
RAD Circuit Ride (February 4-March 21)/Team Size 18: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	54	9%		Christian	132	22%
Eritria	8	1%		Muslim	454	77%
Ethiopia	11	2%		Sabeans-Mandean	1	0%
Somalia	14	2%		Agnostic	1	0%
South Sudan	23	4%				
Sudan	173	29%				
Syria	305	52%				

Lebanon FY17 Q2						
RAD Circuit Ride 1 (February 3-March 18)/Team Size 5: CANCELLED						
RAD Circuit Ride 2 (March 10-April 8)/Team Size 5: PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	8	5%		Christian	77	48%
South Sudan	1	1%		Druze	1	1%
Sudan	5	3%		Muslim	84	52%
Syria	148	91%				

IRAQ FY17 Q2						
RAD Circuit Ride 1 Baghdad (February 4-March 23)/Team Size 14: CANCELLED						
RAD Circuit Ride 2 Erbil (March 1-March 17)/Team Size 4: PENDING DECISION						
RAD Circuit Ride 3 Baghdad (March 20-May 4)/Team Size 15: PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	334	96%		Muslim	293	84%
Palestinian	11	3%		Yazidi	42	12%
				Christian	10	2.8%

Austria FY17 Q2						
RAD Circuit Ride 1 (January 23-February 24)/Team Size 1: ONGOING (RAD could send a second team member next weekend –original team was supposed to be 2) **RAD Circuit Ride 2 (March 18-April 20)/Team Size 3: ONGOING (in light of this weekend's decisions)**						
Nationality	**# of Cases**	**Percentage**		**Religion**	**# of Cases**	**Percentage**
Iran	~350	100%		Christian	221	88.4%
				Jewish	4	1.6%
				Bahai	unknown	
				Zoroastrian	25	10%

Israel FY17 Q2						
RAD Circuit Ride (February 2-February 24)/Team Size 3: CANCELLED						
Nationality	**# of Cases**	**Percentage**		**Religion**	**# of Cases**	**Percentage**
Eritrea	76	76%		Christian	86	86%
Sudan	21	21%		Muslim	14	14%
Ethiopia	2	2%				
Iraq	1	1%				

Turkey Fy17 Q2						
RAD Circuit Ride 1 (February 6-March 22)/Team Size 28: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Afghanistan	36	3.8%		Christians	222	23.5%
Eritrea	1	0.1%		Muslims	592	62.8%
Iran	290	30.8%		No religion	77	8.2%
Iraq	500	53%		Atheist	6	0.63%
Palestine	1	0.1%		Bahai	35	3.7%
Somalia	6	0.63%		Jehovah Witness	1	0.1%
Sudan	1	0.1%		Kakai	4	0.4%
Syria	107	11.4%		Zoroastrians	1	0.1%
Total	942			Yazidi	1	0.1%
				Other	3	0.3%

Note: the last two weeks of the CR has not yet been scheduled. Historically, ICMC does not schedule the last two weeks until the middle of the CR, to allow for expedites, unexpected issues, etc.

Trinidad Fy17 Q2						
RAD Circuit Ride (March 6-March 15)/Team Size 1: PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Syria	5	45%		Christian	5	45%

Nauru Fy17 Q2						
RAD Circuit Ride (January 29-February 25)/Team Size 5: CURRENTLY CANCELLED BUT PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Afghan	17	11%		Muslim	93	63%
Bangladesh	3	2%		Muslim-Christian Converts (Iranians)	55	37%
Burma	21	14%				
Iran	55	37%				
Somali	18	12%				
Pakistani	6	4%				
Sri Lankan	14	9%				
Iraq	8	5%				
Lebanon	5	3%				
Palestine	1	1%				

Tanzania Fy17 Q2						
RAD Circuit Ride February 12-March 21/Team Size 12: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	584	~100%		Christian:	~175	~30%
				Catholic:	~128	~22%
				Methodist:	~105	~18%
				Other Christian denom:	~146	~25%
				Other		~< 5%

Country Malaysia Fy17 Q2						
RAD Circuit Ride (March 9-March 26)/Team Size 9: PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	12	35%		Muslim	33	97%
Somalia	3	1%				
Sudan	1	1%				
Iran	4	1%				
Syria	2	1%				

Burundi Fy17 Q2						
RAD Circuit Ride 1 (January 27-February 26)/Team Size 5: CANCELLED **RAD Circuit Ride 2 (February 25-March 25)/Team Size 5: PENDING DECISION**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	258	100%		Protestant	126	49%
				Pentecostal	44	17%
				Catholic	41	16%
				Muslim	24	9%
				Methodist	17	7%
				Jehovah's Witness	2	< 1%
				Christian	2	< 1%
				7th Day Adventist	1	< 1%
				Other	1	< 1%

Chad Fy17 Q2						
RAD Circuit Ride 1 (February 3-March 17)/Team Size 5: CANCELLED **RAD Circuit Ride 2 (February 10-March 22)/Team Size 6: CANCELLED**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Sudanese	419	67%		Muslim:	533	85%
CAR	204	33%		Catholic:	36	6%
Total	623			Protestant:	26	4%
				Baptist:	20	3%
				Christian:	10	2%
				Evangelical:	1	<1%
				Pentecostal:	1	<1%

Ethiopia Fy17 Q2						
RAD Circuit Ride (February 5-March 23)/Team Size 9: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Somali	752	99%		Muslim:	752	**99%**
South Sudanese	1	<1%		Christian	1	**>1%**
Total'	753					

Kenya Fy17 Q2						
RAD Circuit Ride 1 (January 30-March 17)/Team Size 13: CANCELLED **RAD Circuit Ride 2 (February 27-April 14)/Team Size 11: PENDING DECISION**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Somali	626	76%		Muslim:	673	**82%**
Congolese	82	10%		Christian:	83	**10%**
Ethiopian	65	0.08		Protestant:	23	**3%**
Ugandan	20	0.02		Pentacostal:	14	**2%**
South Sudanese	15	0.02		Catholic:	12	**1%**
Eritrean	5	<1%		Orthodox:	10	**0.01**
Kenyan (V93)	4	<1%		Baptist:	2	**<1%**
Burundian	3	<1%		Methodist:	2	**<1%**
Rwandan	3	<1%		Lutheran:	1	**<1%**
Total	823			Evangelican:	1	**<1%**
				7th Day Adventist:	1	**<1%**

Uganda Fy17 Q2						
RAD Circuit Ride (January 28-March 8)/Team Size 13: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	577	86%		Protestant:	185	**28%**
Somali	79	12%		Catholic:	127	**19%**
South Sudanese	5	<1%		Muslim:	110	**16%**
Burundian	3	<1%		7th Day Adventist	90	**13%**
Ethiopian	2	<1%		Baptist	90	**13%**
Eritrean	2	<1%		Jehovah's Witness	34	**0.05**

Sudanese	1	<1%		Christian	25	0.04
Egyptian	1	<1%		Methodist:	3	<1%
Total	670			Orthodox:	2	<1%
				Coptic:	1	<1%

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Referred to Department of Homeland Security

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Shirk, Georgette L

From: Stone, Mary M
Sent: Sunday, January 29, 2017 11:11 AM
To: Strack, Barbara L; Ruppel, Joanna; Nicholson, Maura J
Subject: RE: EO implementation
Attachments: Q2 Breakdown of Nationalities and Religions with CR Information 1.29.17.docx

I've updated our nationality chart with the circuit ride information. Maura – do you just want to add IOs to this? I'm still trying to track down information for Narau to add before we submit to Lori.

From: Stone, Mary M
Sent: Sunday, January 29, 2017 10:45 AM
To: Strack, Barbara L; Ruppel, Joanna; Nicholson, Maura J
Subject: RE: EO implementation

Barbara – I'm online. I think what is being asked for is the number of circuit riders along with this nationality breakdown (attached). Is that correct? If so, I can add the number of circuit riders to this list.

From: Strack, Barbara L
Sent: Sunday, January 29, 2017 10:31 AM
To: Ruppel, Joanna; Stone, Mary M; Nicholson, Maura J
Subject: RE: EO implementation

Maura - Looks like we should do a consolidated response.

On #1, I will ask PRM.

#2: can IO take the lead since you have more folks in motion? As you know, RAD just has 1 officer in Vienna, interviewing Iranian religious minorities.

#3: I've got a hard copy of RAD's Q2 circuit ride which I can type up. MM, if you are online can you let me know? Would you have access to the electronic version of the breakdown that you put together?

#4: I don't think that we can get RSO assessments today. I'm not sure how willing they will be to devote resources to this request when the likelihood of our traveling is small. Also query how meaningful an assessment today would be for travel at future dates.

#5: Since we have admitted about 30K refugees this year, there are about 20K slots remaining. I don't have the data in front of me, but surely we have over 20K in the pipeline. That said, it might still make sense to continue interview to address especially vulnerable applicants, religious minorities, and those subject to international agreements (e.g., Nauru).

#6: can IO take the lead?

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 9:42:19 AM
To: Strack, Barbara L; Ruppel, Joanna; Stone, Mary M

Cc: Renaud, Tracy L; Scialabba, Lori L
Subject: EO implementation

Barbara/Joanna,

I need some information.

1. How many refugees are travel ready and by that I mean we've completed everything and they could get on a plane. I want a breakdown by nationality.

2. I know you already did it but give me a list of where we are on circuit rides right now, how many officers, and what the populations look like.
South Africa - Sudanese/Somalis, team of 4
Malaysia (sp) - Rohinga team of 4?
Make corrections where I have things wrong.

3. Scheduled circuit rides coming up with the same information.

4. Can we get an RSO assessment on places we would normally go that may be dangerous after this announcement. Baghdad, Turkey, Egypt, Jordan, etc. Get me a completely list of where you think that is necessary. I don't think we will be going anywhere but having the information will be helpful.

5. IF we are only admitting 50,000 refugees do we need to do more circuit rides to reach that number. Keep in mind we may not be admitting anyone or very few people from the 7countries.

6. Please get me the number of I730s we have ready to interview or have interviewed that could travel. Break it down that way with nationalities. I also need it broken down by Asylum vs Refugee following to join.

I know this is a tall order. I have a call at 4 and would appreciate anything you can get me by then.

Also, if you have any suggestions on how to handle case by case reviews (you'll need to have something that represents additional vetting) let me have that to run up the chain. If we can get that cleared we might be able to move ahead with some case by case review.

Sorry for the fire drill on a Sunday especially when we had one on Saturday too.

Thanks,
Lori

USCIS Refugee Processing: Q2 Breakdown of Nationalities and Religions

Jordan Fy17 Q2						
RAD Circuit Ride 1 (January 29-March 15)/Team Size 26: CANCELLED						
RAD Circuit Ride 2 (March 12-April 27)/Team Size 25: PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	200	23%		Christian	54	6%
Somalia	9	1%		Druze	1	0%
Sudan	25	3%		Muslim	792	93%
Syria	620	73%		Sabeans-Mandean	7	1%

Egypt FY17 Q2						
RAD Circuit Ride (February 4-March 21)/Team Size 18: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
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Ethiopia	11	2%		Sabeans-Mandean	1	0%
Somalia	14	2%		Agnostic	1	0%
South Sudan	23	4%				
Sudan	173	29%				
Syria	305	52%				

Lebanon FY17 Q2						
RAD Circuit Ride 1 (February 3-March 18)/Team Size 5: CANCELLED						
RAD Circuit Ride 2 (March 10-April 8)/Team Size 5: PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
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Sudan	5	3%		Muslim	84	52%
Syria	148	91%				

IRAQ FY17 Q2						
RAD Circuit Ride 1 Baghdad (February 4-March 23)/Team Size 14: CANCELLED						
RAD Circuit Ride 2 Erbil (March 1-March 17)/Team Size 4: PENDING DECISION						
RAD Circuit Ride 3 Baghdad (March 20-May 4)/Team Size 15: PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
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Palestinian	11	3%		Yazidi	42	12%
				Christian	10	2.8%

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RAD Circuit Ride 1 (January 23-February 24)/Team Size 1: ONGOING (RAD could send a second team member next weekend –original team was supposed to be 2) **RAD Circuit Ride 2 (March 18-April 20)/Team Size 3: ONGOING (in light of this weekend's decisions)**						
Nationality	**# of Cases**	**Percentage**		**Religion**	**# of Cases**	**Percentage**
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				Jewish	4	1.6%
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				Zoroastrian	25	10%

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Nationality	**# of Cases**	**Percentage**		**Religion**	**# of Cases**	**Percentage**
Eritrea	76	76%		Christian	86	86%
Sudan	21	21%		Muslim	14	14%
Ethiopia	2	2%				
Iraq	1	1%				

Turkey Fy17 Q2						
RAD Circuit Ride 1 (February 6-March 22)/Team Size 28: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Afghanistan	36	3.8%		Christians	222	23.5%
Eritrea	1	0.1%		Muslims	592	62.8%
Iran	290	30.8%		No religion	77	8.2%
Iraq	500	53%		Atheist	6	0.63%
Palestine	1	0.1%		Bahai	35	3.7%
Somalia	6	0.63%		Jehovah Witness	1	0.1%
Sudan	1	0.1%		Kakai	4	0.4%
Syria	107	11.4%		Zoroastrians	1	0.1%
Total	942			Yazidi	1	0.1%
				Other	3	0.3%

Note: the last two weeks of the CR has not yet been scheduled. Historically, ICMC does not schedule the last two weeks until the middle of the CR, to allow for expedites, unexpected issues, etc.

Trinidad Fy17 Q2						
RAD Circuit Ride (March 6-March 15)/Team Size 1: PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Syria	5	45%		Christian	5	45%

Country Malaysia Fy17 Q2						
RAD Circuit Ride (March 9-March 26)/Team Size 9: PENDING DECISION						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Iraq	12	35%		Muslim	33	97%
Somalia	3	1%				
Sudan	1	1%				
Iran	4	1%				
Syria	2	1%				

Burundi Fy17 Q2						
RAD Circuit Ride 1 (January 27-February 26)/Team Size 5: CANCELLED **RAD Circuit Ride 2 (February 25-March 25)/Team Size 5: PENDING DECISION**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	258	100%		Protestant	126	49%
				Pentecostal	44	17%
				Catholic	41	16%
				Muslim	24	9%
				Methodist	17	7%
				Jehovah's Witness	2	< 1%
				Christian	2	< 1%
				7th Day Adventist	1	< 1%
				Other	1	< 1%

Chad Fy17 Q2						
RAD Circuit Ride 1 (February 3-March 17)/Team Size 5: CANCELLED **RAD Circuit Ride 2 (February 10-March 22)/Team Size 6: CANCELLED**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Sudanese	419	67%		Muslim:	533	85%
CAR	204	33%		Catholic:	36	6%
Total	623			Protestant:	26	4%
				Baptist:	20	3%
				Christian:	10	2%
				Evangelical:	1	<1%
				Pentecostal:	1	<1%

Ethiopia Fy17 Q2						
RAD Circuit Ride (February 5-March 23)/Team Size 9: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Somali	752	99%		Muslim:	752	99%
South Sudanese	1	<1%		Christian	1	>1%
Total	753					

Kenya Fy17 Q2						
RAD Circuit Ride 1 (January 30-March 17)/Team Size 13: CANCELLED **RAD Circuit Ride 2 (February 27-April 14)/Team Size 11: PENDING DECISION**						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Somali	626	76%		Muslim:	673	82%
Congolese	82	10%		Christian:	83	10%
Ethiopian	65	0.08		Protestant:	23	3%
Ugandan	20	0.02		Pentacostal:	14	2%
South Sudanese	15	0.02		Catholic:	12	1%
Eritrean	5	<1%		Orthodox:	10	0.01
Kenyan (V93)	4	<1%		Baptist:	2	<1%
Burundian	3	<1%		Methodist:	2	<1%
Rwandan	3	<1%		Lutheran:	1	<1%
Total	823			Evangelican:	1	<1%
				7th Day Adventist:	1	<1%

Uganda Fy17 Q2						
RAD Circuit Ride (January 28-March 8)/Team Size 13: CANCELLED						
Nationality	# of Cases	Percentage		Religion	# of Cases	Percentage
Congolese	577	86%		Protestant:	185	28%
Somali	79	12%		Catholic:	127	19%
South Sudanese	5	<1%		Muslim:	110	16%
Burundian	3	<1%		7th Day Adventist	90	13%
Ethiopian	2	<1%		Baptist	90	13%
Eritrean	2	<1%		Jehovah's Witness	34	0.05

Sudanese	1	<1%		Christian	25	0.04
Egyptian	1	<1%		Methodist:	3	<1%
Total	670			Orthodox:	2	<1%
				Coptic:	1	<1%

Shirk, Georgette L

From: Stone, Mary M
Sent: Sunday, January 29, 2017 3:40 PM
To: Ruppel, Joanna; Nicholson, Maura J; Strack, Barbara L
Cc: Gulati, Sonia
Subject: RE: EO implementation
Attachments: EO SLB V1 RAD 1.29.17.docx

Joanna,

I've tried to put down the information requested (tweaking but not erasing the bullet they had already added). I did not list the information exactly as you outlined it but can do that if better...or can adapt to it tomorrow when hopefully we will have numbers to fill in.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 4:34 PM
To: Stone, Mary M; Nicholson, Maura J; Strack, Barbara L
Subject: RE: EO implementation

I think at this point it can wait until tomorrow and we can regroup. Wondering how hard it will be to get the RAD data updated in CAMINO, at least to show a completion, so we know how many are pending. There must be some way that RAD is tracking what is pending so you know what is on your plate. You can advise on that tomorrow.

I think the only thing we are late on is reporting on the command center request on pending refugee interviews. Let's get that out and then time for people to rest.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Stone, Mary M
Sent: Sunday, January 29, 2017 4:14 PM
To: Ruppel, Joanna; Nicholson, Maura J; Strack, Barbara L
Subject: RE: EO implementation

I have 2 people in the office working on it now.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 4:04:33 PM
To: Nicholson, Maura J; Stone, Mary M; Strack, Barbara L
Subject: RE: EO implementation

Thanks, Maura. Looks like we did not get the I-730 data for RAD? We didn't note that in the explanation, but we can go back and correct later. Not sure this will even come up on the call.

Mary M and Barbara – are you still working on the data from WRAPS for this?

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 4:01 PM
To: Ruppel, Joanna
Subject: RE: EO implementation

So as not to confuse, here's the doc with some I-730 data. We couldn't get all of it reported as Lori wanted, but it gives idea. Did you want to send forward? Don't want to add to the mix.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 3:57 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Stone, Mary M; Scialabba, Lori L; Nicholson, Maura J
Subject: FW: EO implementation
Importance: High

Lori,

Please find attached questions to your answers. I am reviewing myself now, as well, but want you to have what we have for the call. I fear they are not as complete as we would like, but are the best we can do right now. Will work to get more complete info. With respect to interviews in offices where we have "ongoing," I know you would like more concrete info. We will have to wait for those offices to be open to know if there are any interviews schedule in Havana or Bangkok for this week. I do know we have interviews for Moscow and New Delhi, as we have mentioned previously.

We are still working on the I-730 stats. We have to write a special script to get the info based on whether is refugee or asylee following to join and Jess has been working on it.

Let me know if you have questions.

Just also a reminder that we also still need guidance on refugee travel docs (among others), but want to be sure that is on your radar screen.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 12:00 PM

To: Ruppel, Joanna; Strack, Barbara L; Stone, Mary M
Cc: Renaud, Tracy L; Nicholson, Maura J; Hatchett, Dolline L; Alfonso, Angelica M; Walters, Jessica S; **Young, Todd P**
Subject: RE: EO implementation

Whatever we have already scheduled.

Go ahead with the interviews that you are recommending we keep. I already told DHS we are going ahead with Vienna. The one issue we might have is after the review of the process if we are adding anything to vetting or interviewing you may have to revisit the cases you are now interviewing.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 11:35:49 AM
To: Scialabba, Lori L; Strack, Barbara L; Stone, Mary M
Cc: Renaud, Tracy L; Nicholson, Maura J
Subject: RE: EO implementation

Lori,

We are working with RAD to provide you a consolidated response to questions below. We need clarification from you on question #3. Are you seeking all Circuit Rides scheduled for Q2?

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 9:42 AM
To: Strack, Barbara L; Ruppel, Joanna; Stone, Mary M
Cc: Renaud, Tracy L; Scialabba, Lori L
Subject: EO implementation

Barbara/Joanna,

I need some information.

1. How many refugees are travel ready and by that I mean we've completed everything and they could get on a plane. I want a breakdown by nationality.

RESPONSE: We have to request this information from PRM to extract from WRAPS. Additionally, RAD has been told to work with the RSCs to provide the most detailed information about cases as not everything is reflected in WRAPS.

2. I know you already did it but give me a list of where we are on circuit rides right now, how many officers, and what the populations look like.
   South Africa - Sudanese/Somalis, team of 4
   Malaysia (sp) - Rohinga team of 4?
Make corrections where I have things wrong

RESPONSE: See attached.

3. Scheduled circuit rides coming up with the same information.

RESPONSE: See attached.

4. Can we get an RSO assessment on places we would normally go that may be dangerous after this announcement. Baghdad, Turkey, Egypt, Jordan, etc. Get me a completely list of where you think that is necessary. I don't think we will be going anywhere but having the information will be helpful.

RESPONSE: Any location in the Middle East (Egypt, Iraq, Jordan, Turkey, Lebanon, Saudi Arabia, and UAE). We would want to closely monitor all locations as we were notified today about unrest in Vienna affecting processing.

5. IF we are only admitting 50,000 refugees do we need to do more circuit rides to reach that number. Keep in mind we may not be admitting anyone or very few people from the 7countries.

RESPONSE: USCIS will request this pipeline data extract from PRM. Without reviewing the data, our impression is that there would likely be enough refugees (excluding the 7 nationalities) to ensure 20K additional admissions. We understand that that RSC could pivot to other nationalities for pre-screening if necessary. We also may have to conduct re-interviews on any post-interview refugees that are in the pipeline in order to apply extreme vetting measures.

6. Please get me the number of I730s we have ready to interview or have interviewed that could travel. Break it down that way with nationalities. I also need it broken down by Asylum vs Refugee following to join.

RESPONSE: Only IO data is reported below which represents approximately 40-45% of total I-730 caseload worldwide. Please note DOS/Consular Affairs does roughly 50% of these interviews. USCIS will request statistics from State/PRM and State/Consular Affairs to try to obtain complete I-730 caseload data.

I know this is a tall order. I have a call at 4 and would appreciate anything you can get me by then.

Also, if you have any suggestions on how to handle case by case reviews (you'll need to have something that represents additional vetting) let me have that to run up the chain. If we can get that cleared we might be able to move ahead with some case by case review.

Sorry for the fire drill on a Sunday especially when we had one on Saturday too.

Thanks,
Lori

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Shirk, Georgette L

From: Nicholson, Maura J
Sent: Monday, January 30, 2017 12:07 PM
To: Monica, Donald J; Spalter, Brian M; Langlois, Joseph E; Johnson, Bobbie L; Fatica, Erin K; Lassen, Brett H
Cc: Ruppel, Joanna; Kliska, Jennifer R
Subject: RE: Interim Guidance on Executive Order Signed January 27

DDs/DDDs,

Just to clarify, below is the official guidance for you to follow right now. The draft guidance that you commented on this past weekend has not yet been cleared for issuance and the situation continues to evolve. You'll note there were some differences between the guidance I provided below and what had been in the draft guidance I had you comment on. Please only follow the guidance below for now.

Thanks,

Maura

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 7:58 PM
To: Monica, Donald J; Spalter, Brian M; Langlois, Joseph E; Johnson, Bobbie L; Fatica, Erin K; Lassen, Brett H
Cc: Ruppel, Joanna; Kliska, Jennifer R
Subject: Interim Guidance on Executive Order Signed January 27
Importance: High

DDs/DDDs,

I realize that you have many questions about the Executive Order and appreciate that you have been sending them forward. Please continue to do so. Unfortunately, things remain in flux and we do not have cleared guidance we can provide other than the following for the next few days or less (if we get additional guidance sooner):

- Do not issue any final approvals for any I-730 refugee following to join cases. Further guidance will be coming about how to update CAMINO, etc.
- Do not issue any final approvals for any other application, including I-730 asylee following to join adjudication and travel eligibility cases for nationals or dual nationals of the 7 countries referenced in the Executive Order (Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen), with the exception of I-131As (see attached email). You can approve I-131As for all applicants following existing guidance, which requires that you flag for HQ any with serious derogatory information for possible discretionary denials. Further guidance will be coming.
- If you have refugee cases scheduled for Monday or Tuesday of this week, please cancel them if there is sufficient time to do so. If there is not sufficient time to cancel, then please collect the applicant's biometrics, review his or her bio-data for accuracy and completeness, and inform the applicant that he/she will be notified when the case is able to proceed in the future.

Right now, we are staying the course on the refugee CR in Indonesia; the team on the ground can continue interviewing and processing the cases there until further notice.

The above guidance is only a stop-gap to assist in addressing the most urgent needs for the next couple of days when more detailed cleared guidance can be issued. Also, for awareness, OCOMM is working on talking points and FAQs related to the Executive Order, which should be issued via USCIS Broadcast soon.

I appreciate the difficulty of being on the front line and getting inquiries from the public and others for which we don't yet have complete answers. Many people throughout the Agency and Department are working hard to sort out the impact of the E.O. on the Agency, and I will continue to keep you posted.

Thank you for your continued patience as we navigate the current policy changes.

Maura

****

Maura J. Nicholson
Deputy Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations

[redacted] (b)(6)

Shirk, Georgette L

From:	Nicholson, Maura J
Sent:	Monday, January 30, 2017 11:29 AM
To:	Fatica, Erin K; Lassen, Brett H; Langlois, Joseph E; Johnson, Bobbie L; Monica, Donald J; Spalter, Brian M
Cc:	Bird, John W (Wally); Kliska, Jennifer R; Kwan, Stephanie M; McAllum, Jessica L; Peralta Mihalko, Maria P (Pilar); Rankin, Carrie A; Baker Finley, Kierra R (CTR); Benedict, Deborah L
Subject:	Touch base call on EOs

Hi all,

As information relative to the impact of the EO continues to evolve, I thought it would be worthwhile to have another DD/DDD touch base call tomorrow morning, Tuesday, January 31, at 8:30 a.m. ET. That way I can share with you the latest information. There is reluctance to put out guidance in writing at the moment, as issues continue to morph and the agency is focusing on official guidance that will come out from Lori S. In the meantime, though, I can share with you any updates and collect additional questions from you.

For awareness, Debbie Benedict will be taking the lead with me in addressing any implementation issues related to the EO affecting parole programs. Jen Kliska will be helping me with the refugee and visa-related EO. They will be working closely with the other BCs who also have equities in these issues. Please cc them on any correspondence related to the EOs. Thanks!

I'll have Kierra send out an invite to you shortly. Hoping this timing will work – please do let me know if you have an issue. And I'm happy to continue to host these calls at regular intervals if they are helpful to you. We can chat about that tomorrow.

Kierra – can you assist in sending out an invite from me with a call-in number to those on this message?

Thanks,

Maura

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Maura J. Nicholson
Deputy Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations

[redacted] (b)(6)

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Referred to THE WHITE HOUSE

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 2:57 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Stone, Mary M; Scialabba, Lori L; Nicholson, Maura J
Subject: FW: EO implementation
Attachments: Responses for D1 1.29.17.docx; Q2 Breakdown of Nationalities and Religions with CR Information 1.29.17.docx

Importance: High

Lori,

Please find attached questions to your answers. I am reviewing myself now, as well, but want you to have what we have for the call. I fear they are not as complete as we would like, but are the best we can do right now. Will work to get more complete info. With respect to interviews in offices where we have "ongoing," I know you would like more concrete info. We will have to wait for those offices to be open to know if there are any interviews schedule in Havana or Bangkok for this week. I do know we have interviews for Moscow and New Delhi, as we have mentioned previously.

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Let me know if you have questions.

Just also a reminder that we also still need guidance on refugee travel docs (among others), but want to be sure that is on your radar screen.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 12:00 PM
To: Ruppel, Joanna; Strack, Barbara L; Stone, Mary M
Cc: Renaud, Tracy L; Nicholson, Maura J; Hatchett, Dolline L; Alfonso, Angelica M; Walters, Jessica S; Young, Todd P
Subject: RE: EO implementation

Whatever we have already scheduled.

Go ahead with the interviews that you are recommending we keep. I already told DHS we are going ahead with Vienna. The one issue we might have is after the review of the process if we are adding anything to vetting or interviewing you may have to revisit the cases you are now interviewing.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 11:35:49 AM
To: Scialabba, Lori L; Strack, Barbara L; Stone, Mary M
Cc: Renaud, Tracy L; Nicholson, Maura J
Subject: RE: EO implementation

Lori,

We are working with RAD to provide you a consolidated response to questions below. We need clarification from you on question #3. Are you seeking all Circuit Rides scheduled for Q2?

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 9:42 AM
To: Strack, Barbara L; Ruppel, Joanna; Stone, Mary M
Cc: Renaud, Tracy L; Scialabba, Lori L
Subject: EO implementation

Barbara/Joanna,

I need some information.

1. How many refugees are travel ready and by that I mean we've completed everything and they could get on a plane. I want a breakdown by nationality.

RESPONSE: We have to request this information from PRM to extract from WRAPS. Additionally, RAD has been told to work with the RSCs to provide the most detailed information about cases as not everything is reflected in WRAPS.

2. I know you already did it but give me a list of where we are on circuit rides right now, how many officers, and what the populations look like.
South Africa - Sudanese/Somalis, team of 4
Malaysia (sp) - Rohinga team of 4?
Make corrections where I have things wrong

RESPONSE: See attached.

3. Scheduled circuit rides coming up with the same information.

RESPONSE: See attached.

4. Can we get an RSO assessment on places we would normally go that may be dangerous after this announcement. Baghdad, Turkey, Egypt, Jordan, etc. Get me a completely list of where you think that is necessary. I don't think we will be going anywhere but having the information will be helpful.

RESPONSE: Any location in the Middle East (Egypt, Iraq, Jordan, Turkey, Lebanon, Saudi Arabia, and UAE). We would want to closely monitor all locations as we were notified today about unrest in Vienna affecting processing.

5. IF we are only admitting 50,000 refugees do we need to do more circuit rides to reach that number. Keep in mind we may not be admitting anyone or very few people from the 7countries.

RESPONSE: USCIS will request this pipeline data extract from PRM. Without reviewing the data, our impression is that there would likely be enough refugees (excluding the 7 nationalities) to ensure 20K additional admissions. We understand that that RSC could pivot to other nationalities for pre-screening if necessary. We also may have to conduct re-interviews on any post-interview refugees that are in the pipeline in order to apply extreme vetting measures.

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I know this is a tall order. I have a call at 4 and would appreciate anything you can get me by then.

Also, if you have any suggestions on how to handle case by case reviews (you'll need to have something that represents additional vetting) let me have that to run up the chain. If we can get that cleared we might be able to move ahead with some case by case review.

Sorry for the fire drill on a Sunday especially when we had one on Saturday too.

Thanks,
Lori

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 7:27 AM
To: Nicholson, Maura J
Subject: RE: FOR REVIEW: Draft interim guidance on EO

Thanks. I have not read the attachment yet, but I agree that we should not process I-131As form the 7 countries until we get more guidance. From what I read in the press, the issue of LPRs is still quite muddy. Although Lori has told us this does not apply to LRPs, I think we need to get that in writing from the department. You can let them know that we have received some conflicting guidance on this and so agree we need to wait until we get something in writing from the Department. Might come today.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 8:21 AM
To: Ruppel, Joanna
Subject: FW: FOR REVIEW: Draft interim guidance on EO

FYI. I'm going to share another email about the Cape Town CR.

From: Johnson, Bobbie L
Sent: Sunday, January 29, 2017 6:36:46 AM
To: Monica, Donald J; Nicholson, Maura J; Spalter, Brian M; Langlois, Joseph E; Fatica, Erin K; Lassen, Brett H
Cc: Kliska, Jennifer R
Subject: RE: FOR REVIEW: Draft interim guidance on EO

Maura,

Please see EMEA's full comments attached. In quick summary:

1. We strongly urge the cancelation of the Cape Town CR today and that our officers should not interview tomorrow. If it is too late to inform the applicants of the cancelation, then the officers can stay on the ground and fingerprint only until further guidance is provided.
2. There should be bright line guidance on both I-590s and I-730s without carve outs at this time, since we do not yet have the authority to make the exceptions the EO mentions.
    a. For both I-730s and I-590s, cancel all interviews for now. If the interview cannot be canceled before the individual appears at our office, we should only fingerprint them. No exceptions for now.
3. We suggest completing RFRs if the decision would result in the underlying denial being upheld (which occurs approx. 65% of the time in EMEA).

4. We need cleared language for a wide variety of inquiries our offices are starting to get, both by phone and email. Examples are given in the attached comments. Even if that cleared language is simply "guidance will be forthcoming; please refer to the USCIS website" or "please contact CBP."
5. We do not agree our offices should adjudicate I-131As and issue boarding letters to individuals from any of the 7 named countries. This puts our FODs and officers who will sign off on these letters in a delicate position and may give the wrong signal to the individual, when ultimately CBP will have the final determination.

We very much appreciate how challenging it is to develop guidance right now. Thank you for the opportunity to provide input.

Bobbie

From: Monica, Donald J
Sent: Sunday, January 29, 2017 3:43 AM
To: Nicholson, Maura J; Spalter, Brian M; Johnson, Bobbie L; Langlois, Joseph E; Fatica, Erin K; Lassen, Brett H
Cc: Kliska, Jennifer R
Subject: RE: FOR REVIEW: Draft interim guidance on EO

Re: your request for comments on the interim guidance.

Part E references not issuing final decisions on any other form types. This should be clarified to address:

A. Does it include Forms I-407 since this is not an application or petition.

B. Is it intended to include beneficiaries irrespective of age? E.g., an I-130 or I-600 filed by a USC parent on behalf of a child from one of the designated countries.

C. Does it apply to mil Natz N-400s filed by members of the US military or eligible spouses who are nationals of one of the designated countries?

D. Does it apply to I-130s filed by a USC member of the military on behalf of a spouse or child who is a national of one of the designated countries?

Probably more to follow.

From: Nicholson, Maura J
Sent: Saturday, January 28, 2017 6:42:16 PM
To: Monica, Donald J; Spalter, Brian M; Johnson, Bobbie L; Langlois, Joseph E; Fatica, Erin K; Lassen, Brett H
Cc: Kliska, Jennifer R
Subject: FOR REVIEW: Draft interim guidance on EO

DDs/DDDs,

We are continuing to seek clarification on elements of the E.O. signed Friday night, so the situation remains rather fluid. That said, the attached is a draft outline of the guidance I'm hoping you can review – I want to ensure I've captured our immediate needs, understanding that we'll have fuller guidance once DHS implementing guidance is issued and USCIS is able to issue its own, as well. If you are able to provide a quick review and get me any comments or questions tomorrow, I'll incorporate your feedback into the 'final' interim guidance to the field tomorrow. Continue to send questions my way – they've been very helpful in flagging issues we need to address.

Still no decision on our 2 CRs. At this point, I don't expect I'll have a further update until after their processed ends on Monday, so the teams should plan to proceed business as usual. Hopefully with this knowledge they can fully enjoy their Sunday. I appreciate their patience very much; limbo is not a desirable place to be.

Thank you!

Maura

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Maura J. Nicholson
Deputy Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations

[redacted] (b)(6)

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 10:43 AM
To: Nicholson, Maura J
Subject: FW: Executive Order

Seems like we should just say the same at this point . . . . I can ask Lori if that is OK.

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

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Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

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Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

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Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted] (b)(6)

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Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
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1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Subject: RE: Executive Order

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Tracy L. Renaud
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US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

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Subject: RE: Executive Order
O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and

Matt/Andrew. We'll start regular meetings next week.

Lori

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To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

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To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

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Cc: Renaud, Tracy L
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Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

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I think that's o.k. and going forward don't schedule these for interviews.

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Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension (b)(5)
of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted]
We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 11:18 AM
To: Groom, Molly M; Lafferty, John L; Zengotitabengoa, Colleen R
Subject: RE: Executive Order

No one. We just need confirmation, as was done for natz.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Groom, Molly M
Sent: Sunday, January 29, 2017 12:09 PM
To: Ruppel, Joanna; Lafferty, John L; Zengotitabengoa, Colleen R
Subject: RE: Executive Order

Who's suggesting otherwise? I didn't see this in the questions to OPA. Seems absolutely clear to me—same as natz

---

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 11:57 AM
To: Groom, Molly M; Lafferty, John L; Zengotitabengoa, Colleen R
Subject: RE: Executive Order

We need confirmation from the Department on that. If you can assist through discussions with OGC, would be wonderful.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Groom, Molly M
Sent: Sunday, January 29, 2017 11:56 AM
To: Ruppel, Joanna; Lafferty, John L; Zengotitabengoa, Colleen R
Subject: RE: Executive Order

I don't understand how asylum would be affected by the EO. If they tell you otherwise, please let me know.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 11:54 AM
To: Neufeld, Donald W; Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc: Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S; Lafferty, John L; Strack, Barbara L; Stone,

Mary M; Nicholson, Maura J
Subject: RE: Executive Order

Asylum has notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise. They also told leadership to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

IO is working with front office on guidance for international staff and ongoing refugee interviews. We have greenlight for refugee interviews in Vienna to continue tomorrow.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Sunday, January 29, 2017 11:52 AM
To: Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Same here Larry. We have put a full stop on everything involving the 7 countries at the centers pending further guidance.

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

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Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

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U.S. Citizenship and Immigration Services
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Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services

[redacted]

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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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Field Operations Directorate, Deputy Associate Director
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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Thursday, January 26, 2017 5:06 PM
To: Busch, Philip B
Cc: Groom, Molly M
Subject: RE: Executive Order impacting refugee admissions -- flagging issue

Still processing those in the pipeline. We seem to go through this every year. Have you heard any word of whether it will be revived again as it always has been?

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate
(b)(6)

From: Busch, Philip B
Sent: Thursday, January 26, 2017 6:02 PM
To: Ruppel, Joanna
Cc: Groom, Molly M
Subject: RE: Executive Order impacting refugee admissions -- flagging issue

Just curious, since Lautenberg has expired what cases are those? Thanks, Phil

---

From: Ruppel, Joanna
Sent: Thursday, January 26, 2017 5:40:12 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Strack, Barbara L; Stone, Mary M; Nicholson, Maura J; Groom, Molly M; Busch, Philip B; Zengotitabengoa, Colleen R
Subject: Executive Order impacting refugee admissions -- flagging issue

Lori and Tracy,

I just wanted to flag a couple of issues for you related to section (5)(f) of the draft executive order that would temporarily suspend most refugee processing.

(f)(a) provides that notwithstanding the temporary suspension, "the Secretaries of State and Homeland Security may continue to process as refugees those 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."

We need to know if this will be interpreted to mean that we can continue interviewing and making decisions on Lautenberg cases in Vienna and Moscow. We currently have a RAD circuit rider in Vienna conducting these interviews, and we interview Lautenberg cases 4 days a week in Moscow.

Also, we will need to know whether to pull back the teams currently in South Africa (circuit ride scheduled to end February 3) and Indonesia (circuit ride scheduled to end February 10). One thing to note is that we are interviewing some Rohingya (religious minority) in Indonesia, so arguably they could fall within the exception.

We will need guidance on this ASAP, assuming the language in the final order remains the same. So flagging this to you as something to possibly flag to the Department.

Thanks,

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

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(b)(6

(b)(6

Referred to U.S. Customs and Border Protection

(b)(6

(b)(6

Referred to Department of Homeland Security

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 10:52 AM
To: Renaud, Tracy L; Scialabba, Lori L
Cc: Nicholson, Maura J; Strack, Barbara L; Stone, Mary M
Subject: RE: a couple of urgent issues

Importance: High

Sorry. I had missed that. Things are moving quickly and shotgun.

So I think all we are waiting for refugee processing guidance on the following, with the most urgent one being South Africa so we can get PRM to start cancelling the interviews and the other locations, so staff know what to do while we sleep tonight (I have included our recommended course of action here):

2. Can we continue interviewing in Indonesia? We recommend that we continue, based on consultations with our APAC leadership and PRM.

They are almost all Rohingya, with just five Afghan refugees (and there are concerned about cancelling only for Afghan and how to message that). The Rohingya transferred from Aceh to Medan for interview are from the 2015 Migrant at Sea Crisis who Indonesia allowed to disembark only after we committed to considering them for resettlement. The Govt of Indonesia allowed them, after much lobbying by Embassy Jakarta , to be transferred to Medan for USRAP processing under the condition that the process be completed in 6 months or they would be transferred back to Aceh. So the clock is ticking and it would be problematic if their continued processing and eventual departure is delayed for 120 days and they be transferred back to poor living conditions in Aceh and away from areas where we can access the refugees.

3. Should we continue interviews in South Africa? We think it would not be the best use of resources to continue to interview this population and intend to move forward to curtail those interviews. We recommend that we do NOT continue interviews.

4. Should we continue interviews in Moscow? We have Lautenberg interviews scheduled in Moscow all week. This includes P1s and Lautenberg (largely Ukrainian religious minorities traveling in from the Ukraine for their interviews). Some of the P-1s travel in from remote areas. Our proposed plan:

   Where someone may already be in transit, we intend to continue with the interview if the individual was a Lautenberg or other religious minority, even though we are all still awaiting guidance on how the religious minority exception may be defined. For those other P1s, we intend to collect prints and inform them of the suspension, but not conduct an interview. We don't want to continue interviewing if we may have to do reinterviews later based on a new or amended approach to processing.

5. We believe we have P-1s also scheduled in New Delhi. Would follow same approach as above.

For reference - current circuit rides:

1. Cape Town, South Africa (total number of cases is 166) – deployed through February 3:
   a. 92% nationality is Somali – Claims are mostly based on religious beliefs (different interpretations of Islam than Al Shabaab)
   b. 8% nationality is Democratic Republic of Congo – Claims are nationality claims based on tribe.

2. Indonesia (total number of cases is 130) – deployed through February 10:
    a. 95% nationality is Burmese – religious minority Rohingya population
    b. 5% nationality is Afghan – No claim info available
3. Vienna (RAD CR – one officer is currently onsite processing cases) – deployed through February 24:
    a. 100% from Iran – claims are religious persecution as either Assyrian/Armenian Christians or Bahai
    b. Note that these cases must obtain special visas to enter Austria and can only remain in Vienna for a very limited amount of time.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Renaud, Tracy L
Sent: Sunday, January 29, 2017 11:44 AM
To: Ruppel, Joanna; Scialabba, Lori L
Cc: Nicholson, Maura J; Strack, Barbara L; Stone, Mary M
Subject: RE: a couple of urgent issues

Joanna,

Lori already said to continue with the Vienna interviews.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 11:25:21 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Nicholson, Maura J; Strack, Barbara L; Stone, Mary M
Subject: a couple of urgent issues

Lori and Tracy,

I know you get a ton of emails, so per the exchange I just had with Lori, below is the list of questions I sent last night, and again please note that it would be wonderful if we could get answers today. Our staff in Asia will begin working our Sunday evening and staff in EMEA while we sleep tonight (if we sleep tonight). Amman is working today, so we already got some guidance out to them. Most urgently we need to know ASAP whether we can cancel the interviews in Cape Town tomorrow and for the rest of the circuit ride. 92% of the cases are Somali. We do not believe that it is in the interest of the USG to interview them at this time, given that the protocols are going to change.

Also need to know about Vienna (I know you have had exchanges with Barbara on this, as well) and Moscow for Monday interviews.

We also need to know whether we should hold off issuing any boarding letters to LPRs from the identified countries, based on lost/stolen green cards.

If you can provide guidance before the 5:00 call, that would be great. If not, we hope we can get that info then.

If it would help to have a quick chat about this, please let me know.

Thanks,

Joanna

Urgent time-sensitive questions (need answers by Sunday evening, if possible):

1. Can the officer in Vienna resume interview on Monday? In light of the "notwithstanding" language at Sec. 5(e), we propose that he continue w/interviews as planned.

   In particular, that section says that the USRAP can use discretion to admit refugees during the 120-day suspension "when admitting the person would enable the United States to conform its conduct to a preexisting international agreement..." We have such an agreement w/Austria. What we are proposing is not actually ADMISSIONS, however, but continuing w/RAD interviews, which seems in keeping with the intent and spirit of this provision. Since these applicants are Iranian religious minorities, we believe that their future admission would need to be assessed under the 90-day rule in Sec. 3.

2. Can we continue interviewing in Indonesia? We recommend that we continue, at least for the Rohingya population. PRM's guidance to RSC's is to continue processing around the world and just to cancel travel for the affected population, and we are working with them on determining best course of action for this caseload.

3. Should we continue interviews in South Africa? We think it would not be the best use of resources to continue to interview this population and intend to move forward to curtail those interviews. We are consulting with PRM.

4. Should we continue interviews in Moscow? We have Lautenberg interviews scheduled in Moscow all week. This includes P1s and Lautenberg (largely Ukrainian religious minorities traveling in from the Ukraine for their interviews). Some of the P-1s travel in from remote areas. Our proposed plan:

   Where someone may already be in transit, we intend to continue with the interview if the individual was a Lautenberg or other religious minority, even though we are all still awaiting guidance on how the religious minority exception may be defined. For those other P1s, we intend to collect prints and inform them of the suspension, but not conduct an interview. We don't want to continue interviewing if we may have to do reinterviews later based on a new or amended approach to processing.

5. We believe we have P-1s also scheduled in New Delhi. Would follow same approach as above.

Less Urgent:

6. Should we resume planning scheduling CR for Nauru (originally planned for Feb. 5-6, but suspended). We believe this falls under the "preexisting international agreement" provision is the USG agreement w/Australia concerning Nauru. State believes that having visible evidence of progress is important to both the Australian gov't and to the refugees, whose hopelessness has led to violence, self-harm, non-compliance, etc.

Asylum Processing:

1. Does the suspension apply to processing affirmative asylum applications filed by individuals from the countries on the list?

    - We have notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise.
    - We have told them to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

Refugee Travel Documents:

Should USCIS continue to issue refugee travel documents (domestically and abroad) to those not on the list? IO currently has a number of pending requests for refugee documents and the vast majority are Iraqi and the individuals are currently in Iraq. Will issue guidance to suspend processing those on the list, but what about the others?

TRIG:

Should we tell staff to hold off on approving cases for existing TRIG exemptions while all exemptions are being reviewed for possible rescission?

I-730's Processed Abroad:

1. Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list (e.g., China)? State's guidance to consular officers is to continue processing those. We have not issued any yet.
2. If we issued a travel document to a refugee FTJ or an asylee FTJ from one of the 7 countries before the 1/27/17 E.O. and the beneficiary hasn't traveled yet, should we try to get the travel document or packet back?

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 4:21 PM
To: Scialabba, Lori L; Walters, Jessica S; Renaud, Tracy L
Cc: Nicholson, Maura J; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: Boarding Letters for LPRs

That is correct. So my recommendation would be that we continue to process and then work with OCC to do the necessary work to enable us to collect biometric in the future.

Joanna

Joanna Ruppel
Chief, International Operations Division
USCIS Refugee, Asylum and International Operations Directorate
[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 5:06 PM
To: Ruppel, Joanna; Walters, Jessica S; Renaud, Tracy L
Cc: Nicholson, Maura J; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: Boarding Letters for LPRs

That could be the extreme vetting part of the equation. But if we can't they will be fingerprinted upon arrival. And sent to secondary.

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 4:55:41 PM
To: Scialabba, Lori L; Walters, Jessica S; Renaud, Tracy L
Cc: Nicholson, Maura J; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: Boarding Letters for LPRs

Lori and Tracy,

We do not collect fingerprints for boarding letters. We do TECS and other checks, but no biometrics. Never have. We can instruct staff to begin that ASAP tomorrow and amend our SOP, if you believe we should be collecting fingerprints from the LPRs (assuming OCC is OK with this, given that it is not included in the instructions to the form or on the web site). Adding Molly and Colleen.

Joanna

Joanna Ruppel
Chief, International Operations Division
USCIS Refugee, Asylum and International Operations Directorate
[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 4:41 PM
To: Ruppel, Joanna; Walters, Jessica S; Renaud, Tracy L
Cc: Lafferty, John L; Strack, Barbara L; Nicholson, Maura J; Kim, Ted H; Stone, Mary M
Subject: RE: questions for call at 4:00

Good news. They are letting LPRs board and I asked if we can do boarding letters for LPRs and they said yes. Just make sure we are running checks before hand. I know we do that and fingerprint. This is just a reminder.

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 3:56:20 PM
To: Scialabba, Lori L; Walters, Jessica S; Renaud, Tracy L
Cc: Lafferty, John L; Strack, Barbara L; Nicholson, Maura J; Kim, Ted H; Stone, Mary M
Subject: RE: questions for call at 4:00

Wasn't sure that had been confirmed about LRPs. Got it.

Joanna Ruppel
Chief, International Operations Division
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 3:56 PM
To: Ruppel, Joanna; Walters, Jessica S; Renaud, Tracy L
Cc: Lafferty, John L; Strack, Barbara L; Nicholson, Maura J; Kim, Ted H; Stone, Mary M
Subject: RE: questions for call at 4:00

If LPRs can't travel back with their card I don't think these folks can.

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 3:54:33 PM
To: Scialabba, Lori L; Walters, Jessica S; Renaud, Tracy L
Cc: Lafferty, John L; Strack, Barbara L; Nicholson, Maura J; Kim, Ted H; Stone, Mary M
Subject: RE: questions for call at 4:00

One more. Sorry.

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 3:51 PM
To: Scialabba, Lori L; Walters, Jessica S; Renaud, Tracy L
Cc: Lafferty, John L; Strack, Barbara L; Nicholson, Maura J; Kim, Ted H; Stone, Mary M
Subject: questions for call at 4:00
Importance: High

All,

I am still trying to get you a list of questions in a more coordinate way for Monday morning, but some of the more time-sensitive for your call at 4:00 (if you get this in time), given we need to get guidance out to staff around the world by tomorrow night.

1. Does the suspension apply to processing affirmative asylum applications filed by individuals from the countries on the list? [We are prepared to send out an message to suspend issuance of any final decisions and interviews for now]

2. Can USCIS continue to interview refugees who are religious-based minorities or should we cancel all scheduled interviews at this time?

3. Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list (e.g., China)? [State's guidance to consular officers is to continue processing those. We have not issued any yet.]

4. Should we stop issuing travel documents to those on the list who are LPRs whose green cards have been lost or stolen?

Thanks,

Joanna

Joanna Ruppel
Chief, International Operations Division
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

Shirk, Georgette L

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 2:34 PM
To: Groom, Molly M; Scialabba, Lori L; Busch, Philip B; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

All-

The 2:45 call did not address any of our outstanding issues. The call centered on a group of travel ready refugees and a discussion on whether to recommend applying a waiver allowing them to travel and be admitted. However, there is a WH principals' call at 4:00 that Lori will be on and we were encouraged to send our questions forward in advance of that call so DHS can either get us answers based on their knowledge or address the questions during the 4:00 call. Lori will be forwarding those questions. Stay tuned, we may have some guidance on at least some of our issues later today.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 2:03 PM
To: Scialabba, Lori L; Busch, Philip B; Renaud, Daniel M; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Oh we were not clear on whether it applied to adjustment but were looking for clarity. Maybe there is still time to get another answer?

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 1:59:11 PM
To: Busch, Philip B; Renaud, Daniel M; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

I can see reading it that way but we've already been told it applies to adjustment applications.

From: Busch, Philip B
Sent: Saturday, January 28, 2017 1:56:25 PM
To: Renaud, Daniel M; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E;

Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

I think that's the case with all benefits within the country, isn't it? The EO says examine benefit processes but the only thing it cuts off is entry into the United States from abroad, as I read it. Is that others' understanding? So if we mention natz, which I am certainly not suggesting we shouldn't, then we probably should expand the item to cover other benefits within the US. Thanks, Phil

---

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 1:49:28 PM
To: Renaud, Tracy L; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

I'd like to keep it in the document going to OPA that we may proceed with both making final decisions on pending N-400 petitions and administering the oath to eligible applicants from the 7 whose N-400s have been approved.

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 1:35:15 PM
To: Carter, Jeffrey T (Jeff); Ruppel, Joanna; Renaud, Daniel M; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Jeff,

I posed this question to DHS HQ just this morning because we had a 1:00 ceremony at the WAS field office with five individuals from the seven countries. I got a response back from DHS just before 1:00 indicating that we were good to go ahead with naturalizing those individuals. So, the answer is no, it does not apply to candidates for naturalization.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Carter, Jeffrey T (Jeff)
Sent: Saturday, January 28, 2017 1:26:12 PM
To: Renaud, Tracy L; Ruppel, Joanna; Renaud, Daniel M; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

+ Angie

OPA just called – they would like anything we can provide within the hour so they can hold a call with CBP and others who are getting bombarded with media inquiries and prepare S1 to return Hill calls.

One question I could see for us, even though it is somewhat answered in the first question below: Does the Executive Order apply to those currently being adjudicated for naturalization?

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

Please visit www.uscis.gov for news and information.

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 1:13 PM
To: Ruppel, Joanna; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M
Subject: RE: Clearance for Extreme Vetting Q&A

I am adding Jess, Molly and Phil back in again and also adding SCOPS. Jess is working to gather the questions you have all sent so far and compile them on one document. Once she has those together Lori and I will look at them to see which are internal questions and which might warrant public facing Q&A. So if you have sent your questions to Jess we should be all set.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 1:09 PM
To: Renaud, Daniel M; Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Nicholson, Maura J
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Renaud, Tracy L; Strack, Barbara L; Stone, Mary M
Subject: RE: Clearance for Extreme Vetting Q&A

These seem to be issue that need to be addressed at the Department level.

They are also asking for other questions we think should be included, so we may want to put together a list of questions, even if we don't have answers yet.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

Referred to Department of Homeland Security

(b)(6

Referred to Department of Homeland Security

Shirk, Georgette L

From: Nicholson, Maura J
Sent: Saturday, January 28, 2017 5:56 PM
To: Ruppel, Joanna; Strack, Barbara L; Stone, Mary M; Kim, Ted H; **Lafferty, John L**
Subject: RE: current list of time-sensitive questions

Joanna,

A couple of notes in red below. Thanks!

Maura

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 5:37 PM
To: Strack, Barbara L; Stone, Mary M; Kim, Ted H; Lafferty, John L; Nicholson, Maura J
Subject: current list of time-sensitive questions

All,

Here is what I plan to send to Jessica Walters later tonight. Let me know if you have anything else you want me to include. Barbara – this does not include the ongoing side-conversations about who can still travel, as I think that is outside this tasker.

RAIO Time Sensitive Questions on the Executive Order

Refugee Processing – what can continue?

For reference - current circuit rides:

1. Cape Town, South Africa (total number of cases is 166) – deployed through February 3:
   a. 92% nationality is Somali – Claims are mostly based on religious beliefs (different interpretations of Islam than Al Shabaab)
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   b. Note that these cases must obtain special visas to enter Austria and can only remain in Vienna for a very limited amount of time.

Urgent time-sensitive questions (need answers by Sunday evening, if possible):

1. Can the officer in Vienna resume interview on Monday? In light of the "notwithstanding" language at Sec. 5(e), we propose that he continue w/interviews as planned.

   In particular, that section says that the USRAP can use discretion to admit refugees during the 120-day

suspension "when admitting the person would enable the United States to conform its conduct to a preexisting international agreement..." We have such an agreement w/Austria. What we are proposing is not actually ADMISSIONS, however, but continuing w/RAD interviews, which seems in keeping with the intent and spirit of this provision. Since these applicants are Iranian religious minorities, we believe that their future admission would need to be assessed under the 90-day rule in Sec. 3.

2. Can we continue interviewing in Indonesia? We recommend that we continue, at least for the Rohingya population. PRM's guidance to RSC's is to continue processing around the world and just to cancel travel for the affected population, but they are OK with this proposal.

3. Should we continue interviews in South Africa? We think it would not be the best use of resources to continue to interview this population and intend to move forward to curtail those interviews. PRM is OK with this proposal. Not sure they are okay with this yet. They wanted to wait until Monday to discuss.

4. Should we continue interviews in Moscow? We have Lautenberg interviews scheduled in Moscow all week. This includes P1s and Lautenberg (largely Ukrainian religious minorities traveling in from the Ukraine for their interviews). Some of the P-1s travel in from remote areas. Our proposed plan:

   Where someone may already be in transit, we intend to continue with the interview if the individual was a Lautenberg or other religious minority, even though we are all still awaiting guidance on how the religious minority exception may be defined. For those other P1s, we intend to collect prints and inform them of the suspension, but not conduct an interview. We don't want to continue interviewing if we may have to do reinterviews later based on a new or amended approach to processing.

5. We believe we have P-1s also scheduled in New Delhi. Would follow same approach as above.

Less Urgent:

6. Should we resume planning scheduling CR for Nauru (originally planned for Feb. 5-6, but suspended). We believe this falls under the "preexisting international agreement" provision is the USG agreement w/Australia concerning Nauru. State believes that having visible evidence of progress is important to both the Australian gov't and to the refugees, whose hopelessness has led to violence, self-harm, non-compliance, etc.

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1. Does the suspension apply to processing affirmative asylum applications filed by individuals from the countries on the list?

   - We have notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise.
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the others? Would it make a difference if the applicant has already adjusted and become an LPR versus simply have refugee or asylee status?

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Should we tell staff to hold off on approving cases for existing TRIG exemptions while all exemptions are being reviewed for possible rescission?

I-730's Processed Abroad:

1. Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list (e.g., China)? State's guidance to consular officers is to continue processing those. We have not issued any yet.
2. If we issued a travel document to a refugee FTJ or an asylee FTJ from one of the 7 countries before the 1/27/17 E.O. and the beneficiary hasn't traveled yet, should we try to get the travel document or packet back? Beneficiaries may have sold their belongings, etc, in preparation for travel to the US.

Joanna Ruppel
Chief, International Operations Division
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

Shirk, Georgette L

From: Nicholson, Maura J
Sent: Friday, February 03, 2017 8:07 AM
To: Ruppel, Joanna
Subject: RE: EO Guidance

EMEA asked to clarify whether the restriction on processing I-730 A-FTJs was on bene nationality only or on petitioner or bene nationality. My understanding is we are talking about the bene only, but I want to ensure I'm correct. Is this your understanding, too?

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 8:40 AM
To: Groom, Molly M; Nicholson, Maura J; Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

And please note that under our current guidance staff can continue to process the I-730s for asylee following to join who are not in the 7 counties. We will of course be reviewing that process just as we review the process for all other benefits as directed under the order, while we continue to process.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Groom, Molly M
Sent: Friday, February 03, 2017 5:34:33 AM
To: Nicholson, Maura J; Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

I think that is all the EO provides for but I know Lori is working with DHS on clarifying issues.

From: Nicholson, Maura J
Sent: Friday, February 03, 2017 8:21:31 AM
To: Groom, Molly M; Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

I think the issue we still need clarification on is whether that hold for I-730 beneficiaries outside the US would only be for refugee follow-to-joins (all nationalities) and asylee follow-to-joins who are nationals or duals of one of the 7 countries.

From: Groom, Molly M
Sent: Friday, February 03, 2017 7:23:57 AM
To: Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

I think that is generally right for SCOPS. RAIO, especially IO, would have additional things to hold.

From: Neufeld, Donald W
Sent: Friday, February 03, 2017 7:18:52 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

I read this to mean the only thing we should continue to hold in SCOPS would be I-730s for beneficiaries outside the United States. Is that accurate?

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:32:13 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron);

Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

Signed and dated copy attached. Have a good evening!

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:20 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [redacted] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: RE: EO Guidance

Please hold off on disseminating just yet. The copy was not dated. I'll send an updated version in just a minute.

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:13 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [redacted] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: EO Guidance

Attached please find the EO implementation guidance. OCOMM will also be sending this out to a larger audience and I will post it on the ECN.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Shirk, Georgette L

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 11:11 AM
To: Scialabba, Lori L; Ruppel, Joanna; Strack, Barbara L; Stone, Mary M
Cc: Renaud, Tracy L; Hatchett, Dolline L; Alfonso, Angelica M; Walters, Jessica S; Young, Todd P; Kliska, Jennifer R
Subject: RE: EO implementation

Thank you, Lori. I'll notify PRM now.

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 12:10 PM
To: Ruppel, Joanna; Strack, Barbara L; Stone, Mary M
Cc: Renaud, Tracy L; Nicholson, Maura J; Hatchett, Dolline L; Alfonso, Angelica M; Walters, Jessica S; Young, Todd P
Subject: RE: EO implementation

Yes cancel South Africa.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 12:05:37 PM
To: Scialabba, Lori L; Strack, Barbara L; Stone, Mary M
Cc: Renaud, Tracy L; Nicholson, Maura J; Hatchett, Dolline L; Alfonso, Angelica M; Walters, Jessica S; Young, Todd P
Subject: RE: EO implementation

OK. Will get you what is still scheduled for Q2 aside from what is ongoing now. Just to confirm, and here is the consolidated list for interviews for this coming week and the actions we plan on taking, until we get any further guidance. Would very much appreciate confirmation on plan of action and answer to question below:

Vienna: We will continue with interviews
Indonesia: We will continue with all interviews
Moscow: Where someone may already be in transit, we intend to continue with the interview if the individual was a Lautenberg or other religious minority, even though we are all still awaiting guidance on how the religious minority exception may be defined. For those other P1s, we intend to collect prints and inform them of the suspension, but not conduct an interview. We don't want to continue interviewing if we may have to do reinterviews later based on a new or amended approach to processing.
New Delhi: Same as above with respect to religious minorities

Also, we would like to cancel all interviews scheduled for the rest of the Circuit Ride in Cape Town, which is mostly Somali. Can we move forward with cancelling? Please confirm.

Thanks,

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted]

(b)(6)

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 12:00 PM
To: Ruppel, Joanna; Strack, Barbara L; Stone, Mary M
Cc: Renaud, Tracy L; Nicholson, Maura J; Hatchett, Dolline L; Alfonso, Angelica M; Walters, Jessica S; Young, Todd P
Subject: RE: EO implementation

Whatever we have already scheduled.

Go ahead with the interviews that you are recommending we keep. I already told DHS we are going ahead with Vienna. The one issue we might have is after the review of the process if we are adding anything to vetting or interviewing you may have to revisit the cases you are now interviewing.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 11:35:49 AM
To: Scialabba, Lori L; Strack, Barbara L; Stone, Mary M
Cc: Renaud, Tracy L; Nicholson, Maura J
Subject: RE: EO implementation

Lori,

We are working with RAD to provide you a consolidated response to questions below. We need clarification from you on question #3. Are you seeking all Circuit Rides scheduled for Q2?

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 9:42 AM
To: Strack, Barbara L; Ruppel, Joanna; Stone, Mary M
Cc: Renaud, Tracy L; Scialabba, Lori L
Subject: EO implementation

Barbara/Joanna,

I need some information.

1. How many refugees are travel ready and by that I mean we've completed everything and they could get on a plane. I want a breakdown by nationality.

2. I know you already did it but give me a list of where we are on circuit rides right now, how many officers, and what the populations look like.
   South Africa - Sudanese/Somalis, team of 4
   Malaysia (sp) - Rohinga team of 4?

Make corrections where I have things wrong.

3. Scheduled circuit rides coming up with the same information.

4. Can we get an RSO assessment on places we would normally go that may be dangerous after this announcement. Baghdad, Turkey, Egypt, Jordan, etc. Get me a completely list of where you think that is necessary. I don't think we will be going anywhere but having the information will be helpful.

5. IF we are only admitting 50,000 refugees do we need to do more circuit rides to reach that number. Keep in mind we may not be admitting anyone or very few people from the 7countries.

6. Please get me the number of I730s we have ready to interview or have interviewed that could travel. Break it down that way with nationalities. I also need it broken down by Asylum vs Refugee following to join.

I know this is a tall order. I have a call at 4 and would appreciate anything you can get me by then.

Also, if you have any suggestions on how to handle case by case reviews (you'll need to have something that represents additional vetting) let me have that to run up the chain. If we can get that cleared we might be able to move ahead with some case by case review.

Sorry for the fire drill on a Sunday especially when we had one on Saturday too.

Thanks,
Lori

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 11:31 AM
To: Lafferty, John L
Subject: RE: Executive Order

Do Lori and Tracy know? We may want to flag

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Lafferty, John L
Sent: Sunday, January 29, 2017 12:30 PM
To: Groom, Molly M; Ruppel, Joanna; Zengotitabengoa, Colleen R
Subject: RE: Executive Order

We are already being contacted by attorneys about some individuals who have been detained.

From: Groom, Molly M
Sent: Sunday, January 29, 2017 12:25:26 PM
To: Lafferty, John L; Ruppel, Joanna; Zengotitabengoa, Colleen R
Subject: RE: Executive Order

I believe you will be seeing CF/RF cases from the 7 countries because that was what CBP had proposed for some cases where waivers may be considered.

From: Lafferty, John L
Sent: Sunday, January 29, 2017 12:23 PM
To: Groom, Molly M; Ruppel, Joanna; Zengotitabengoa, Colleen R
Subject: RE: Executive Order

I also don't think that the language of the EO and the cited INA sections indicate that asylum interviews should stop or decisions should be held up, but it is probably wise to confirm rather than proceed and get told otherwise later. I have instructed the offices to continue to accept and process CF and RF referrals since we are not granting any benefit. The only thing that we have actually instructed a pause on until we get an answer is the issuance of decisions on asylum cases. Offices were just told to prepare for possible cancellation of interviews, but they are to proceed unless/until instructed otherwise.

From: Groom, Molly M
Sent: Sunday, January 29, 2017 12:08:50 PM

To: Ruppel, Joanna; Lafferty, John L; Zengotitabengoa, Colleen R
Subject: RE: Executive Order

Who's suggesting otherwise? I didn't see this in the questions to OPA. Seems absolutely clear to me—same as natz

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From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 11:57 AM
To: Groom, Molly M; Lafferty, John L; Zengotitabengoa, Colleen R
Subject: RE: Executive Order

We need confirmation from the Department on that. If you can assist through discussions with OGC, would be wonderful.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted]

From: Groom, Molly M
Sent: Sunday, January 29, 2017 11:56 AM
To: Ruppel, Joanna; Lafferty, John L; Zengotitabengoa, Colleen R
Subject: RE: Executive Order

I don't understand how asylum would be affected by the EO. If they tell you otherwise, please let me know.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 11:54 AM
To: Neufeld, Donald W; Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc: Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S; Lafferty, John L; Strack, Barbara L; Stone, Mary M; Nicholson, Maura J
Subject: RE: Executive Order

Asylum has notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise. They also told leadership to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

IO is working with front office on guidance for international staff and ongoing refugee interviews. We have greenlight for refugee interviews in Vienna to continue tomorrow.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Sunday, January 29, 2017 11:52 AM

To: Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Same here Larry. We have put a full stop on everything involving the 7 countries at the centers pending further guidance.

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order
To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order
Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order
I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order
I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted]
We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

(b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted]

(b)(6)

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 5:38 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Nicholson, Maura J
Subject: RE: Interim guidance for IO

Got it.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 3:37:33 PM
To: Ruppel, Joanna; Renaud, Tracy L
Cc: Nicholson, Maura J
Subject: RE: Interim guidance for IO

Yes. Say consistent with S1s directive regarding LPRs.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 6:31:33 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Nicholson, Maura J
Subject: RE: Interim guidance for IO

We can also say they can process a request for boarding letter from LPR per existing guidance (our existing guidance directs them to contact HQ if there is significant derog). Would be consistent with press release Tracy just forwarded.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 3:12:32 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Nicholson, Maura J
Subject: RE: Interim guidance for IO

Do you want us to send a simply message like FOD and SCOPS and Asylum did to their leadership to just hold all decisions for cases from affected countries and proceed otherwise?

Note we have no cases for boarding letters pending from the affected countries.

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 6:10 PM
To: Ruppel, Joanna; Renaud, Tracy L
Cc: Nicholson, Maura J
Subject: RE: Interim guidance for IO

I don't think you can send this as it is.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 6:01:45 PM
To: Renaud, Tracy L; Scialabba, Lori L
Cc: Nicholson, Maura J
Subject: FW: Interim guidance for IO

Tracy and Lori,

Just as FOD, SCOPs and Asylum have sent out guidance to staff to hold certain cases tomorrow, IO plans to send out the following tonight to address the questions we have been getting and ensure staff do not violate the E.O. Please let me know if you have any objections.

The guidance is only intended for cases this week, until we can issue cleared guidance.

Thanks,

Joanna

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 5:48 PM
To: Ruppel, Joanna
Subject: Interim guidance for IO
Importance: High

Joanna – this is what I'd like to send to the Field Managers. I'll attach the EO when I send it for their reference.

International Managers,

We continue to work as rapidly as possible to get clarification on implementation of the Executive Order signed on January 27, 2017 (attached for reference), and are working on detailed guidance to help field staff address various scenarios you may be encountering overseas. In the meantime, please follow the below guidance for the next few days until more complete guidance is available:

1. Refugee-Related Processing

A. For all I-590 Refugee Cases (all nationalities), all I-730 Refugee Follow-to-Join cases (all nationalities), and I-730 Asylee Follow-to-Join cases where the beneficiary is a national of Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen:

1. *Interview already scheduled this week, sufficient time to cancel*
   - Cancel interview, even if Lautenberg or other religious minority case. We will offer further guidance on these types of cases as soon as it is available.
   - If I-730 cases, pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".
2. *Interview already scheduled, insufficient time to cancel*
   - Collect fingerprints, review bio-data on case for accuracy and completeness, and notify applicant that he/she will be contacted with additional information in the future when we are able to proceed in the processing of his or her case.
   - For I-730 cases, pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".
3. *Interview not yet scheduled*
   - Do not schedule any cases until further notice.
   - For I-730 cases, pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".

<u>4-6 below relate to I-730 Refugee Follow-to-Joins (all nationalities) and I-730 Asylee Follow-to-Joins of the 7 nationalities (Only)</u>

4. *Already interviewed, pending decision or travel packet issuance*
   - No final decisions or travel packets should be issued. Pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".
5. *If new cases received*

- Immediately pause the Clock upon case entry, noting 1/27/2017 E.O.

Note: I-730 Asylee Follow-to-Join cases of all other nationalities can continue processing to **completion, as usual.**

B. I-590 Adjudications, I-590 Supervisory Review and I-602 Adjudications

- Staff should stop making decisions or completing supervisory review until further notice.

C. RFR Adjudications

- You may continue to process RFR adjudications to completion if they are denials. **All others should be** held until further notice and the Clock in CAMINO paused as of 1/27/2017.

2. All Other Benefit Types where the Applicant/Beneficiary is a national or dual national of Iraq, Iran, Libya, Somalia, Sudan, Syria, or Yemen

You may continue processing other case types but do not issue any final decisions until further notice, including I-131A boarding letters. If you receive an I-131A boarding letter request from a national or dual national of one of the 7 countries listed above, please contact me and Jen Kliska for guidance. I-407 abandonments can continue to be processed.

3. Handling of Inquiries

If you receive inquiries from foreign governments about any DHS equities related to the Executive Orders, please direct those inquiries to Matt King, Deputy Assistant Secretary, Policy at [redacted] Please do not provide his contact information to parties external to USCIS.

(b)(6)

The above guidance is only a stop-gap to assist in addressing the most urgent needs for the next few days or even this week when more detailed cleared guidance can be issued. Also, for awareness, OCOMM is also working on talking points and FAQs related to the Executive Order, which should be issued via USCIS Broadcast soon.

If districts can continue to collect and consolidate questions from the field, that would be helpful. I appreciate the difficulty of being on the front line and getting inquiries from the public and others for which we don't yet have complete answers. Many people throughout the Agency and Department are working hard to sort out impact of the E.O. on the Agency. I appreciate your patience during this effort!

More to follow soon. Thank you for your continued support and dedication as we navigate the current policy changes!

Maura

****

Maura J. Nicholson
Deputy Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations
[redacted]
(b)(6)

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Shirk, Georgette L

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 2:56 PM
To: Scialabba, Lori L; Walters, Jessica S; Renaud, Tracy L
Cc: Lafferty, John L; Strack, Barbara L; Nicholson, Maura J; Kim, Ted H; Stone, Mary M
Subject: RE: questions for call at 4:00

Wasn't sure that had been confirmed about LRPs. Got it.

Joanna Ruppel
Chief, International Operations Division
USCIS Refugee, Asylum and International Operations Directorate
[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 3:56 PM
To: Ruppel, Joanna; Walters, Jessica S; Renaud, Tracy L
Cc: Lafferty, John L; Strack, Barbara L; Nicholson, Maura J; Kim, Ted H; Stone, Mary M
Subject: RE: questions for call at 4:00

If LPRs can't travel back with their card I don't think these folks can.

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 3:54:33 PM
To: Scialabba, Lori L; Walters, Jessica S; Renaud, Tracy L
Cc: Lafferty, John L; Strack, Barbara L; Nicholson, Maura J; Kim, Ted H; Stone, Mary M
Subject: RE: questions for call at 4:00

One more. Sorry.

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 3:51 PM
To: Scialabba, Lori L; Walters, Jessica S; Renaud, Tracy L
Cc: Lafferty, John L; Strack, Barbara L; Nicholson, Maura J; Kim, Ted H; Stone, Mary M
Subject: questions for call at 4:00
Importance: High

All,

I am still trying to get you a list of questions in a more coordinate way for Monday morning, but some of the more time-sensitive for your call at 4:00 (if you get this in time), given we need to get guidance out to staff around the world by tomorrow night.

1. Does the suspension apply to processing affirmative asylum applications filed by individuals from the countries on the list? [We are prepared to send out an message to suspend issuance of any final decisions and interviews for now]

2. Can USCIS continue to interview refugees who are religious-based minorities or should we cancel all scheduled interviews at this time?

3. Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list (e.g., China)? [State's guidance to consular officers is to continue processing those. We have not issued any yet.]

4. Should we stop issuing travel documents to those on the list who are LPRs whose green cards have been lost or stolen?

Thanks,

Joanna

Joanna Ruppel
Chief, International Operations Division
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

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Committee

Shirk, Georgette L

From: Groom, Molly M
Sent: Friday, February 03, 2017 8:06 AM
To: Scialabba, Lori L; Ruppel, Joanna; Strack, Barbara L
Cc: Renaud, Tracy L
Subject: RE: Returning refugees still no-boards

I got their legal shop on board and to provide the CBP operator's guidance. I believe that guidance is being implemented. This just means that returning refugees and asylees should not need waivers unless they are from 1 of the 7 countries.

From: Scialabba, Lori L
Sent: Friday, February 03, 2017 9:02:07 AM
To: Ruppel, Joanna; Strack, Barbara L
Cc: Renaud, Tracy L; Groom, Molly M
Subject: RE: Returning refugees still no-boards

Reading this again. Do you mean Molly just worked it out?

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 8:53:44 AM
To: Scialabba, Lori L; Strack, Barbara L
Cc: Renaud, Tracy L; Groom, Molly M
Subject: RE: Returning refugees still no-boards

Lori,

We understand Molly had worked this out with OGC and CBP and CBP's guidance is being updated, accordingly. They should not need exemptions.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Friday, February 03, 2017 5:50:25 AM
To: Ruppel, Joanna; Strack, Barbara L

Cc: Renaud, Tracy L
Subject: FW: Returning refugees still no-boards

FYI

From: Higgins, Jennifer
Sent: Friday, February 03, 2017 8:49:11 AM
To: Scialabba, Lori L
Subject: RE: Returning refugees still no-boards

I would talk with Patrick Flanagan to discuss the process. The waiver has been delegated down but I think you'd want to coordinate in advance for these given that children are involved.

From: Scialabba, Lori L
Sent: Thursday, February 02, 2017 9:33:17 PM
To: Higgins, Jennifer
Subject: RE: Returning refugees still no-boards

Well he sent me contacts. Do you think people can ask for a waiver? I'm not sure what the process is here.

From: Higgins, Jennifer
Sent: Thursday, February 02, 2017 8:56:44 PM
To: Scialabba, Lori L
Subject: RE: Returning refugees still no-boards

Did Kevin respond?

From: Scialabba, Lori L
Sent: Wednesday, February 01, 2017 6:13:15 PM
To: MCALEENAN, KEVIN K
Subject: FW: Returning refugees still no-boards

Kevin,

We are being told that refugees or who entered the U.S. as a refugee before the EO, then traveled outside of the country with a refugee travel document are not being permitted to board for return flights. Same situation for person granted asylum in the U.S. Not just the 7 identified countries but all people in this situation. Ex. There could be an asylee from China who travels to the U.K. for business or to attend a conference who can now not get back into the country. Just wondering if this was vetted with DHS and we're sure this is the intent of the EO.

I would not be surprised if the answer is yes since IVs from the 7 countries can't travel but I'm not sure the intent was to apply this to refugees or asylees from other countries who are traveling on a refugee document, which means we've already accepted them into the U.S. as a refugee or asylee.

Let me know.

Thanks,

Lori

From: Ruppel, Joanna
Sent: Wednesday, February 01, 2017 5:43 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Strack, Barbara L; Stone, Mary M; Nicholson, Maura J; Kliska, Jennifer R; Benedict, Deborah L; Kwan, Stephanie M; Farnam, Julie E; Walters, Jessica S; Neufeld, Donald W; McCament, James W; Campagnolo, Donna P; Groom, Molly M; Lafferty, John L; Kim, Ted H
Subject: FW: Returning refugees still no-boards
Importance: High

Lori and Tracy,

I know we raised this question, but now flagging for you that CBP guidance is not to board refugees or asylees with refugee travel documents, regardless of their country, unless they have an exemption. See chart below.

This means that there could be someone who has been an asylee or a refugee living in the U.S. for some time (maybe years, in the case of an asylee), who left to go on a business meeting in the U.K. and now cannot get back to family, job, home. Is that really what was intended?

Joanna

From: Strack, Barbara L
Sent: Wednesday, February 01, 2017 4:58 PM
To: [redacted] Bartlett, Lawrence E. (b)(6)
Cc: Gauger, Kelly A; Ruppel, Joanna; Groom, Molly M; Zengotitabengoa, Colleen R; Chiorazzi, Anne; Pilch, Jacquelyn J
Subject: RE: Returning refugees still no-boards

Very helpful, thanks. USCIS was not aware of this CBP guidance.

Our counsel is engaging, too. Seems to me personally that the EO is ambiguous on this point.

From: [redacted] (b)(6)
Sent: Wednesday, February 01, 2017 4:49:36 PM
To: Strack, Barbara L; Bartlett, Lawrence E.
Cc: Gauger, Kelly A; Ruppel, Joanna; Groom, Molly M; Zengotitabengoa, Colleen R; Chiorazzi, Anne; Pilch, Jacquelyn J
Subject: RE: Returning refugees still no-boards

Barbara,

Yes, this has been implemented as refusal to board and admit ALL returning refugees, regardless of nationality. We just confirmed with NTC and the Executive Director of CBP's Admissibility and Passenger Programs Todd Hoffman that this is the policy. The Commissioner has not been very keen to sign waivers to admit those who somehow were able to board. I am told that this policy was negotiated with State Department. Is that the case?

Please see below for the specific NTC guidance regarding boarding. Apologies for the quality. There's no scanner in the crisis room.

Please let me know if there's anything I can do to help.

[redacted] (b)(6)
Official - SBU
UNCLASSIFIED

From: Strack, Barbara L [redacted] (b)(6)
Sent: Wednesday, February 01, 2017 4:23 PM
To: [redacted] (b)(6) Bartlett, Lawrence E.
Cc: Gauger, Kelly A; Ruppel, Joanna; Groom, Molly M; Zengotitabengoa, Colleen R; Chiorazzi, Anne
Subject: RE: Returning refugees still no-boards

[redacted] (b)(6) we're looking at this now.

To be clear, these refusals to board extend beyond the 7 nationalities?

From: [redacted] (b)(6)
Sent: Wednesday, February 01, 2017 4:13:37 PM
To: Bartlett, Lawrence E.; Strack, Barbara L
Cc: Gauger, Kelly A
Subject: Returning refugees still no-boards

Folks,

I know this conversation is probably being had at much higher levels, but I wanted to flag that CBP is denying boarding to returning refugees with refugee travel documents are still being denied boarding and entry, despite the fact that the EO does not prohibit this explicitly. Do we know under what authority this could be done?

I am trying to track down the decision makers here.

[redacted] (b)(6)

Referred to U.S. Department of State

(b)(6

Referred to U.S. Department of State

Referred to Department of Homeland Security

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Referred to Department of Homeland Security

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Committee

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Committee

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Monday, January 30, 2017 5:15 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Strack, Barbara L; Stone, Mary M; Nicholson, Maura J; Kliska, Jennifer R
Subject: Updates on refugee process and EO

Lori and Tracy,

Just wanted to get you the latest info, some of which may be helpful to send up to the Department. RAIO has established a daily call with PRM and below is what we learned on today's call. Also, we will be setting up a couple working groups with PRM (more to come on that later):

Exemptions:

- Barbara had already alerted you when we met this morning, but PRM noted that there were a few people who should have been on the list of 872 scheduled to travel through Feb 2, but were inadvertently left off. PRM is preparing a request for an exemption for these. In addition, some on the list were not permitted to board flights (mostly not permitted by CBP, a couple by the airlines) and now may not be able to travel by the 2nd. PRM is working with CBP on those and hopes they do not have to request another exemption at the Secretary level. [Note: may be helpful if you alert the Department to help pave the way]
- PRM has been pro-actively reaching out to CBP and airlines to alert them when people are going to travel, given the problems several have had boarding.
- PRM is going to work on categories for potential exemptions, to include Iranians in Vienna (as we know), Iraqi P-2s, among others. They will run it by us.
- PRM and RAIO will establish a working group to work on a proposed exemption process.

Pipeline:

- PRM believes there are enough people in the pipeline to meet the 50,000 this year without interviews of new cases, but we also need to have people in the pipeline for admissions next year. PRM is going to do some analysis of this. Much depends on who in the pipeline will be able to come in under the guidance in the E.O., either as an exemption or once admissions resume. We may need to reinterview some people in the pipeline, depending on what guidance results from the EO.

Interviews scheduled for Q2:

- PRM has the pen to draft a message to the RSCs letting them know that all Q2 circuit rides are being reviewed in light of the EO and it is likely they will be postponed/cancelled while we focus on exemption cases and pipeline cases that require reinterview in light of new guidance.
- We have cancelled refugee interviews in Moscow for the this week and next, including Lautenberg, in an exercise of caution, as additional guidance may be coming on type of info we need to solicit in the interviews.

Please let me know if you have questions/concerns.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

(b)(6)

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 11:21 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Strack, Barbara L; Stone, Mary M; Nicholson, Maura J; Kliska, Jennifer R; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Alfonso, Angelica M; Grammer, Alexandra C; Palmer, Ann M
Subject: Proposed message to RAIO staff on Q2 refugee processing

Lori and Tracy,

We have been working with PRM on the message they need to send to the RSCs and the message we need to send our staff regarding Q2 refugee circuit ride planning. We all agree that the existing plans are no longer relevant, so the RSCs, IO and RAD staff need to pivet to cancel plans and allocate resources elsewhere – temporarily. Any objections to our sending the message below, which parallels the message PRM is sending out to RSCs today?

Dear RAIO staff – As you know, last week we made the decision to temporarily suspend departures for both RAD and IO circuit rides until February 15. We also temporarily suspended refugee interviews at all international field offices. Following further consultations with PRM, we have jointly decided that the remaining 2nd quarter circuit ride and USCIS international field office interview schedule will be completely revised. PRM is instructing the RSCs to cancel this quarter's USCIS circuit rides and field office interviews at this time.

RAIO will be working with PRM in coming weeks and months to discuss when circuit rides and field office interviews will resume and to identify any interviews that will be needed to reach this year's revised goal of 50,000 admissions, as well as the FY18 ceiling, which has not yet been determined. At this time, we do not have any information to share on 3rd and 4th quarter circuit rides or field office processing, but we will continue to share additional information as it becomes available.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

Shirk, Georgette L

From: Nicholson, Maura J
Sent: Sunday, February 05, 2017 3:05 PM
To: Ruppel, Joanna
Subject: RE: Effect of EO

Agreed for IO.

From: Ruppel, Joanna
Sent: Sunday, February 05, 2017 4:01:41 PM
To: Busch, Philip B; Neufeld, Donald W; Renaud, Daniel M; Rosenberg, Ronald M (Ron); Meckley, Tammy M
Cc: Groom, Molly M; Renaud, Tracy L; Nicholson, Maura J; Lafferty, John L; Kim, Ted H
Subject: RE: Effect of EO

I cannot think of any adjudicative action without RAIO as described below. We simply put cases on hold and cancelled refugee circuit rides and in office refugee interviews.

John and Ted, can you confirm that no discretionary denials or otherwise were taken for asylum?

Thanks

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Busch, Philip B
Sent: Sunday, February 05, 2017 12:52:27 PM
To: Neufeld, Donald W; Renaud, Daniel M; Ruppel, Joanna; Rosenberg, Ronald M (Ron); Meckley, Tammy M
Cc: Groom, Molly M; Renaud, Tracy L
Subject: Effect of EO (b)(5)

[redacted]

(b)(5)

[redacted]

Thanks very much, Phil

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 11:15 AM
To: Scialabba, Lori L
Subject: RE: EO implementation

Much appreciated. Thanks!!!

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 12:10 PM
To: Ruppel, Joanna; Strack, Barbara L; Stone, Mary M
Cc: Renaud, Tracy L; Nicholson, Maura J; Hatchett, Dolline L; Alfonso, Angelica M; Walters, Jessica S; Young, Todd P
Subject: RE: EO implementation

Yes cancel South Africa.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 12:05:37 PM
To: Scialabba, Lori L; Strack, Barbara L; Stone, Mary M
Cc: Renaud, Tracy L; Nicholson, Maura J; Hatchett, Dolline L; Alfonso, Angelica M; Walters, Jessica S; Young, Todd P
Subject: RE: EO implementation

OK. Will get you what is still scheduled for Q2 aside from what is ongoing now. Just to confirm, and here is the consolidated list for interviews for this coming week and the actions we plan on taking, until we get any further guidance. Would very much appreciate confirmation on plan of action and answer to question below:

Vienna: We will continue with interviews
Indonesia: We will continue with all interviews
Moscow: Where someone may already be in transit, we intend to continue with the interview if the individual was a Lautenberg or other religious minority, even though we are all still awaiting guidance on how the religious minority exception may be defined. For those other P1s, we intend to collect prints and inform them of the suspension, but not conduct an interview. We don't want to continue interviewing if we may have to do reinterviews later based on a new or amended approach to processing.
New Delhi: Same as above with respect to religious minorities

Also, we would like to cancel all interviews scheduled for the rest of the Circuit Ride in Cape Town, which is mostly Somali. Can we move forward with cancelling? Please confirm.

Thanks,

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations
(b)(6)

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 12:00 PM
To: Ruppel, Joanna; Strack, Barbara L; Stone, Mary M
Cc: Renaud, Tracy L; Nicholson, Maura J; Hatchett, Dolline L; Alfonso, Angelica M; Walters, Jessica S; Young, Todd P
Subject: RE: EO implementation

Whatever we have already scheduled.

Go ahead with the interviews that you are recommending we keep. I already told DHS we are going ahead with Vienna. The one issue we might have is after the review of the process if we are adding anything to vetting or interviewing you may have to revisit the cases you are now interviewing.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 11:35:49 AM
To: Scialabba, Lori L; Strack, Barbara L; Stone, Mary M
Cc: Renaud, Tracy L; Nicholson, Maura J
Subject: RE: EO implementation

Lori,

We are working with RAD to provide you a consolidated response to questions below. We need clarification from you on question #3. Are you seeking all Circuit Rides scheduled for Q2?

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 9:42 AM
To: Strack, Barbara L; Ruppel, Joanna; Stone, Mary M
Cc: Renaud, Tracy L; Scialabba, Lori L
Subject: EO implementation

Barbara/Joanna,

I need some information.

1. How many refugees are travel ready and by that I mean we've completed everything and they could get on a plane. I want a breakdown by nationality.

2. I know you already did it but give me a list of where we are on circuit rides right now, how many officers, and what the populations look like.
   South Africa - Sudanese/Somalis, team of 4
   Malaysia (sp) - Rohinga team of 4?
Make corrections where I have things wrong.

3. Scheduled circuit rides coming up with the same information.

4. Can we get an RSO assessment on places we would normally go that may be dangerous after this announcement. Baghdad, Turkey, Egypt, Jordan, etc. Get me a completely list of where you think that is necessary. I don't think we will be going anywhere but having the information will be helpful.

5. IF we are only admitting 50,000 refugees do we need to do more circuit rides to reach that number. Keep in mind we may not be admitting anyone or very few people from the 7countries.

6. Please get me the number of I730s we have ready to interview or have interviewed that could travel. Break it down that way with nationalities. I also need it broken down by Asylum vs Refugee following to join.

I know this is a tall order. I have a call at 4 and would appreciate anything you can get me by then.

Also, if you have any suggestions on how to handle case by case reviews (you'll need to have something that represents additional vetting) let me have that to run up the chain. If we can get that cleared we might be able to move ahead with some case by case review.

Sorry for the fire drill on a Sunday especially when we had one on Saturday too.

Thanks,
Lori

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 1:00 PM
To: Lafferty, John L; Nicholson, Maura J; Strack, Barbara L; Kim, Ted H; Stone, Mary M
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

I do think it would be good to hold off issuing final decisions and interviewing individuals from those nationalities, but let's hold off issuing that guidance until tomorrow. You can flag to your directors that guidance is coming, so they know to watch for it. I would like to get a list of questions up to Lori and Tracy today of questions that need immediate decision. Will send list of other questions to Jessica Walters. Will shortly send out info on how I would like to track these questions and get them up.

Joanna

Joanna Ruppel
Chief, International Operations Division
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

From: Lafferty, John L
Sent: Saturday, January 28, 2017 1:07 PM
To: Ruppel, Joanna; Nicholson, Maura J; Strack, Barbara L; Kim, Ted H; Stone, Mary M
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

A literal reading of the EO and cited INA sections would not indicate that this processing suspension applies to the processing of asylum applications, but I understand why it might be wise to cancel interviews and place on hold cases from the relevant countries while we await additional guidance. Unless you want us to hold off, I will issue such guidance by e-mail today.

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 11:46:47 AM
To: Nicholson, Maura J; Strack, Barbara L; Lafferty, John L; Kim, Ted H; Stone, Mary M
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

FYI.

I think we also need guidance on how this applies to asylum. May want to cancel interviews and place in hold asylum applicants from these countries.

I am hoping we can work with the front office to get a memo to all USCIS staff to be issued Monday.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 8:37:07 AM
To: Scialabba, Lori L; Renaud, Tracy L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna
Cc: McCament, James W
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

I just sent this to the centers.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:35 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Shirk, Georgette L

From: Nicholson, Maura J
Sent: Friday, February 03, 2017 3:45 PM
To: Monica, Donald J; Ruppel, Joanna
Cc: Kliska, Jennifer R
Subject: RE: Executive Order and Refugee Processing

Correct. Indonesia will stay the course through CR completion. Thanks!

From: Monica, Donald J
Sent: Friday, February 03, 2017 4:42:07 PM
To: Ruppel, Joanna
Cc: Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order and Refugee Processing

Just reconfirming that this does not affect the CR. in process in Indonesia. That continues until it's February 10 conclusion, correct?

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 3:02:21 PM
To: RAIO - ALL1
Subject: Executive Order and Refugee Processing

RAIO Colleagues,

As you know, last week we made the decision to temporarily suspend departures for both the Refugee Affairs Division (RAD) and International Operations (IO) circuit rides until February 15. We also temporarily suspended refugee interviews at all international field offices. Following further consultations with the Department of State Bureau for Population, Refugees and Migration (PRM), we have jointly decided that the remaining 2nd quarter circuit ride and USCIS international field office interview schedule will be completely revised. PRM is instructing the Refugee Support Centers to cancel this quarter's USCIS circuit rides and field office interviews at this time.

RAIO will be working with PRM in coming weeks and months to discuss when circuit rides and field office interviews will resume and to identify any interviews that will be needed to reach this year's revised goal of 50,000 admissions, as well as the FY18 ceiling, which has not yet been determined. At this time, we do not have any information to share on 3rd and 4th quarter circuit rides or field office processing, but we will continue to share additional information as it becomes available.

I would like to encourage you to review the RAIO ECN site that we have begun building to share information with you, as well as to provide a space for questions and collaboration:

2017 Executive Orders

You will find there a place where you may submit questions anonymously. Or, you can identify yourself in case we want to get back to you with any follow up questions to clarify your question. While the site tracks number of "responses," that actually means number of questions. It may take a bit of time, but once we have a number of questions, we will work on posting the questions and responses. Also, something to watch for in the coming weeks is that we will be

seeking your views on certain implementation issues through the feedback section of that ECN site (such as additional information it would be helpful to know when processing a benefit request).

Thank you for your support, flexibility and patience.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

Shirk, Georgette L

From: Nicholson, Maura J
Sent: Saturday, February 04, 2017 5:10 AM
To: Monica, Donald J; Johnson, Bobbie L; Spalter, Brian M; Ruppel, Joanna; Kliska, Jennifer R; Langlois, Joseph E
Cc: Benedict, Deborah L
Subject: RE: Injunction

Agreed. Thanks, Don.

From: Monica, Donald J
Sent: Saturday, February 04, 2017 12:31:04 AM
To: Nicholson, Maura J; Johnson, Bobbie L; Spalter, Brian M; Ruppel, Joanna; Kliska, Jennifer R; Langlois, Joseph E
Cc: Benedict, Deborah L
Subject: RE: Injunction

Thanks,

In view of the unpredictability of the situation, I'm going to tell the FODs not to reschedule in-office interview for Monday to Wednesday. This should (a) both the RSCs and the from having expectations raised and then dashed if things change again.

From: Nicholson, Maura J
Sent: Saturday, February 04, 2017 12:19:12 AM
To: Monica, Donald J; Johnson, Bobbie L; Spalter, Brian M; Ruppel, Joanna; Kliska, Jennifer R; Langlois, Joseph E
Cc: Benedict, Deborah L
Subject: RE: Injunction

Thanks for flagging, Don. We need to first regroup with RAD and PRM to coordinate approach with respect to CRs and interview schedules in light of the injunction. I expect we'll do so this weekend or certainly on Monday. We may want to first resume arrivals to the US before rescheduling CRs. That may also allow some time for the legal situation to play out. That was one suggestion but we'll discuss options internally and with State and let you know proposed approach as soon as we can.

From: Monica, Donald J
Sent: Friday, February 03, 2017 11:36:24 PM
To: Nicholson, Maura J; Johnson, Bobbie L; Spalter, Brian M; Ruppel, Joanna; Kliska, Jennifer R
Subject: RE: Injunction

The immediate need for us (assuming no stay or other action reverses course), especially in view of the time difference between here and Washington, is whether we try to reschedule CRs. We have one to Sri Lanka that was to begin on Feb 13. We hit a logistical problem and would be short by one officer. No effort was made to fix this because of the EO, but if we are planing to try to go, we'll have to scramble a bit and hope to get a visa for someone asap.

From: Nicholson, Maura J
Sent: Friday, February 03, 2017 10:02:42 PM
To: Fatica, Erin K; Johnson, Bobbie L; Langlois, Joseph E; Lassen, Brett H; Monica, Donald J; Spalter, Brian M
Subject: Injunction

DDs/DDDs,

Wanted to ensure you've seen the news that a Seattle judge issued an injunction blocking enforcement of key elements of the Administration's 1/27 EO. CBP has begun operating at pre-EO business as usual at ports. I expect guidance will be forthcoming for us soon.

Stay tuned.

Maura

Shirk, Georgette L

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 1:37 PM
To: Scialabba, Lori L; Strack, Barbara L
Cc: Renaud, Tracy L; Groom, Molly M
Subject: RE: Returning refugees still no-boards

OK. We will need to let people know today that they cannot travel, if that is the position.

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Friday, February 03, 2017 1:56 PM
To: Ruppel, Joanna; Strack, Barbara L
Cc: Renaud, Tracy L; Groom, Molly M
Subject: RE: Returning refugees still no-boards

Let's talk when I get back from the NAC. 4:30ish?

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 9:14:37 AM
To: Scialabba, Lori L; Strack, Barbara L
Cc: Renaud, Tracy L; Groom, Molly M
Subject: RE: Returning refugees still no-boards

CAM parolees traveling with the refugees that got waivers did not need waivers and just traveled with them. We are now in the situation as of yesterday, that no more CAM refugees are traveling (until we figure out the exemption process). But we have individuals granted parole who have booked travel as soon as Monday. I think I still have not been able to communicate the issue to you properly, given that the responses do not address the issue (at least as far as I can tell). Can we talk?

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Friday, February 03, 2017 6:06:08 AM

To: Ruppel, Joanna; Strack, Barbara L
Cc: Renaud, Tracy L; Groom, Molly M
Subject: RE: Returning refugees still no-boards

Yes I certainly am.

Back on track now. I talked to Kevin about this at the CTAB. He said he was granting waivers for this group. Molly just sent an email. Let me look at that.

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 9:02:55 AM
To: Scialabba, Lori L; Strack, Barbara L
Cc: Renaud, Tracy L; Groom, Molly M
Subject: RE: Returning refugees still no-boards

Lori, are you confusing the CAM issue with the refugee travel document issue, which appears to be what this chain is about? I can run up and chat as soon as I am in if that would help.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Friday, February 03, 2017 6:00:55 AM
To: Ruppel, Joanna; Strack, Barbara L
Cc: Renaud, Tracy L; Groom, Molly M
Subject: RE: Returning refugees still no-boards

From what I know you only don't need an exemption if you are traveling with the refugee who had the exemption. If Molly worked something else out I need to know that. And if she did I don't understand your question. They would be able to board the plane wouldn't they?

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 8:53:44 AM
To: Scialabba, Lori L; Strack, Barbara L
Cc: Renaud, Tracy L; Groom, Molly M
Subject: RE: Returning refugees still no-boards

Lori,

We understand Molly had worked this out with OGC and CBP and CBP's guidance is being updated, accordingly. They should not need exemptions.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Friday, February 03, 2017 5:50:25 AM
To: Ruppel, Joanna; Strack, Barbara L
Cc: Renaud, Tracy L
Subject: FW: Returning refugees still no-boards

FYI

From: Higgins, Jennifer
Sent: Friday, February 03, 2017 8:49:11 AM
To: Scialabba, Lori L
Subject: RE: Returning refugees still no-boards

I would talk with Patrick Flanagan to discuss the process. The waiver has been delegated down but I think you'd want to coordinate in advance for these given that children are involved.

From: Scialabba, Lori L
Sent: Thursday, February 02, 2017 9:33:17 PM
To: Higgins, Jennifer
Subject: RE: Returning refugees still no-boards

Well he sent me contacts. Do you think people can ask for a waiver? I'm not sure what the process is here.

From: Higgins, Jennifer
Sent: Thursday, February 02, 2017 8:56:44 PM
To: Scialabba, Lori L
Subject: RE: Returning refugees still no-boards

Did Kevin respond?

From: Scialabba, Lori L
Sent: Wednesday, February 01, 2017 6:13:15 PM
To: MCALEENAN, KEVIN K
Subject: FW: Returning refugees still no-boards

Kevin,

We are being told that refugees or who entered the U.S. as a refugee before the EO, then traveled outside of the country with a refugee travel document are not being permitted to board for return flights. Same situation for person granted asylum in the U.S. Not just the 7 identified countries but all people in this situation. Ex. There could be an asylee from China who travels to the U.K. for business or to attend a conference who can now not get back into the country. Just wondering if this was vetted with DHS and we're sure this is the intent of the EO.

I would not be surprised if the answer is yes since IVs from the 7 countries can't travel but I'm not sure the intent was to apply this to refugees or asylees from other countries who are traveling on a refugee document, which means we've already accepted them into the U.S. as a refugee or asylee.

Let me know.

Thanks,
Lori

From: Ruppel, Joanna
Sent: Wednesday, February 01, 2017 5:43 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Strack, Barbara L; Stone, Mary M; Nicholson, Maura J; Kliska, Jennifer R; Benedict, Deborah L; Kwan, Stephanie M; Farnam, Julie E; Walters, Jessica S; Neufeld, Donald W; McCament, James W; Campagnolo, Donna P; Groom, Molly M; Lafferty, John L; Kim, Ted H
Subject: FW: Returning refugees still no-boards
Importance: High

Lori and Tracy,

I know we raised this question, but now flagging for you that CBP guidance is not to board refugees or asylees with refugee travel documents, regardless of their country, unless they have an exemption. See chart below.

This means that there could be someone who has been an asylee or a refugee living in the U.S. for some time (maybe years, in the case of an asylee), who left to go on a business meeting in the U.K. and now cannot get back to family, job, home. Is that really what was intended?

Joanna

From: Strack, Barbara L
Sent: Wednesday, February 01, 2017 4:58 PM
To: [redacted] Bartlett, Lawrence E. (b)(6)
Cc: Gauger, Kelly A; Ruppel, Joanna; Groom, Molly M; Zengotitabengoa, Colleen R; Chiorazzi, Anne; Pilch, Jacquelyn J
Subject: RE: Returning refugees still no-boards

Very helpful, thanks. USCIS was not aware of this CBP guidance.

Our counsel is engaging, too. Seems to me personally that the EO is ambiguous on this point.

From: [redacted] (b)(6)
Sent: Wednesday, February 01, 2017 4:49:36 PM
To: Strack, Barbara L; Bartlett, Lawrence E.

Cc: Gauger, Kelly A; Ruppel, Joanna; Groom, Molly M; Zengotitabengoa, Colleen R; Chiorazzi, Anne; **Pilch, Jacquelyn J**
Subject: RE: Returning refugees still no-boards

Barbara,

Yes, this has been implemented as refusal to board and admit ALL returning refugees, regardless of nationality. We just confirmed with NTC and the Executive Director of CBP's Admissibility and Passenger Programs **Todd Hoffman** that this is the policy. The Commissioner has not been very keen to sign waivers to admit those who somehow were able to board. I am told that this policy was negotiated with State Department. Is that the case?

Please see below for the specific NTC guidance regarding boarding. Apologies for the quality. There's no scanner in the crisis room.

Please let me know if there's anything I can do to help.

[redacted] (b)(6)
Official - SBU
UNCLASSIFIED

From: Strack, Barbara L [redacted] (b)(6)
Sent: Wednesday, February 01, 2017 4:23 PM
To: [redacted] Bartlett, Lawrence E.
Cc: Gauger, Kelly A; Ruppel, Joanna; Groom, Molly M; Zengotitabengoa, Colleen R; Chiorazzi, Anne
Subject: RE: Returning refugees still no-boards

[redacted] (b)(6) we're looking at this now.

To be clear, these refusals to board extend beyond the 7 nationalities?

From [redacted] (b)(6)
Sent: Wednesday, February 01, 2017 4:13:37 PM
To: Bartlett, Lawrence E.; Strack, Barbara L
Cc: Gauger, Kelly A
Subject: Returning refugees still no-boards

Folks,

I know this conversation is probably being had at much higher levels, but I wanted to flag that CBP is denying boarding to returning refugees with refugee travel documents are still being denied boarding and entry, despite the fact that the EO does not prohibit this explicitly. Do we know under what authority this could be done?

I am trying to track down the decision makers here.

[redacted] (b)(6)

Referred to Department of Homeland Security

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Referred to Department of Homeland Security

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Referred to Department of Homeland Security

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Referred to Department of Homeland Security
Committee

Shirk, Georgette L

From: Emrich, Matthew D
Sent: Thursday, February 02, 2017 9:53 AM
To: Kerns, Kevin J; Farnam, Julie E; Renaud, Daniel M; Valverde, Michael; Young, Todd P; Walters, Jessica S; Neufeld, Donald W; McCament, James W; Levine, Laurence D; Nicholson, Maura J; Ruppel, Joanna; Lafferty, John L; Strack, Barbara L; Meckley, Tammy M; Mayhew, Michael X; Davidson, Andrew J; Hawkins, Donald K; Groom, Molly M; Busch, Philip B; Alfonso, Angelica M; Risch, Carl C; Symons, Craig M; Melero, Mariela; Rosenberg, Ronald M (Ron); Hatchett, Dolline L; Patching, Laura D; Chiorazzi, Anne; Zengotitabengoa, Colleen R; Perry-Elby, Diana D; Borgen, Michael R; Kovarik Nuebel, Kathy; DeStefano, Ernest; Anderson, Erik C; Campagnolo, Donna P; Thomas, Ronnie D; Swanson, Toni; Kovarik Nuebel, Kathy; Nicholson, Maura J
Subject: RE: EO Tasking on Information for Adjudications--Due COB 2/2

EURODAC stands for European Dactyloscopy.

From: Kerns, Kevin J
Sent: Thursday, February 02, 2017 10:51 AM
To: Farnam, Julie E; Renaud, Daniel M; Valverde, Michael; Young, Todd P; Walters, Jessica S; Neufeld, Donald W; McCament, James W; Levine, Laurence D; Nicholson, Maura J; Ruppel, Joanna; Lafferty, John L; Strack, Barbara L; Meckley, Tammy M; Mayhew, Michael X; Emrich, Matthew D; Davidson, Andrew J; Hawkins, Donald K; Groom, Molly M; Busch, Philip B; Alfonso, Angelica M; Risch, Carl C; Symons, Craig M; Melero, Mariela; Rosenberg, Ronald M (Ron); Hatchett, Dolline L; Patching, Laura D; Chiorazzi, Anne; Zengotitabengoa, Colleen R; Perry-Elby, Diana D; Borgen, Michael R; Kovarik Nuebel, Kathy; DeStefano, Ernest; Anderson, Erik C; Campagnolo, Donna P; Thomas, Ronnie D; Swanson, Toni; Kovarik Nuebel, Kathy; Nicholson, Maura J
Subject: RE: EO Tasking on Information for Adjudications--Due COB 2/2

I think all this falls in three main areas:
--verification of the person's identity (biometrics, DNA)
--verification of their history (documentation/histories)
--improved interoperability nationally and internationally as the facilitator to the above two items

There may be multiple ways to achieve this, but rather than give them a list of eaches they may or may not remember as this list evolves, I'd point to the big three and use the eaches as examples.

And because I'm a bureaucrat extraordinaire—spell out EURODAC and use something more precise for "ping." (and no Ron, "pong" is not what I'm thinking.")

Kevin J. Kerns
Acting Associate Director
Management Directorate
US Citizenship and Immigration Services
[redacted] (b)(6)

From: Farnam, Julie E
Sent: Wednesday, February 01, 2017 10:04 PM
To: Renaud, Daniel M; Valverde, Michael; Young, Todd P; Walters, Jessica S; Neufeld, Donald W; McCament, James W; Levine, Laurence D; Nicholson, Maura J; Ruppel, Joanna; Lafferty, John L; Strack, Barbara L; Meckley, Tammy M; Mayhew, Michael X; Emrich, Matthew D; Davidson, Andrew J; Hawkins, Donald K; Groom, Molly M; Busch, Philip B; Alfonso, Angelica M; Risch, Carl C; Symons, Craig M; Melero, Mariela; Rosenberg, Ronald M (Ron); Hatchett, Dolline L;

Patching, Laura D; Chiorazzi, Anne; Zengotitabengoa, Colleen R; Perry-Elby, Diana D; Kerns, Kevin J; Borgen, Michael R; Kovarik Nuebel, Kathy; DeStefano, Ernest; Anderson, Erik C; Campagnolo, Donna P; Thomas, Ronnie D; Swanson, Toni; Kovarik Nuebel, Kathy; Nicholson, Maura J
Subject: EO Tasking on Information for Adjudications--Due COB 2/2

Attached is the first cut of information we'd want from other countries to assist in our adjudications process based on the conversation we had this afternoon. For this tasking we just need a list that SCO can incorporate into the larger report they are drafting for this deliverable. Because the final report needs to be provided to the WH within 30 days, please provide any comments/edits/additions by COB tomorrow, February 2, 2017.

Thank you,
Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

This communication, along with any attachments, may contain confidential information and is covered by federal laws governing electronic communications. Electronic communications may also be monitored by the Department of Homeland Security, U.S. Citizenship and Immigration Services. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this in error, please delete this message and all attachments and immediately notify the sender.

Shirk, Georgette L

From: Farnam, Julie E
Sent: Wednesday, February 01, 2017 9:04 PM
To: Renaud, Daniel M; Valverde, Michael; Young, Todd P; Walters, Jessica S; Neufeld, Donald W; McCament, James W; Levine, Laurence D; Nicholson, Maura J; Ruppel, Joanna; Lafferty, John L; Strack, Barbara L; Meckley, Tammy M; Mayhew, Michael X; Emrich, Matthew D; Davidson, Andrew J; Hawkins, Donald K; Groom, Molly M; Busch, Philip B; Alfonso, Angelica M; Risch, Carl C; Symons, Craig M; Melero, Mariela; Rosenberg, Ronald M (Ron); Hatchett, Dolline L; Patching, Laura D; Chiorazzi, Anne; Zengotitabengoa, Colleen R; Perry-Elby, Diana D; Kerns, Kevin J; Borgen, Michael R; Kovarik Nuebel, Kathy; DeStefano, Ernest; Anderson, Erik C; Campagnolo, Donna P; Thomas, Ronnie D; Swanson, Toni; Kovarik Nuebel, Kathy; Nicholson, Maura J
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Attachments: Information from Foreign Governments.doc

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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
Washington, DC 20529

U.S. Citizenship and Immigration Services

Consolidated Response to Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States Section 3(a) ("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)(7)(e)

[redacted]

- Increased information on family tree or relative information

[redacted]

- Certifications of certain documents by foreign governments

[redacted]

Related, but not exclusive to information from foreign governments or other countries: (b)(7)(e)

- A clearinghouse of official documents issued in the U.S. by local/state municipalities
- Better interoperability between DHS, DOS, and NTC systems
- More DHS resources outside the U.S. to complete overseas verification requests

Shirk, Georgette L

From: Schwartz, Claudia R
Sent: Sunday, January 29, 2017 7:53 PM
To: Croizat, Jessika S; Perry-Elby, Diana D
Subject: FW: Executive Order

Please join me for a call with Brandon and Kathryn at 9:30am if poss. Ideally we can talk by phone before hand.

From: Prelogar, Brandon B
Sent: Sunday, January 29, 2017 9:34:04 PM
To: Anderson, Kathryn E; Schwartz, Claudia R
Subject: RE: Executive Order

Works for me.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 3:48:37 PM
To: Schwartz, Claudia R
Cc: Prelogar, Brandon B
Subject: RE: Executive Order

Yep. Great. Thanks. I'll give you a call then.

From: Schwartz, Claudia R
Sent: Sunday, January 29, 2017 3:38:56 PM
To: Anderson, Kathryn E
Cc: Prelogar, Brandon B
Subject: RE: Executive Order

Thanks Kathryn - let's talk by phone at 9:30 tomorrow? I will share this in my office as well re:entry. Thank you!

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 6:33:13 PM
To: Schwartz, Claudia R
Cc: Prelogar, Brandon B
Subject: FW: Executive Order

Hi, Claudia,

Wanted to flag for you FOD's question in the chain below and in the attached matrix regarding whether to adjudicate TRIG hold cases in light of the EO's directive to "consider rescinding" the TRIG exemptions, as FOD (reasonably) suggests that new exemptions are unlikely. Not sure exactly how all these issues will shake out or be discussed next week, but

just wanted to share that it may be part of the discussion. My thoughts here! Brandon also made a good point that we need to make sure people understand that nothing in the EO prevents continuing to apply the existing exemptions.

Also, wondering whether once it's decided if we can grant natz cases at all, we should make another push with Lori to apply the exemptions to those cases while we still have them – as discussed in the WG meeting, as an application of a legal interpretation, not a policy change.

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K

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things: (b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy

has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also!

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM

To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Shirk, Georgette L

From: Schwartz, Claudia R
Sent: Sunday, January 29, 2017 2:40 PM
To: Groom, Molly M
Subject: FW: Executive Order
Attachments: Executive Order PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO ....docx; Congressional research service report January 2017 on **212(f).pdf**

From OP&S. Flagging for you.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 6:33:13 PM
To: Schwartz, Claudia R
Cc: Prelogar, Brandon B
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Hi, Claudia,

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Acting Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
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Field Operations Directorate, Deputy Associate Director
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U.S. Citizenship and Immigration Services

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Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

(b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted]

(b)(6)

Executive Order: *PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES*

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.

GENERAL OBJECTIVES:

- 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.
- Ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles
- We cannot, and should not, admit those who do not support the Constitution, or those who would place violent ideologies over American law
- We 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

Date conversions

Days from order	Date
30	2/26
60	3/28
90	4/27
100	5/7
120	5/27
180	7/26
200	8/15

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
Section 3: Suspension of Issuance of Visas and Other Immigration Benefits to Nationals of Countries of Particular Concern						
3a	DHS In consultation with DOS/DNI	Review	Determine information needed from any country to adjudicate any visa, admission or benefit under the INA 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.	Immediate		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
3b	DHS	Report	Information identified in review under 3a	30 days from Jan 27	Report to President Copy to DOS/DNI	
3c	DHS/DOS	Suspend	Admission of immigrants and nonimmigrants from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya	For 90 days from Jan 27	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas	1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...? 2. Should we deschedule oath ceremonies for individuals from the 7? 3. How do we handle N-400s 120+ days from interview? 4. Should we stop RFEs? 5. Should we stop scheduling interviews? 6. What about change of status from other NIV categories to NATO visas, C-2 travel visas (UN) andG-1, G-2, G-3, and G-4 visas? 7. What about change of status for NIVs for these countries?
3d	DOS	Request	Secretary shall request all foreign governments that do not supply information identified in 3a review to provide such information.	Immediately following report in 3b	Foreign governments will be given 60 days to begin providing information	
3e 3g*	DHS In consultation with DOS	Recommendation	Recommend countries whose foreign nationals would be prohibited entry to the United States due to the country's failure to provide information requested by the U.S. as described in 3d	After 60 day period outlined in 3d	Exclusions: Diplomatic and NATO visas C-2 travel visas (UN) G-1, G-2, G-3, and G-4 visas *Exception: DHS and DOS may on a case-by-case and when in national interest, issue visas or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked.	
3f	DHS or DOS	Recommendation	Add countries to list of those whose nationals are prohibited from entering the U.S. due to failure to provide information as requested by the U.S. (3d)	After submission of List Indefinite		
3h	DHS and DOS	Joint Report	Report progress implementing Order	30 days 60 days		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				90 days 120 days From Jan 27		
Section 4: Implementing Uniform Screening Standards for All Immigrant Programs						
4a	DHS/DOS/DNI/FBI	Implement Program as part of adjudications process to include development of: • Uniform screening standard and procedure, such as interviews • Database • Amended Application Forms • Mechanism • Process • Mechanism	• To identify individuals seeking to enter US on a fraudulent basis with intent to cause harm, or who are at risk of causing harm subsequent to admission. • Capture identity documents proffered by applicants and prevent duplicate documents from being used by multiple applicants • To add questions aimed at identifying fraudulent answers and malicious intent • To ensure applicant is who the applicant claims to be • 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 • To assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the U.S.	Initial progress report due within 60 days of Jan 27		1. Do we need to take any actions prior to the "plan" described in section four being developed and implemented? 2. Who is responsible for developing the plan? 3. Might this functionality [database to collect identity documents] already exist and be implemented? 4. Would these [amended application forms] be internal worksheets and not OMB cleared changes to existing forms? 5. [Regarding mechanism to ensure applicant's claimed identity] Beyond existing measures/capabilities? Enhanced data share?

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
4b	DHS/DOS/DNI/FBI	Report	Report progress of initiatives under 4a	Within 60 days, 100 days, 200 days of Jan 27	Report to President	
Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017.						
5a	DOS	Suspend the USRAP program		For 120 days from Jan 27		
5a	DOS In consultation with DHS/DNI	Review	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	Within 120 days of Jan 27		
5a	DOS In consultation with DHS/DNS	Implement	Implement procedures identified during review	Within 120 days of Jan 27	Refugee applicants who are already in the USRAP process may be admitted upon the initiation and completion of these revised procedures.	
5a	DOS	Resume USRAP		120 days after order	Limited to nationals of countries for which the DHS/DOS/DNI have jointly determined that such additional procedures are adequate to ensure the security and welfare of the United States	
5b	DOS In consultation with DHS	Prioritize Refugee Claims	Prioritize claims made by individuals on the basis of religious-based persecution.		Individual's religion must be a minority religion in the individual's country of nationality.	
5b	DOS/DHS	Recommend Legislation	To support prioritization of refugee claims as noted immediately above.			
5c 5e Exception	President	Suspend admission of Syrian refugees		Until the president determines sufficient changes have been made to USRAP to ensure admission of Syrian Refugees is consistent with the national interest.	Exception: DHS/DOS have discretion to jointly determine to admit individuals to the United States as refugees on a case-by-case basis 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	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
					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.	
5d	President	Limit refugee admissions to 50,000 in FY 2017		Until such time as the president determines that additional admissions would be in the national interest		
5f	DOS	Report	Progress of prioritization of claims under 5(b)	Within 100 days and 200 days of Jan 27		
5g	DHS	Determine based on existing law	Extent to which state and local jurisdictions may have greater involvement in the process of determining the placement or resettlement of refugees in their jurisdictions			
5g	DHS	Propose	Plan to involve state/local jurisdictions in refugee resettlement process			
Sec. 6. Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility						
6a	DOS/DHS In consultation with AG	Review and consider rescinding	Authorities under INA 212 (8 USC 1182) relating to TRIG and related memoranda	Undefined		1. Should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System.						
7a	DHS	Expedite completion and implementation of a biometric entry-exit tracking system for all travelers to the United States			Recommended by the National Commission on Terrorist Attacks Upon the United States	
7b	DHS	Report	Progress on directive in 7a	Within 100 days 200 days and 365		

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
				days of Jan 27 and every 180 days thereafter until the system is fully deployed and operational.		
Sec. 8. Visa Interview Security. DOS						
8a	DOS	Suspend	Visa Interview Waiver Program	Immediately	Require in-person interview for all individuals seeking a NIV, subject to statutory exceptions	
8b	DOS	Expand	Consular Fellows Program		To extent permitted by law and by available appropriations: substantially increase the number of fellows; lengthening or making the period of service permanent; make language services (FSI) available to expand post options	
Sec. 9. Visa Validity Reciprocity						
	DOS	Review and align	To the extent practicable, ensure visa reciprocity agreements for each visa classification are truly reciprocal. If not reciprocal, adjust the visa validity period, fee schedule, or other treatment to match the treatment of United States nationals by the foreign country.		As applies 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	
Sec. 10. Transparency and Data Collection						
10a	DHS In consultation with Attorney General	Collect and Publish Information	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; • removed from the United States based on terrorism-	Within 180 days and every 180 days thereafter	Data since the date of this order or the last reporting period, whichever is later	

Section	Actor(s)	Action	Purpose	Timeline	Notes	Questions/Comments
			related activity, affiliation, or material support to a terrorism-related organization, or any other national security reasons • 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 • information regarding the number and types of acts of gender-based violence against women, including honor killings, • any other information relevant to public safety and security, including information on the immigration status of foreign nationals charged with major offenses			
11b	DOS	Report	Estimated long term costs of USRAP at Federal, State and Local levels	Within one year of Jan 27		

Shirk, Georgette L

From: Schwartz, Claudia R
Sent: Saturday, January 28, 2017 1:58 PM
To: Prelogar, Brandon B
Subject: RE: EO - TRIG

Let's talk Monday morning.

From: Prelogar, Brandon B
Sent: Saturday, January 28, 2017 7:25:26 PM
To: Sohrakoff, Karen A; Anderson, Kathryn E; Schwartz, Claudia R; Perry-Elby, Diana D; Croizat, Jessika S
Subject: RE: EO - TRIG

Thanks, Karen. I share your concern, although I'm somewhat hopeful that the crew of good folks we've worked with on these over the years will be willing to at least put forward a common picture of the basic problem we have been addressing with our exemption endeavors and why it's been consonant with our nat sec interests to pursue them. Clearly, we are going to need a compelling presentation of what this TRIG thing is all about and why it does not make any sense to dismantle it. I hope our ICE and interagency partners will contribute to and help us deliver it to higher ups.

Safe travels!

From: Sohrakoff, Karen A
Sent: Saturday, January 28, 2017 1:15:10 PM
To: Anderson, Kathryn E; Prelogar, Brandon B; Schwartz, Claudia R; Perry-Elby, Diana D; Croizat, Jessika S
Subject: RE: EO - TRIG

I'll be in Texas all of next week, but looking forward to your thoughts on this. I do have a few to share, and could participate in a call on Tuesday or Thursday. Not sure others would necessarily share our views, but a USCIS view would be a good start.

From: Anderson, Kathryn E
Sent: Saturday, January 28, 2017 11:01:43 AM
To: Prelogar, Brandon B; Sohrakoff, Karen A; Schwartz, Claudia R; Perry-Elby, Diana D; Croizat, Jessika S
Subject: RE: EO - TRIG

Agreed. I've been struggling with what the right balance of proactivity to foot dragging is on this, but think I've landed with you - we need to be prepared to put something forward more quickly than others can snatch up the space. I'm back in the office from travel on Wednesday next week.

A little hard to do much relaxing, but will try. You too.

From: Prelogar, Brandon B
Sent: Saturday, January 28, 2017 10:49:15 AM

To: Sohrakoff, Karen A; Schwartz, Claudia R; Perry-Elby, Diana D; Croizat, Jessika S
Cc: Anderson, Kathryn E
Subject: EO - TRIG

We should probably aim to meet early next week to begin formulating a strategy/approach for developing, and then coordinating intra-DHS and interagency, our position and work to satisfy this portion of the EO. We are going to need to put forward a strong and well-thought-out presentation to preserve our hard-fought progress in this arena, and I'd like to be in ready posture for the inevitable directive to follow up on it. Look forward to hearing everyone's thoughts. Hope you all all enjoying a relaxing weekend.

Shirk, Georgette L

From: Schwartz, Claudia R
Sent: Saturday, January 28, 2017 1:58 PM
To: Prelogar, Brandon B; Sohrakoff, Karen A; Anderson, Kathryn E; Perry-Elby, Diana D; Croizat, Jessika S
Subject: RE: EO - TRIG

Yes I agree. I think Chelsea and others will have great examples of real life cases that have been able to bee adjudicated - and specifically was thinking that compiling those is crucial. The documents that went into crafting each exemption have sample snipits but I think it would be helpful to include facts that make the cases come fully alive as well.

From: Prelogar, Brandon B
Sent: Saturday, January 28, 2017 7:25:26 PM
To: Sohrakoff, Karen A; Anderson, Kathryn E; Schwartz, Claudia R; Perry-Elby, Diana D; Croizat, Jessika S
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Subject: RE: EO - TRIG

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From: Anderson, Kathryn E
Sent: Saturday, January 28, 2017 11:01:43 AM
To: Prelogar, Brandon B; Sohrakoff, Karen A; Schwartz, Claudia R; Perry-Elby, Diana D; Croizat, Jessika S
Subject: RE: EO - TRIG

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A little hard to do much relaxing, but will try. You too.

From: Prelogar, Brandon B
Sent: Saturday, January 28, 2017 10:49:15 AM
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Cc: Anderson, Kathryn E
Subject: EO - TRIG

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Shirk, Georgette L

From: Schwartz, Claudia R
Sent: Sunday, January 29, 2017 2:49 PM
To: Groom, Molly M
Subject: RE: Executive Order

Totally agree on NATZ. Thanks - will stay in touch.

From: Groom, Molly M
Sent: Sunday, January 29, 2017 8:48:18 PM
To: Schwartz, Claudia R
Subject: RE: Executive Order

Thanks. They have go ahead to do natz. This will be decided next week-- not sure by whom. I don't think it is wise to revisit the natz issue now. We won't define entry but we are discussing the reach of the EO.

From: Schwartz, Claudia R
Sent: Sunday, January 29, 2017 3:40:12 PM
To: Groom, Molly M
Subject: FW: Executive Order

From OP&S. Flagging for you.

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 6:33:13 PM
To: Schwartz, Claudia R
Cc: Prelogar, Brandon B
Subject: FW: Executive Order

Hi, Claudia,

Wanted to flag for you FOD's question in the chain below and in the attached matrix regarding whether to adjudicate TRIG hold cases in light of the EO's directive to "consider rescinding" the TRIG exemptions, as FOD (reasonably) suggests that new exemptions are unlikely. Not sure exactly how all these issues will shake out or be discussed next week, but just wanted to share that it may be part of the discussion. My thoughts here! Brandon also made a good point that we need to make sure people understand that nothing in the EO prevents continuing to apply the existing exemptions.

Also, wondering whether once it's decided if we can grant natz cases at all, we should make another push with Lori to apply the exemptions to those cases while we still have them – as discussed in the WG meeting, as an application of a legal interpretation, not a policy change.

Finally, was curious whether you knew if OCC has arrived at an interpretation of what "entry" means, as used in the EO and in the context of INA 212(f), for the purposes of deciding what USCIS adjudications can go forward? We've heard most FOD, SCOPS, and RAIO adjudications from the 7 countries are currently on hold pending further guidance.

Wondered whether this is precautionary at this point or if it's based on OCC's legal interpretation of the order. More here.

K

From: Anderson, Kathryn E
Sent: Sunday, January 29, 2017 7:51 AM
To: Cummings, Kevin J; Levine, Laurence D; Deshommes, Samantha L; Beveridge, Jennifer L (Jenna); Dunn, Maureen A; Hamilton, Cristina A; Lee, Robert E; Parascandola, Ciro A; Phillips, Mark; Prelogar, Brandon B; Rather, Michael B; Rigdon, Jerry L; Silwany, Oscar Y; Tynan, Natalie S
Subject: RE: Executive Order

I'll look more closely at the chart, but upon first glance and after reading the chain below, I wanted to raise a couple things:

(b)(5)

[redacted]

(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).

2. FOD has raised a question of whether TRIG hold cases should be adjudicated, indicating that the EO's directive in Section 6 to "consider rescinding" TRIG exemptions would seem to mean that new TRIG exemptions are not forthcoming. This should certainly be a question for discussion (and a reconsideration of the agency's hold policy has recently been a topic of discussion, even before this order), but nothing in the EO requires us to take this step, and I would urge that it be thoughtfully considered before a decision to adjudicate all TRIG hold cases is made. OCC has also been very involved in the discussion to adjust the TRIG hold policy, and will certainly want to weigh in on this decision also!

Kathryn

Kathryn Anderson
Acting Chief, International and Humanitarian Affairs Division

Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 12:34:16 PM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E

Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order

To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order

Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D

Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant bu [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. (b)(5) [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Shirk, Georgette L

From: Groom, Molly M
Sent: Thursday, February 09, 2017 6:30 PM
To: #CIS OCC ATTORNEY ALL
Subject: 9th Circuit decision.
Attachments: Court of appeal order on stay motion.pdf

Please see attached decision from the 9th Circuit.

Given that the TRO remains in effect nationwide, no additional operational guidance will be forthcoming. We will certainly let everyone know as determinations are made on the next steps in this litigation. Thanks.

FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STATE OF WASHINGTON; STATE OF MINNESOTA, *Plaintiffs-Appellees,* v. DONALD J. TRUMP, President of the United States; U.S. DEPARTMENT OF HOMELAND SECURITY; REX W. TILLERSON, Secretary of State; JOHN F. KELLY, Secretary of the Department of Homeland Security; UNITED STATES OF AMERICA, *Defendants-Appellants.*	No. 17-35105 D.C. No. 2:17-cv-00141 ORDER

Motion for Stay of an Order of the
United States District Court for the
Western District of Washington
James L. Robart, District Judge, Presiding

Argued and Submitted February 7, 2017

Filed February 9, 2017

Before: William C. Canby, Richard R. Clifton, and Michelle T. Friedland, Circuit Judges

Per Curiam Order

COUNSEL

August E. Flentje (argued), Special Counsel to the Assistant Attorney General; Douglas N. Letter, Sharon Swingle, H. Thomas Byron, Lowell V. Sturgill Jr., and Catherine Dorsey, Attorneys, Appellate Staff; Chad A. Readler, Acting Assistant Attorney General; Noel J. Francisco, Acting Solicitor General; Civil Division, United States Department of Justice, Washington, D.C., for Defendants-Appellants.

Noah G. Purcell (argued), Solicitor General; Marsha Chien and Patricio A. Marquez, Assistant Attorneys General; Colleen M. Melody, Civil Rights Unit Chief; Anne E. Egeler, Deputy Solicitor General; Robert W. Ferguson, Attorney General; Attorney General's Office, Seattle, Washington; for Plaintiff-Appellee State of Washington.

Jacob Campion, Assistant Attorney General; Alan I. Gilbert, Solicitor General; Lori Swanson, Attorney General; Office of the Attorney General, St. Paul, Minnesota; for Plaintiff-Appellee State of Minnesota.

ORDER

PER CURIAM:

At issue in this emergency proceeding is Executive Order 13769, "Protecting the Nation From Foreign Terrorist Entry Into the United States," which, among other changes to immigration policies and procedures, bans for 90 days the entry into the United States of individuals from seven countries. Two States challenged the Executive Order as unconstitutional and violative of federal law, and a federal district court preliminarily ruled in their favor and

temporarily enjoined enforcement of the Executive Order. The Government now moves for an emergency stay of the district court's temporary restraining order while its appeal of that order proceeds.

To rule on the Government's motion, we must consider several factors, including whether the Government has shown that it is likely to succeed on the merits of its appeal, the degree of hardship caused by a stay or its denial, and the public interest in granting or denying a stay. We assess those factors in light of the limited evidence put forward by both parties at this very preliminary stage and are mindful that our analysis of the hardships and public interest in this case involves particularly sensitive and weighty concerns on both sides. Nevertheless, we hold that the Government has not shown a likelihood of success on the merits of its appeal, nor has it shown that failure to enter a stay would cause irreparable injury, and we therefore deny its emergency motion for a stay.

I. Background

On January 27, 2017, the President issued Executive Order 13769, "Protecting the Nation From Foreign Terrorist Entry Into the United States" (the "Executive Order"). 82 Fed. Reg. 8,977. Citing the terrorist attacks of September 11, 2001, and stating that "numerous foreign-born individuals have been convicted or implicated in terrorism-related crimes" since then, the Executive Order declares that "the United States must ensure that those admitted to this country do not bear hostile attitudes toward it and its founding principles." *Id.* It asserts, "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." *Id.*

The Executive Order makes several changes to the policies and procedures by which non-citizens may enter the United States. Three are at issue here. First, section 3(c) of the Executive Order suspends for 90 days the entry of aliens from seven countries: Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen. 82 Fed. Reg. 8,977-78 (citing the Immigration and Nationality Act (INA) § 217(a)(12), codified at 8 U.S.C. § 1187(a)(12)). Second, section 5(a) of the Executive Order suspends for 120 days the United States Refugee Admissions Program. 82 Fed. Reg. 8,979. Upon resumption of the refugee program, section 5(b) of the Executive Order directs the Secretary of State to prioritize refugee claims based on religious persecution where a refugee's religion is the minority religion in the country of his or her nationality. *Id.* Third, section 5(c) of the Executive Order suspends indefinitely the entry of all Syrian refugees. *Id.* Sections 3(g) and 5(e) of the Executive Order allow the Secretaries of State and Homeland Security to make case-by-case exceptions to these provisions "when in the national interest." 82 Fed. Reg. 8,978-80. Section 5(e) states that situations that would be in the national interest include "when the person is a religious minority in his country of nationality facing religious persecution." 82 Fed. Reg. 8,979. The Executive Order requires the Secretaries of State and Homeland Security and the Director of National Intelligence to evaluate the United States' visa, admission, and refugee programs during the periods in which entry is suspended. 82 Fed. Reg. 8,977-80.

The impact of the Executive Order was immediate and widespread. It was reported that thousands of visas were

immediately canceled, hundreds of travelers with such visas were prevented from boarding airplanes bound for the United States or denied entry on arrival, and some travelers were detained. Three days later, on January 30, 2017, the State of Washington filed suit in the United States District Court for the Western District of Washington, challenging sections 3(c), 5(a)-(c), and 5(e) of the Executive Order, naming as defendants the President, the Secretary of the Department of Homeland Security, the Secretary of State, and the United States (collectively, "the Government"). Washington alleged that the Executive Order unconstitutionally and illegally stranded its residents abroad, split their families, restricted their travel, and damaged the State's economy and public universities in violation of the First and Fifth Amendments, the INA, the Foreign Affairs Reform and Restructuring Act, the Religious Freedom Restoration Act, and the Administrative Procedure Act. Washington also alleged that the Executive Order was not truly meant to protect against terror attacks by foreign nationals but rather was intended to enact a "Muslim ban" as the President had stated during his presidential campaign that he would do.

Washington asked the district court to declare that the challenged sections of the Executive Order are illegal and unconstitutional and to enjoin their enforcement nationwide. On the same day, Washington filed an emergency motion for a temporary restraining order (TRO) seeking to enjoin the enforcement of sections 3(c), 5(a)-(c), and 5(e) of the Executive Order. Two days later, Washington's Complaint was amended to add the State of Minnesota as a plaintiff and to add a claim under the Tenth Amendment. Washington and Minnesota (collectively, "the States") jointly filed an amended motion for a TRO. The Government opposed the

motion the next day, and the district court held a hearing the day after that.

That evening, the court entered a written order granting the TRO. *Washington v. Trump*, No. C17-0141-JLR, 2017 WL 462040 (W.D. Wash. Feb. 3, 2017). The district court preliminarily concluded that significant and ongoing harm was being inflicted on substantial numbers of people, to the detriment of the States, by means of an Executive Order that the States were likely to be able to prove was unlawful. *Id.* at *2. The district court enjoined and restrained the nationwide enforcement of sections 3(c) and 5(a)-(c) in their entirety. *Id.* It enjoined section 5(e) to the extent that section "purports to prioritize refugee claims of certain religious minorities," and prohibited the government from "proceeding with any action that prioritizes the refugee claims of certain religious minorities." The court also directed the parties to propose a briefing schedule for the States' request for a preliminary injunction and denied the Government's motion to stay the TRO pending an emergency appeal. *Id.* at *3.

The Government filed a notice of appeal the next day and sought an emergency stay in this court, including an immediate stay while its emergency stay motion was under consideration. We denied the request for an immediate stay and set deadlines for the filing of responsive and reply briefs on the emergency stay motion over the next two days.[1] *Washington v. Trump*, No. 17-35105, 2017 WL 469608 (9th Cir. Feb. 4, 2017). The motion was submitted after oral argument was conducted by telephone.

[1] We have also received many amicus curiae briefs in support of both the Government and the States.

II. Appellate Jurisdiction

The States argue that we lack jurisdiction over the Government's stay motion because the Government's appeal is premature. A TRO is not ordinarily appealable. *See Bennett v. Medtronic, Inc.*, 285 F.3d 801, 804 (9th Cir. 2002). We may nonetheless review an order styled as a TRO if it "possesses the qualities of a preliminary injunction." *Serv. Emps. Int'l Union v. Nat'l Union of Healthcare Workers*, 598 F.3d 1061, 1067 (9th Cir. 2010). This rule has ordinarily required the would-be appellant to show that the TRO was strongly challenged in adversarial proceedings before the district court and that it has or will remain in force for longer than the fourteen-day period identified in Federal Rule of Civil Procedure 65(b). *See, e.g., id.*

We are satisfied that in the extraordinary circumstances of this case, the district court's order possesses the qualities of an appealable preliminary injunction. The parties vigorously contested the legal basis for the TRO in written briefs and oral arguments before the district court. The district court's order has no expiration date, and no hearing has been scheduled. Although the district court has recently scheduled briefing on the States' motion for a preliminary injunction, it is apparent from the district court's scheduling order that the TRO will remain in effect for longer than fourteen days. In light of the unusual circumstances of this case, in which the Government has argued that emergency relief is necessary to support its efforts to prevent terrorism, we believe that this period is long enough that the TRO

should be considered to have the qualities of a reviewable preliminary injunction.[2]

III. Standing

The Government argues that the district court lacked subject matter jurisdiction because the States have no standing to sue. We have an independent obligation to ascertain our jurisdiction, *Arbaugh v. Y & H Corp.*, 546 U.S. 500, 514 (2006), and we consider the Government's argument de novo, *see, e.g.*, *Hajro v. U.S. Citizenship & Immigration Servs.*, 811 F.3d 1086, 1098 (9th Cir. 2016). We conclude that the States have made a sufficient showing to support standing, at least at this preliminary stage of the proceedings.

Article III, section 2 of the Constitution allows federal courts to consider only "Cases" and "Controversies." *Massachusetts v. EPA*, 549 U.S. 497, 516 (2007). "Those two words confine 'the business of federal courts to questions presented in an adversary context and in a form historically viewed as capable of resolution through the judicial process.'" *Id.* (quoting *Flast v. Cohen*, 392 U.S. 83, 95 (1968)). "Standing is an essential and unchanging part of the case-or-controversy requirement" and is therefore a prerequisite to our jurisdiction. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992). The "gist of the question of standing" is whether the plaintiff has a sufficiently "personal stake in the outcome of the controversy" to ensure that the parties will be truly adverse and their legal

[2] Our conclusion here does not preclude consideration of appellate jurisdiction at the merits stage of this appeal. *See Nat'l Indus., Inc. v. Republic Nat'l Life Ins. Co.*, 677 F.2d 1258, 1262 (9th Cir. 1982).

presentations sharpened. *Massachusetts*, 549 U.S. at 517 (quoting *Baker v. Carr*, 369 U.S. 186, 204 (1962)).

To establish Article III standing, a plaintiff must demonstrate "that it has suffered a concrete and particularized injury that is either actual or imminent, that the injury is fairly traceable to the defendant, and that it is likely that a favorable decision will redress that injury." *Id.* (citing *Lujan*, 504 U.S. at 560-61).

Because standing is "an indispensable part of the plaintiff's case," it "must be supported in the same way as any other matter on which the plaintiff bears the burden of proof, *i.e.*, with the manner and degree of evidence required at the successive stages of the litigation." *Lujan*, 504 U.S. at 561. At this very preliminary stage of the litigation, the States may rely on the allegations in their Complaint and whatever other evidence they submitted in support of their TRO motion to meet their burden. *See id.* With these allegations and evidence, the States must make a "clear showing of each element of standing." *Townley v. Miller*, 722 F.3d 1128, 1133 (9th Cir. 2013).[3]

The States argue that the Executive Order causes a concrete and particularized injury to their public universities, which the parties do not dispute are branches of the States under state law. *See, e.g.*, *Hontz v. State*, 714 P.2d 1176, 1180 (Wash. 1986) (en banc); *Univ. of Minn. v. Raygor*, 620 N.W.2d 680, 683 (Minn. 2001).

[3] Our decision in *Townley* concerned a motion for a preliminary injunction, but the legal standards applicable to TROs and preliminary injunctions are "substantially identical." *Stuhlbarg Int'l Sales Co., Inc. v. John D. Brush & Co., Inc.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001).

Specifically, the States allege that the teaching and research missions of their universities are harmed by the Executive Order's effect on their faculty and students who are nationals of the seven affected countries. These students and faculty cannot travel for research, academic collaboration, or for personal reasons, and their families abroad cannot visit. Some have been stranded outside the country, unable to return to the universities at all. The schools cannot consider attractive student candidates and cannot hire faculty from the seven affected countries, which they have done in the past.

According to declarations filed by the States, for example, two visiting scholars who had planned to spend time at Washington State University were not permitted to enter the United States; one was informed he would be unable to obtain a visa. Similarly, the University of Washington was in the process of sponsoring three prospective employees from countries covered by the Executive Order for visas; it had made plans for their arrival beginning in February 2017, but they have been unable to enter the United States. The University of Washington also sponsored two medicine and science interns who have been prevented by the Executive Order from coming to the University of Washington. The University of Washington has already incurred the costs of visa applications for those interns and will lose its investment if they are not admitted. Both schools have a mission of "global engagement" and rely on such visiting students, scholars, and faculty to advance their educational goals. Students and faculty at Minnesota's public universities were similarly restricted from traveling for academic and personal reasons.

Under the "third party standing" doctrine, these injuries to the state universities give the States standing to assert the

rights of the students, scholars, and faculty affected by the Executive Order. *See Singleton v. Wulff*, 428 U.S. 106, 114-16 (1976) (explaining that third-party standing is allowed when the third party's interests are "inextricably bound up with the activity the litigant wishes to pursue"; when the litigant is "fully, or very nearly, as effective a proponent of the right" as the third party; or when the third party is less able to assert her own rights). Vendors, for example, "have been uniformly permitted to resist efforts at restricting their operations by acting as advocates of the rights of third parties who seek access to their market or function." *Craig v. Boren*, 429 U.S. 190, 195 (1976). Likewise, doctors have been permitted to assert the rights of their patients. *See, e.g., Griswold v. Connecticut*, 381 U.S. 479 (1965). And advocacy organizations such as the NAACP have been permitted to assert the constitutional rights of their members. *See, e.g., NAACP v. Alabama*, 357 U.S. 449 (1958).

Most relevant for our purposes, schools have been permitted to assert the rights of their students. *See, e.g., Runyon v. McCrary*, 427 U.S. 160, 175 & n.13 (1976) ("It is clear that the schools have standing to assert these arguments [asserting free-association rights, privacy rights, and 'a parent's right to direct the education of his children'] on behalf of their patrons."); *Pierce v. Soc'y of Sisters*, 268 U.S. 510, 536 (1925) (allowing a school to assert the "right of parents to choose schools where their children will receive appropriate mental and religious training [and] the right of the child to influence the parents' choice of a school"); *Parks Sch. of Bus., Inc. v. Symington*, 51 F.3d 1480, 1487-88 (9th Cir. 1995) (citing *Pierce* and rejecting the argument that the plaintiff school had no standing to assert claims of discrimination against its minority students); *see also Ohio Ass'n of Indep. Sch. v. Goff*, 92 F.3d 419, 422 (6th Cir. 1996) (citing similar authorities). As in those cases, the interests

of the States' universities here are aligned with their students. The students' educational success is "inextricably bound up" in the universities' capacity to teach them. *Singleton*, 428 U.S. at 115. And the universities' reputations depend on the success of their professors' research. Thus, as the operators of state universities, the States may assert not only their own rights to the extent affected by the Executive Order but may also assert the rights of their students and faculty members.[4]

We therefore conclude that the States have alleged harms to their proprietary interests traceable to the Executive Order. The necessary connection can be drawn in at most two logical steps: (1) the Executive Order prevents nationals of seven countries from entering Washington and Minnesota; (2) as a result, some of these people will not enter state universities, some will not join those universities as faculty, some will be prevented from performing research, and some will not be permitted to return if they leave. And we have no difficulty concluding that the States' injuries would be redressed if they could obtain the relief they ask for: a declaration that the Executive Order violates the Constitution and an injunction barring its enforcement. The Government does not argue otherwise.

[4] The Government argues that the States may not bring Establishment Clause claims because they lack Establishment Clause rights. Even if we assume that States lack such rights, an issue we need not decide, that is irrelevant in this case because the States are asserting the rights of their students and professors. Male doctors do not have personal rights in abortion and yet any physician may assert those rights on behalf of his female patients. *See Singleton*, 428 U.S. at 118.

We therefore hold that the States have standing.[5]

IV. Reviewability of the Executive Order

The Government contends that the district court lacked authority to enjoin enforcement of the Executive Order because the President has "unreviewable authority to suspend the admission of any class of aliens." The Government does not merely argue that courts owe substantial deference to the immigration and national security policy determinations of the political branches—an uncontroversial principle that is well-grounded in our jurisprudence. *See, e.g.*, *Cardenas v. United States*, 826 F.3d 1164, 1169 (9th Cir. 2016) (recognizing that "the power to expel or exclude aliens [is] a fundamental sovereign attribute exercised by the Government's political departments largely immune from judicial control" (quoting *Fiallo v. Bell*, 430 U.S. 787, 792 (1977))); *see also Holder v. Humanitarian Law Project*, 561 U.S. 1, 33-34 (2010) (explaining that courts should defer to the political branches with respect to national security and foreign relations). Instead, the Government has taken the position that the President's decisions about immigration policy, particularly when motivated by national security concerns, are *unreviewable*, even if those actions potentially contravene constitutional rights and protections. The Government indeed asserts that it violates separation of powers for the

[5] The States have asserted other proprietary interests and also presented an alternative standing theory based on their ability to advance the interests of their citizens as *parens patriae*. Because we conclude that the States' proprietary interests as operators of their public universities are sufficient to support standing, we need not reach those arguments.

judiciary to entertain a constitutional challenge to executive actions such as this one.

There is no precedent to support this claimed unreviewability, which runs contrary to the fundamental structure of our constitutional democracy. *See Boumediene v. Bush*, 553 U.S. 723, 765 (2008) (rejecting the idea that, even by congressional statute, Congress and the Executive could eliminate federal court habeas jurisdiction over enemy combatants, because the "political branches" lack "the power to switch the Constitution on or off at will"). Within our system, it is the role of the judiciary to interpret the law, a duty that will sometimes require the "[r]esolution of litigation challenging the constitutional authority of one of the three branches." *Zivotofsky* ex rel. *Zivotofsky v. Clinton*, 566 U.S. 189, 196 (2012) (quoting *INS v. Chadha*, 462 U.S. 919, 943 (1983)). We are called upon to perform that duty in this case.

Although our jurisprudence has long counseled deference to the political branches on matters of immigration and national security, neither the Supreme Court nor our court has ever held that courts lack the authority to review executive action in those arenas for compliance with the Constitution. To the contrary, the Supreme Court has repeatedly and explicitly rejected the notion that the political branches have unreviewable authority over immigration or are not subject to the Constitution when policymaking in that context. *See Zadvydas v. Davis*, 533 U.S. 678, 695 (2001) (emphasizing that the power of the political branches over immigration "is subject to important constitutional limitations"); *Chadha*, 462 U.S. at 940-41 (rejecting the argument that Congress has "unreviewable authority over the regulation of aliens," and affirming that courts can review "whether Congress has chosen a constitutionally

permissible means of implementing that power").[6] Our court has likewise made clear that "[a]lthough alienage classifications are closely connected to matters of foreign policy and national security," courts "can and do review foreign policy arguments that are offered to justify legislative or executive action when constitutional rights are at stake." *American-Arab Anti-Discrimination Comm. v. Reno*, 70 F.3d 1045, 1056 (9th Cir. 1995).

Kleindienst v. Mandel, 408 U.S. 753 (1972), does not compel a different conclusion. The Government cites *Mandel* for the proposition that "'when the Executive exercises' immigration authority 'on the basis of a facially legitimate and bona fide reason, the courts will [not] look behind the exercise of that discretion.'" The Government omits portions of the quoted language to imply that this standard governs judicial review of *all* executive exercises of immigration authority. In fact, the *Mandel* standard applies to lawsuits challenging an executive branch official's decision to issue or deny an individual visa based on the

[6] *See also, e.g., Galvan v. Press*, 347 U.S. 522, 530 (1954) (reaffirming the broad power of Congress over immigration, but observing that "[i]n the enforcement of these policies, the Executive Branch of the Government must respect the procedural safeguards of due process"); *Yamataya v. Fisher*, 189 U.S. 86, 100-01 (1903) (reaffirming, in the context of adjudicating a constitutional challenge to an immigration policy, that "this court has never held, nor must we now be understood as holding, that administrative officers, when executing the provisions of a statute involving the liberty of persons, may disregard the fundamental principles that inhere in 'due process of law' as understood at the time of the adoption of the Constitution"); *Chae Chan Ping v. United States*, 130 U.S. 581, 604 (1889) ("The powers to declare war, make treaties . . . and admit subjects of other nations to citizenship, are all sovereign powers, restricted in their exercise only by the constitution itself and considerations of public policy and justice which control, more or less, the conduct of all civilized nations.").

application of a congressionally enumerated standard to the particular facts presented by that visa application. The present case, by contrast, is not about the application of a specifically enumerated congressional policy to the particular facts presented in an individual visa application. Rather, the States are challenging the President's *promulgation* of sweeping immigration policy. Such exercises of policymaking authority at the highest levels of the political branches are plainly not subject to the *Mandel* standard; as cases like *Zadvydas* and *Chadha* make clear, courts can and do review constitutional challenges to the substance and implementation of immigration policy. *See Zadvydas*, 533 U.S. at 695; *Chadha*, 462 U.S. at 940-41.

This is no less true when the challenged immigration action implicates national security concerns. *See Ex parte Quirin*, 317 U.S. 1, 19 (1942) (stating that courts have a duty, "in time of war as well as in time of peace, to preserve unimpaired the constitutional safeguards of civil liberty"); *Ex parte Milligan*, 71 U.S. 2, 120-21 (1866) ("The Constitution of the United States is a law for rulers and people, equally in war and in peace ... under all circumstances."). We are mindful that deference to the political branches is particularly appropriate with respect to national security and foreign affairs, given the relative institutional capacity, informational access, and expertise of the courts. *See Humanitarian Law Project*, 561 U.S. at 33-34.

Nonetheless, "courts are not powerless to review the political branches' actions" with respect to matters of national security. *Alperin v. Vatican Bank*, 410 F.3d 532, 559 n.17 (9th Cir. 2005). To the contrary, while counseling deference to the national security determinations of the political branches, the Supreme Court has made clear that

the Government's "authority and expertise in [such] matters do not automatically trump the Court's own obligation to secure the protection that the Constitution grants to individuals," even in times of war. *Humanitarian Law Project*, 561 U.S. at 34 (quoting *id.* at 61 (Breyer, J., dissenting)); *see also United States v. Robel*, 389 U.S. 258, 264 (1967) ("'[N]ational defense' cannot be deemed an end in itself, justifying any exercise of legislative power designed to promote such a goal. . . . It would indeed be ironic if, in the name of national defense, we would sanction the subversion of one of those liberties . . . which makes the defense of the Nation worthwhile."); *Zemel v. Rusk*, 381 U.S. 1, 17 (1965) ("[S]imply because a statute deals with foreign relations [does not mean that] it can grant the Executive totally unrestricted freedom of choice.").

Indeed, federal courts routinely review the constitutionality of—and even invalidate—actions taken by the executive to promote national security, and have done so even in times of conflict. *See, e.g.*, *Boumediene*, 553 U.S. 723 (striking down a federal statute purporting to deprive federal courts of jurisdiction over habeas petitions filed by non-citizens being held as "enemy combatants" after being captured in Afghanistan or elsewhere and accused of authorizing, planning, committing, or aiding the terrorist attacks perpetrated on September 11, 2001); *Aptheker v. Sec'y of State*, 378 U.S. 500 (1964) (holding unconstitutional a statute denying passports to American members of the Communist Party despite national security concerns); *Ex parte Endo*, 323 U.S. 283 (1944) (holding unconstitutional the detention of a law-abiding and loyal American of Japanese ancestry during World War II and affirming federal court jurisdiction over habeas petitions by such individuals). As a plurality of the Supreme Court cautioned in *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004), "Whatever power the United

States Constitution envisions for the Executive in its exchanges with other nations or with enemy organizations in times of conflict, it most assuredly envisions a role for all three branches when individual liberties are at stake." *Id.* at 536 (plurality opinion).

In short, although courts owe considerable deference to the President's policy determinations with respect to immigration and national security, it is beyond question that the federal judiciary retains the authority to adjudicate constitutional challenges to executive action.

V. Legal Standard

The Government moves to stay the district court's order pending this appeal. "A stay is not a matter of right, even if irreparable injury might otherwise result." *Nken v. Holder*, 556 U.S. 418, 433 (2009) (quoting *Virginian Ry. Co. v. United States*, 272 U.S. 658, 672 (1926)). "It is instead 'an exercise of judicial discretion,' and 'the propriety of its issue is dependent upon the circumstances of the particular case.'" *Id.* (quoting *Virginian*, 272 U.S. at 672-73) (alterations omitted). "The party requesting a stay bears the burden of showing that the circumstances justify an exercise of that discretion." *Id.* at 433-34.

Our decision is guided by four questions: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." *Lair v. Bullock*, 697 F.3d 1200, 1203 (9th Cir. 2012) (quoting *Nken*, 556 U.S. at 434). "The first two factors . . . are the most critical," *Nken*, 556 U.S. at 434, and the last two steps are reached "[o]nce an applicant satisfies the first two

factors," *id.* at 435. We conclude that the Government has failed to clear each of the first two critical steps. We also conclude that the final two factors do not militate in favor of a stay. We emphasize, however, that our analysis is a preliminary one. We are tasked here with deciding only whether the Government has made a strong showing of its likely success in this appeal and whether the district court's TRO should be stayed in light of the relative hardships and the public interest.

The Government has not shown that it is likely to succeed on appeal on its arguments about, at least, the States' Due Process Clause claim, and we also note the serious nature of the allegations the States have raised with respect to their religious discrimination claims. We express no view as to any of the States' other claims.

VI. Likelihood of Success—Due Process

The Fifth Amendment of the Constitution prohibits the Government from depriving individuals of their "life, liberty, or property, without due process of law." U.S. Const. amend. V. The Government may not deprive a person of one of these protected interests without providing "notice and an opportunity to respond," or, in other words, the opportunity to present reasons not to proceed with the deprivation and have them considered. *United States v. Raya-Vaca*, 771 F.3d 1195, 1204 (9th Cir. 2014); *accord Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985); *ASSE Int'l, Inc. v. Kerry*, 803 F.3d 1059, 1073 (9th Cir. 2015).

The Government has not shown that the Executive Order provides what due process requires, such as notice and a hearing prior to restricting an individual's ability to travel. Indeed, the Government does not contend that the Executive

Order provides for such process. Rather, in addition to the arguments addressed in other parts of this opinion, the Government argues that most or all of the individuals affected by the Executive Order have no rights under the Due Process Clause.

In the district court, the States argued that the Executive Order violates the procedural due process rights of various aliens in at least three independent ways. First, section 3(c) denies re-entry to certain lawful permanent residents and non-immigrant visaholders without constitutionally sufficient notice and an opportunity to respond. Second, section 3(c) prohibits certain lawful permanent residents and non-immigrant visaholders from exercising their separate and independent constitutionally protected liberty interests in travelling abroad and thereafter re-entering the United States. Third, section 5 contravenes the procedures provided by federal statute for refugees seeking asylum and related relief in the United States. The district court held generally in the TRO that the States were likely to prevail on the merits of their due process claims, without discussing or offering analysis as to any specific alleged violation.

At this stage of the proceedings, it is the Government's burden to make "a strong showing that [it] is likely to" prevail against the States' procedural due process claims. *Lair v. Bullock*, 697 F.3d 1200, 1203 (9th Cir. 2012) (quoting *Nken v. Holder*, 556 U.S. 418, 426 (2009)). We are not persuaded that the Government has carried its burden for a stay pending appeal.

The procedural protections provided by the Fifth Amendment's Due Process Clause are not limited to citizens. Rather, they "appl[y] to all 'persons' within the United States, including aliens," regardless of "whether their

presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). These rights also apply to certain aliens attempting to reenter the United States after travelling abroad. *Landon v. Plasencia*, 459 U.S. 21, 33-34 (1982). The Government has provided no affirmative argument showing that the States' procedural due process claims fail as to these categories of aliens. For example, the Government has failed to establish that lawful permanent residents have no due process rights when seeking to re-enter the United States. *See id.* ("[T]he returning resident alien is entitled as a matter of due process to a hearing on the charges underlying any attempt to exclude him." (quoting *Rosenberg v. Fleuti*, 374 U.S. 449, 460 (1963))). Nor has the Government established that the Executive Order provides lawful permanent residents with constitutionally sufficient process to challenge their denial of re-entry. *See id.* at 35 ("[T]he courts must evaluate the particular circumstances and determine what procedures would satisfy the minimum requirements of due process on the re-entry of a permanent resident alien.").

The Government has argued that, even if lawful permanent residents have due process rights, the States' challenge to section 3(c) based on its application to lawful permanent residents is moot because several days after the Executive Order was issued, White House counsel Donald F. McGahn II issued "[a]uthoritative [g]uidance" stating that sections 3(c) and 3(e) of the Executive Order do not apply to lawful permanent residents. At this point, however, we cannot rely upon the Government's contention that the Executive Order no longer applies to lawful permanent residents. The Government has offered no authority establishing that the White House counsel is empowered to issue an amended order superseding the Executive Order

signed by the President and now challenged by the States, and that proposition seems unlikely.

Nor has the Government established that the White House counsel's interpretation of the Executive Order is binding on all executive branch officials responsible for enforcing the Executive Order. The White House counsel is not the President, and he is not known to be in the chain of command for any of the Executive Departments. Moreover, in light of the Government's shifting interpretations of the Executive Order, we cannot say that the current interpretation by White House counsel, even if authoritative and binding, will persist past the immediate stage of these proceedings. On this record, therefore, we cannot conclude that the Government has shown that it is "*absolutely clear* that the allegedly wrongful behavior could not reasonably be expected to recur." *Friends of the Earth, Inc., v. Laidlaw Envtl. Servs., Inc.*, 528 U.S. 167, 189 (2000) (emphasis added).

Even if the claims based on the due process rights of lawful permanent residents were no longer part of this case, the States would continue to have potential claims regarding possible due process rights of other persons who are in the United States, even if unlawfully, *see Zadvydas*, 533 U.S. 693; non-immigrant visaholders who have been in the United States but temporarily departed or wish to temporarily depart, *see Landon*, 459 U.S. 33-34; refugees, *see* 8 U.S.C. § 1231 note 8; and applicants who have a relationship with a U.S. resident or an institution that might have rights of its own to assert, *see Kerry v. Din*, 135 S. Ct. 2128, 2139 (2015) (Kennedy, J., concurring in judgment); *id.* at 2142 (Breyer, J., dissenting); *Kleindienst v. Mandel*, 408 U.S. 753, 762-65 (1972). Accordingly, the Government has not demonstrated that the States lack viable claims based

on the due process rights of persons who will suffer injuries to protected interests due to the Executive Order. Indeed, the existence of such persons is obvious.

The Government argues that, even if the States have shown that they will likely succeed on some of their procedural due process claims, the district court nevertheless erred by issuing an "overbroad" TRO. Specifically, the Government argues that the TRO is overbroad in two independent respects: (1) the TRO extends beyond lawful permanent residents, and covers aliens who cannot assert cognizable liberty interests in connection with travelling into and out of the United States, and (2) the TRO applies nationwide, and enjoins application of the Executive Order outside Washington and Minnesota. We decline to modify the scope of the TRO in either respect.

First, we decline to limit the scope of the TRO to lawful permanent residents and the additional category more recently suggested by the Government, in its reply memorandum, "previously admitted aliens who are temporarily abroad now or who wish to travel and return to the United States in the future." That limitation on its face omits aliens who are in the United States unlawfully, and those individuals have due process rights as well. *Zadvydas*, 533 U.S. at 693. That would also omit claims by citizens who have an interest in specific non-citizens' ability to travel to the United States. *See Din*, 135 S. Ct. at 2139 (Kennedy, J., concurring in judgment); *id.* at 2142 (Breyer, J., dissenting) (six Justices declining to adopt a rule that would categorically bar U.S. citizens from asserting cognizable liberty interests in the receipt of visas by alien spouses). There might be persons covered by the TRO who do not have viable due process claims, but the Government's proposed revision leaves out at least some who do.

Second, we decline to limit the geographic scope of the TRO. The Fifth Circuit has held that such a fragmented immigration policy would run afoul of the constitutional and statutory requirement for uniform immigration law and policy. *Texas v. United States*, 809 F.3d 134, 187-88 (5th Cir. 2015), *aff'd by an equally divided Court*, 136 S. Ct. 2271 (2016). At this stage of the litigation, we do not need to and do not reach such a legal conclusion for ourselves, but we cannot say that the Government has established that a contrary view is likely to prevail. Moreover, even if limiting the geographic scope of the injunction would be desirable, the Government has not proposed a workable alternative form of the TRO that accounts for the nation's multiple ports of entry and interconnected transit system and that would protect the proprietary interests of the States at issue here while nevertheless applying only within the States' borders.

More generally, even if the TRO might be overbroad in some respects, it is not our role to try, in effect, to rewrite the Executive Order. *See United States v. Nat'l Treasury Emps. Union*, 513 U.S. 454, 479 (1995) (declining to rewrite a statute to eliminate constitutional defects); *cf. Aptheker v. Sec'y of State*, 378 U.S. 500, 516 (1964) (invalidating a restriction on freedom of travel despite the existence of constitutional applications). The political branches are far better equipped to make appropriate distinctions. For now, it is enough for us to conclude that the Government has failed to establish that it will likely succeed on its due process argument in this appeal.

VII. Likelihood of Success—Religious Discrimination

The First Amendment prohibits any "law respecting an establishment of religion." U.S. Const. amend. I. A law that has a religious, not secular, purpose violates that clause,

Lemon v. Kurtzman, 403 U.S. 602, 612-13 (1971), as does one that "officially prefer[s] [one religious denomination] over another," *Larson v. Valente*, 456 U.S. 228, 244 (1982). The Supreme Court has explained that this is because endorsement of a religion "sends the ancillary message to . . . nonadherents 'that they are outsiders, not full members of the political community.'" *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290, 310 (2000) (quoting *Lynch v. Donnelly*, 465 U.S. 668, 688 (1984) (O'Connor, J., concurring)). The Equal Protection Clause likewise prohibits the Government from impermissibly discriminating among persons based on religion. *De La Cruz v. Tormey*, 582 F.2d 45, 50 (9th Cir. 1978).

The States argue that the Executive Order violates the Establishment and Equal Protection Clauses because it was intended to disfavor Muslims. In support of this argument, the States have offered evidence of numerous statements by the President about his intent to implement a "Muslim ban" as well as evidence they claim suggests that the Executive Order was intended to be that ban, including sections 5(b) and 5(e) of the Order. It is well established that evidence of purpose beyond the face of the challenged law may be considered in evaluating Establishment and Equal Protection Clause claims. *See, e.g.*, *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 534 (1993) ("The Free Exercise Clause, like the Establishment Clause, extends beyond facial discrimination. . . . Official action that targets religious conduct for distinctive treatment cannot be shielded by mere compliance with the requirement of facial neutrality."); *Larson*, 456 U.S. at 254-55 (holding that a facially neutral statute violated the Establishment Clause in light of legislative history demonstrating an intent to apply regulations only to minority religions); *Village of Arlington Heights v. Metro. Housing Dev. Corp.*, 429 U.S. 252, 266-

68 (1977) (explaining that circumstantial evidence of intent, including the historical background of the decision and statements by decisionmakers, may be considered in evaluating whether a governmental action was motivated by a discriminatory purpose).

The States' claims raise serious allegations and present significant constitutional questions. In light of the sensitive interests involved, the pace of the current emergency proceedings, and our conclusion that the Government has not met its burden of showing likelihood of success on appeal on its arguments with respect to the due process claim, we reserve consideration of these claims until the merits of this appeal have been fully briefed.

VIII. The Balance of Hardships and the Public Interest

The Government has not shown that a stay is necessary to avoid irreparable injury. *Nken*, 556 U.S. at 434. Although we agree that "the Government's interest in combating terrorism is an urgent objective of the highest order," *Holder v. Humanitarian Law Project*, 561 U.S. 1, 28 (2010), the Government has done little more than reiterate that fact. Despite the district court's and our own repeated invitations to explain the urgent need for the Executive Order to be placed immediately into effect, the Government submitted no evidence to rebut the States' argument that the district court's order merely returned the nation temporarily to the position it has occupied for many previous years.

The Government has pointed to no evidence that any alien from any of the countries named in the Order has

perpetrated a terrorist attack in the United States.[7] Rather than present evidence to explain the need for the Executive Order, the Government has taken the position that we must not review its decision at all.[8] We disagree, as explained above.

To the extent that the Government claims that it has suffered an institutional injury by erosion of the separation of powers, that injury is not "irreparable." It may yet pursue and vindicate its interests in the full course of this litigation. *See, e.g.*, *Texas v. United States*, 787 F.3d 733, 767-68 (5th Cir. 2015) ("[I]t is the resolution of the case on the merits, not whether the injunction is stayed pending appeal, that will affect those principles.").

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[7] Although the Government points to the fact that Congress and the Executive identified the seven countries named in the Executive Order as countries of concern in 2015 and 2016, the Government has not offered any evidence or even an explanation of how the national security concerns that justified those designations, which triggered visa requirements, can be extrapolated to justify an urgent need for the Executive Order to be immediately reinstated.

[8] In addition, the Government asserts that, "[u]nlike the President, courts do not have access to classified information about the threat posed by terrorist organizations operating in particular nations, the efforts of those organizations to infiltrate the United States, or gaps in the vetting process." But the Government may provide a court with classified information. Courts regularly receive classified information under seal and maintain its confidentiality. Regulations and rules have long been in place for that. 28 C.F.R. § 17.17(c) (describing Department of Justice procedures to protect classified materials in civil cases); 28 C.F.R. § 17.46(c) ("Members of Congress, Justices of the United States Supreme Court, and Judges of the United States Courts of Appeal and District Courts do not require a determination of their eligibility for access to classified information . . . ."); W.D. Wash. Civ. L.R. 5(g) (providing procedures governing filings under seal).

By contrast, the States have offered ample evidence that if the Executive Order were reinstated even temporarily, it would substantially injure the States and multiple "other parties interested in the proceeding." *Nken*, 556 U.S. at 434 (quoting *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987)). When the Executive Order was in effect, the States contend that the travel prohibitions harmed the States' university employees and students, separated families, and stranded the States' residents abroad. These are substantial injuries and even irreparable harms. *See Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012) ("It is well established that the deprivation of constitutional rights 'unquestionably constitutes irreparable injury.'" (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976))).

The Government suggests that the Executive Order's discretionary waiver provisions are a sufficient safety valve for those who would suffer unnecessarily, but it has offered no explanation for how these provisions would function in practice: how would the "national interest" be determined, who would make that determination, and when? Moreover, as we have explained above, the Government has not otherwise explained how the Executive Order could realistically be administered only in parts such that the injuries listed above would be avoided.

Finally, in evaluating the need for a stay, we must consider the public interest generally. *See Nken*, 556 U.S. at 434. Aspects of the public interest favor both sides, as evidenced by the massive attention this case has garnered at even the most preliminary stages. On the one hand, the public has a powerful interest in national security and in the ability of an elected president to enact policies. And on the other, the public also has an interest in free flow of travel, in avoiding separation of families, and in freedom from

discrimination. We need not characterize the public interest more definitely than this; when considered alongside the hardships discussed above, these competing public interests do not justify a stay.

IX. Conclusion

For the foregoing reasons, the emergency motion for a stay pending appeal is **DENIED.**

Shirk, Georgette L

From: Kleczek, Marguerite P (Ania)
Sent: Thursday, February 02, 2017 2:59 PM
To: Salem, Claudia S; Dalal-Dheini, Sharvari P (Shev); Zengotitabengoa, Colleen R; Whitney, Ronald W; Hammill, Hunter A; Mcgee, Ramona L; Franke, Evan R; Zill, Katherine F; Tellawi, Heba K; Mandanas, Maria J (Joy); Burkley, Bruce D; Zimonjic, Milica; Elder, Phillip D
Cc: Groom, Molly M; Busch, Philip B; OCC-Clearance; Hinds, Ian G; Carpenter, Dea D
Subject: DUE TOMORROW by 11:30: Data Call on potential Regs Flowing from EOs
Attachments: EO 13768 - Public Safety in the Interior 01-25-17.pdf; EO 13769 - Foreign Terrorist Entry 01-27-17.pdf; EO 13767 - Border Sec & Imm Enf 01-25-17.pdf

Importance: High

OGC Regs (Christina McDonald) got together CBP, ICE, and USCIS regs POCs to discuss a Regs working group that Christina was asked to lead. Note that there are other working groups at work going over other issues. What Christina has asked the three components to do is provide a preliminary list of potential new regs or revisions to existing regs affected by the attached 3 Executive Orders. We need SMEs help to identify potential regs. This preliminary list is due tomorrow noon to Christina, but we'll need to send over any suggestions to USCIS Regulatory Coordination Division (RCD – Sam Deshommes) a little earlier than that so that she can have time to send over the response for USCIS.

Christina is putting together a preliminary list to start things off. Here are some of preliminary thoughts as to where USCIS may need to start rulemaking actions. Could you fill in below (in a different color) possible 8 CFR cites for regs that may need to be amended or list what new regs might need to be promulgated?

EO 13768 – Public Safety in the Interior

Sec. 6 – Civil Fines and Penalties
CBP said that they impose fines against carriers. ICE mentioned INA 274C (document fraud – and mentioned Warren McBroom). I vaguely remember something about nonimmigrants having a requirement to post a bond?! Not sure if that qualifies or what provision, but could someone look into that? Any other ideas?

Sec. 9(a) (last sentence) – Sanctuary Jurisdictions (8 USC 1373) – SAVE involvement? Maybe too remote, but just raising the possibility.

Sec. 10(b) Very broad order for us to review regs, policies, and procedures for consistency with the order and publish regs rescinding or revising any reg inconsistent with the order

Sec. 12 Recalcitrant Countries – INA section 243(d) (ALD?)

Sec. 14 – Privacy Act: Christina said that this is being worked on by a separate working group, so we do not have to worry about it.

EO 13769 – Foreign Terrorist Entry

Sec. 4(a) Implementing Uniform Screening Standards

- Uniform screening standard and procedure, such as in-person interviews
  New biometrics rule amending 8 CFR 103.2(b)(9) and 103.16; 103.17

- Amended application form that include questions aimed at identifying fraudulent answers and malicious intent

- Mechanism to ensure that the applicant is who the applicant claims to be
  New biometrics rule amending 8 CFR 103.2(b)(9) and 103.16; 103.17

Sec. 6 Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility
- Christina thought this was about TRIG

EO 13767 Border Security and Imm Enf

Sec. 11(b): 8 CFR 208.30 and 31 - Credible fear and reasonable fear determinations (RALD—are regs revisions required?)

11(d): Parole authority – must be case-by-case in accordance with the plain language of the statute
- 8 CFCR 103.7 Bundled fees for adjustment applicants?

Please send in any ideas that you have ASAP. Sorry for the quick turnaround. Our answer could be something like – we think 8 CFR XXXX might be affected, but we need to study the issue further.

Thanks,
Ania

Marguerite (Ania) P. Kleczek
Chief, Regulatory and Verification Law Division
Office of the Chief Counsel, USCIS
[redacted]
(b)(6)

Shirk, Georgette L

From:	Hinds, Ian G
Sent:	Monday, January 30, 2017 12:19 PM
To:	Groom, Molly M; #CIS OCC CHIEFS ALL; #CIS OCC DEPUTIES ALL
Cc:	Carpenter, Dea D; Miles, John D; Martinez, Janette M; Gentry, Anthony E; Muhletaler, Catherine
Subject:	EO update
Attachments:	QA for EO on Protecting the Nation FINAL.DOCX

All,

Attached see the DHS OPA-cleared Q/As regarding the EO that was issued on Friday. They are not for distribution to the public. For now, please be advised that if an OCC attorney is asked by the client to provide guidance on how to apply the EO, the matter should be raised through his/her chain of command to OCC leadership for coordination before responding to the client. Other inquiries should be sent to OCOMM or OLA as appropriate.

Thanks,
Ian

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Shirk, Georgette L

From: Owens, Jessica D
Sent: Wednesday, January 25, 2017 3:14 PM
To: Zengotitabengoa, Colleen R; Whitney, Ronald W; Groom, Molly M; Hammill, Hunter A
Subject: FW: circuit ride update

FYI In case you have not seen this. (but maybe don't forward because it came to me through unofficial channels...)

From: Strack, Barbara L
Sent: Wednesday, January 25, 2017 3:37:28 PM
To: Strack, Barbara L
Subject: circuit ride update

Dear RAD staff – I know that many of you have seen draft copies of an Executive Order related to the USRAP that is expected to be finalized and signed tomorrow. In light of this anticipated announcement, we've determined that it would be prudent to suspend circuit rides that are scheduled to depart between now and February 15.

We are also suspending the remaining PDBs planned for this week.

For our TDYers who are here in DC, we will be sharing information as soon as possible about travel arrangements for returning to home offices.

I hope to share more information tomorrow.

Barbara

Shirk, Georgette L

From: Groom, Molly M
Sent: Wednesday, February 01, 2017 6:35 AM
To: Zengotitabengoa, Colleen R; Whitney, Ronald W
Subject: FW: EO

Any good arguments regarding why section 3 doesn't cover refugees? I think you'd have to say they aren't immigrants. OGC shot that down previously because of 101(a)(15) but I thought we'd made that argument before. Anyway can this be a top priority today?

From: Benedict, Deborah L
Sent: Tuesday, January 31, 2017 7:31:12 PM
To: Groom, Molly M
Subject: RE: EO

Having other departments weigh in might help (and the below is just based on my reading, maybe State has something stronger!).

From: Groom, Molly M
Sent: Tuesday, January 31, 2017 7:29 PM
To: Benedict, Deborah L
Subject: RE: EO

They dismissed any argument Friday night. But maybe they will reconsider.

From: Benedict, Deborah L
Sent: Tuesday, January 31, 2017 7:21:20 PM
To: Groom, Molly M
Subject: RE: EO

Nope unfortunately not, only that they feel six of the seven countries can be exempted. I'm sure you have reviewed the possibilities already with OGC (that Section 3(g) applies to refugees as well as IV and NIV and both exemptions could be sought and approved, or that the seven countries provision only applies to immigrant and nonimmigrant visas, not the refugee provisions for which only Syrian cases are suspended) but I am not sure how State has articulated it.

From: Groom, Molly M
Sent: Tuesday, January 31, 2017 7:11 PM
To: Benedict, Deborah L
Subject: RE: EO

She told me who the lawyer was but didn't provide her reasoning—do you have that?

From: Benedict, Deborah L
Sent: Tuesday, January 31, 2017 7:08 PM
To: Groom, Molly M
Subject: EO

Assuming Barbara reached you regarding the State lawyer's interpretation of the EO Section 3?

Shirk, Georgette L

From:	Carpenter, Dea D on behalf of OCC-Clearance
Sent:	Friday, February 03, 2017 8:17 AM
To:	RALD; USCIS OCC NSCD
Cc:	Zengotitabengoa, Colleen R; Whitney, Ronald W; Hammill, Hunter A; Owens, Jessica D; Franke, Evan R; Zill, Katherine F; Groom, Molly M; Busch, Philip B
Subject:	FW: EO Tasking on Information for Adjudications - Edits requested by 11:00 a.m.!
Attachments:	TEMPLATE_E.O Section 3 Data Call USCIS.docx

RALD - Please take the lead on review and response of this item for OCC, and cc the Box on your reply to the client. Thank you!

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:51 PM
To: Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R
Cc: Groom, Molly M; OCC-Clearance
Subject: RE: EO Tasking on Information for Adjudications

Sorry, please use this version. Added two points to data point 2.

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:41 PM
To: Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R
Cc: Groom, Molly M; OCC-Clearance
Subject: EO Tasking on Information for Adjudications

Attached is a summary of information we'd want from other countries to assist in our adjudications process as requested in the "Terrorist Entry" EO, Section 3a. For this tasking we just need a list that DHS PLCY/SCO can incorporate into the larger report they are drafting for this deliverable. This is due to the department tomorrow, so if I could have your edits by 11:00 tomorrow morning, that would be greatly appreciated. It's a fairly succinct document, so hopefully it shouldn't take long to review. Much thanks!

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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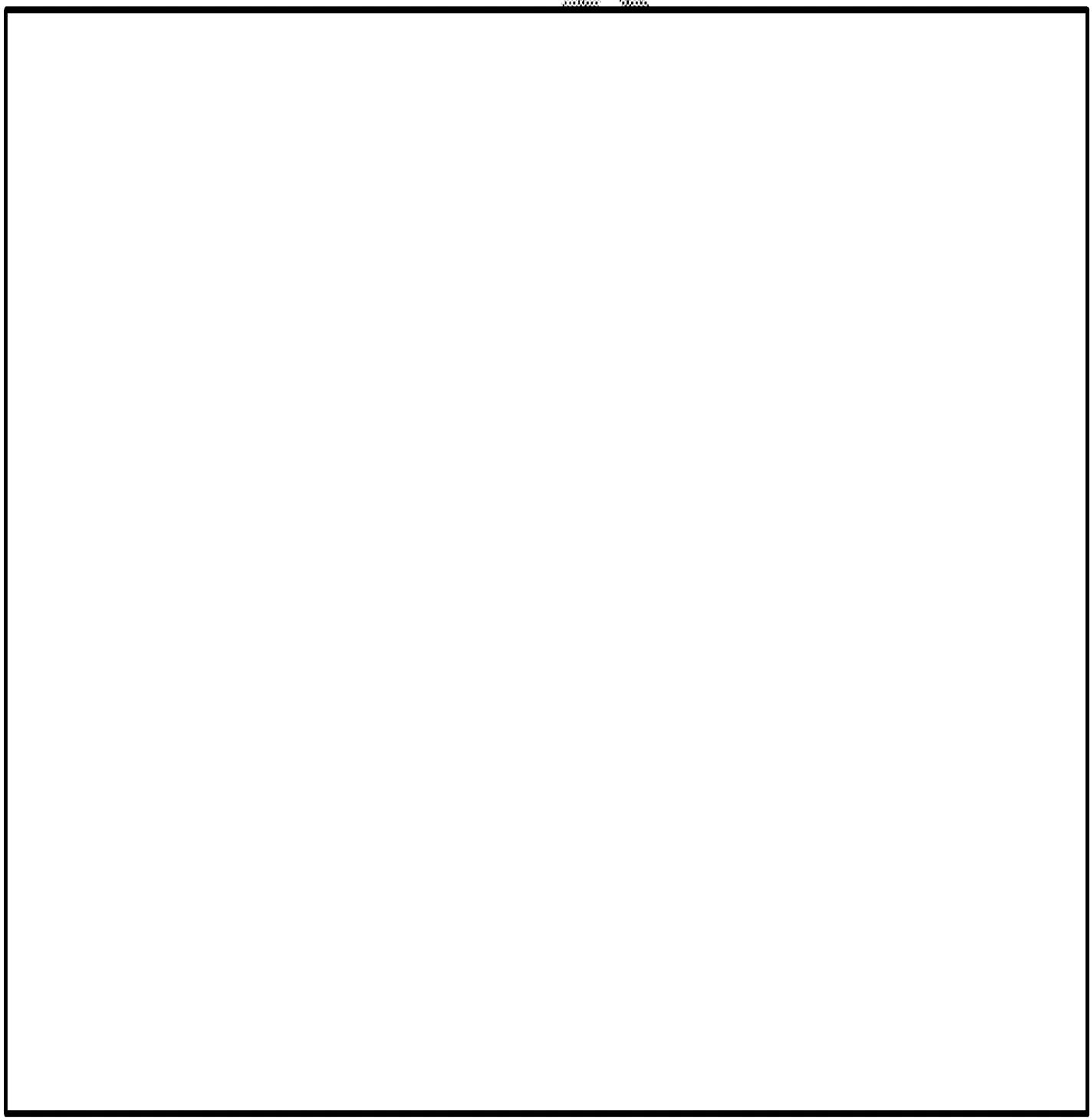
COMPONENT DATA CALL

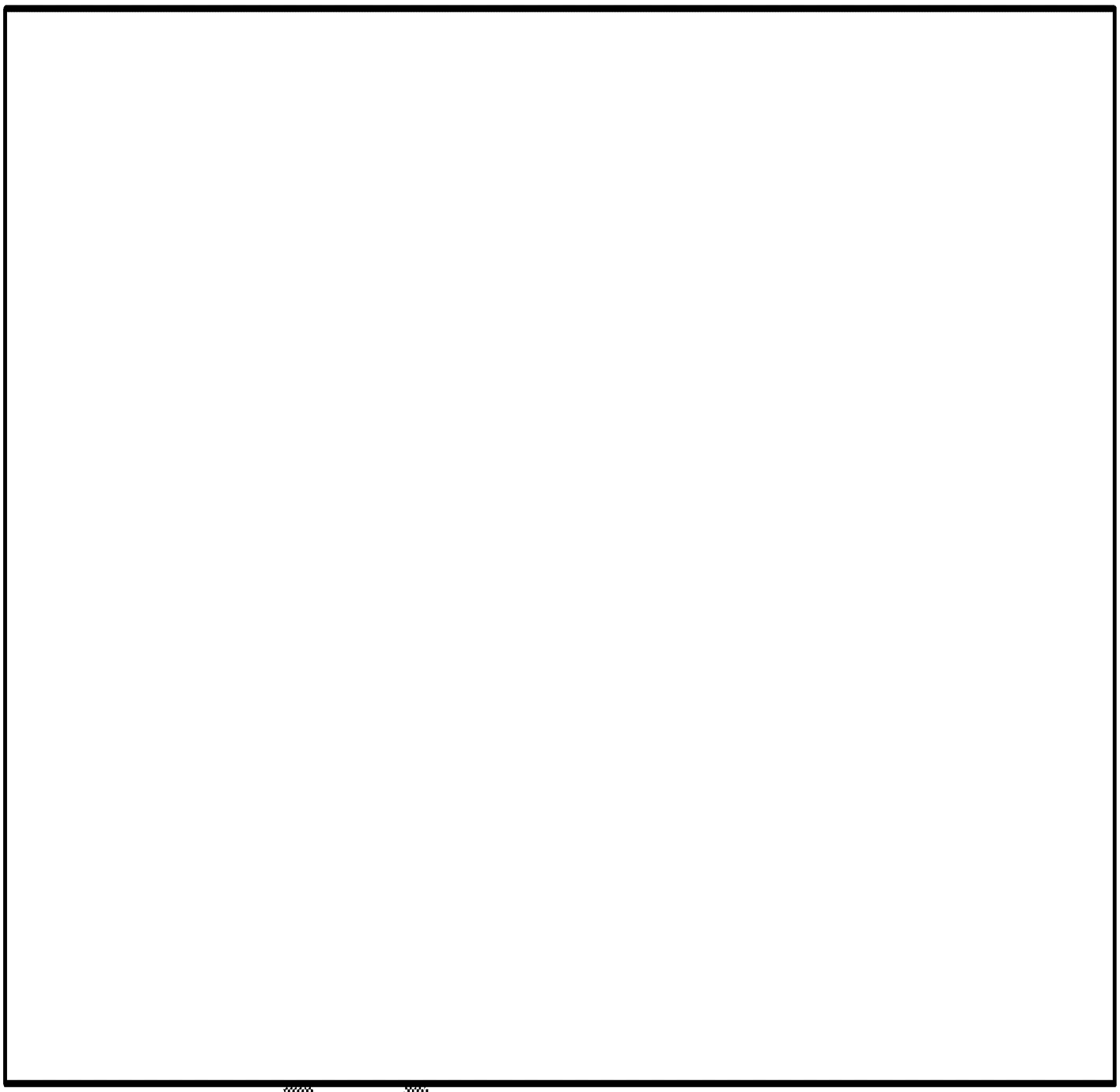
General Instructions for Section 3 of Executive Order

(b)(7)(e)

"Protecting the Nation from Foreign Terrorist Entry into the United States"

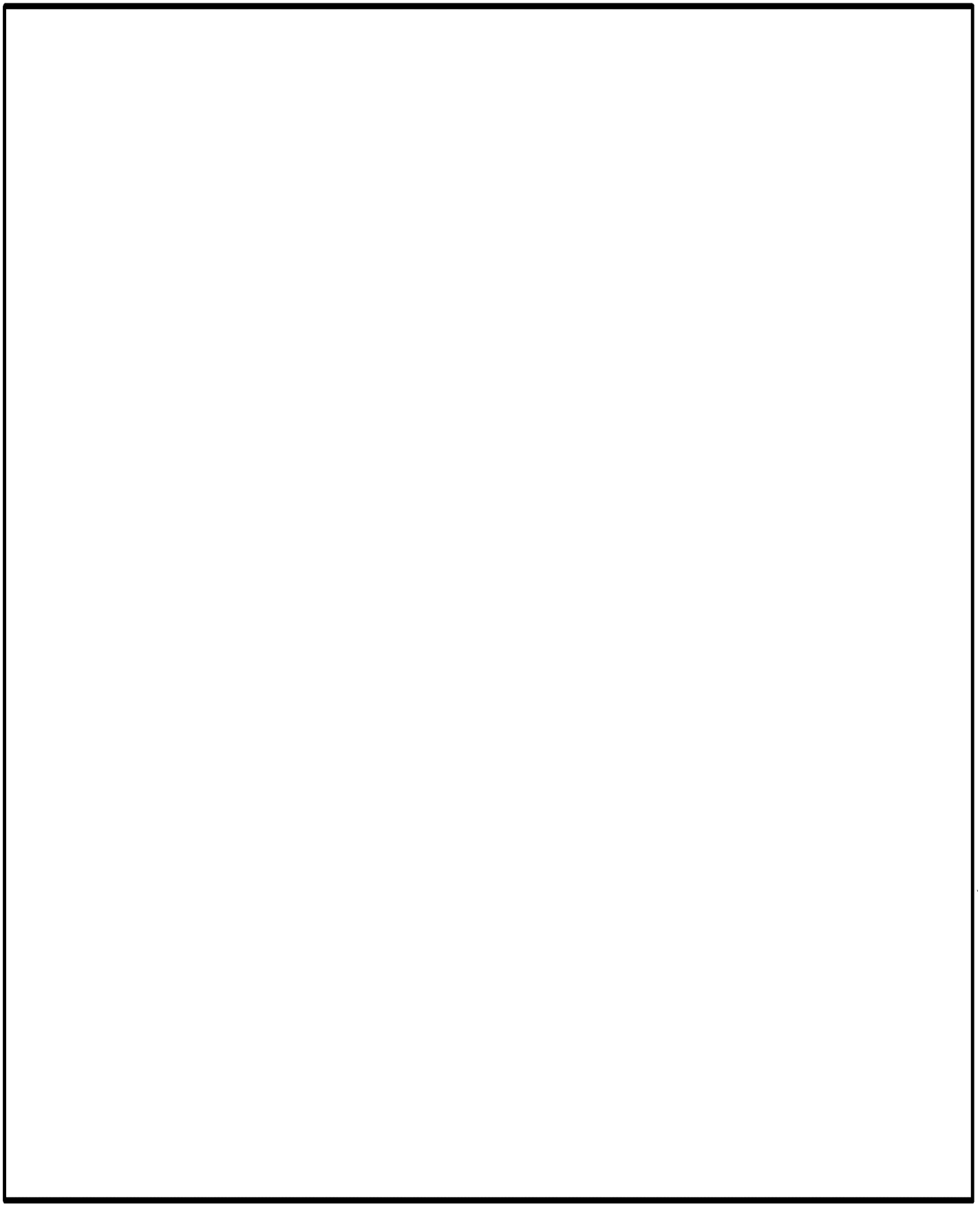
Data Objective 1: Confirm Individual's Identity

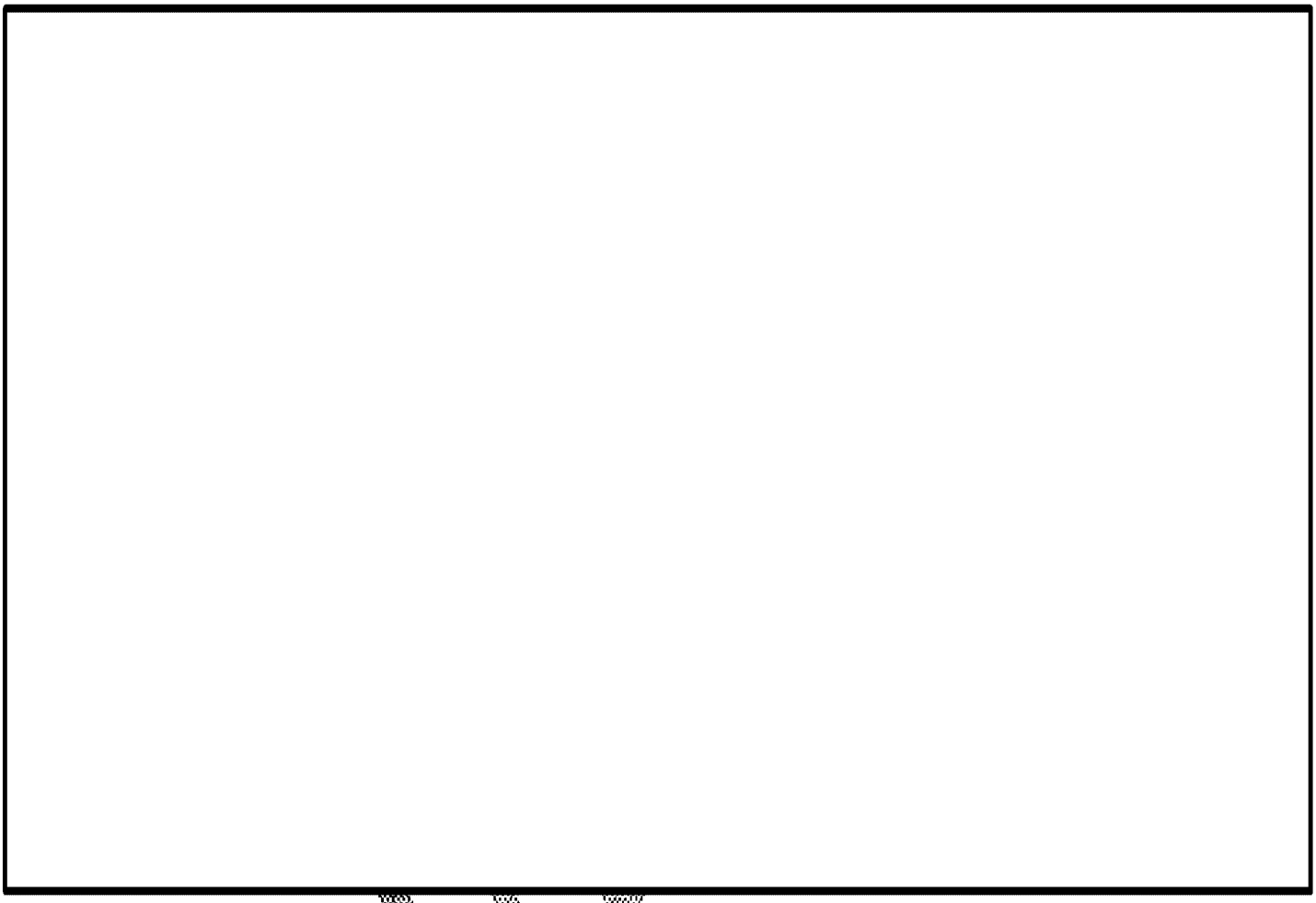




Data Objective 2: Determine Security (Counterterrorism) Risk (b)(7)(e)

(b)(7)(e)





Data Objective 3: Determine Public Safety (Law Enforcement and Illegal Immigration) Risk (b)(7)(e)

(b)(7)(e)

[redacted]

Submitted by: Lori Scialabba

Component: USCIS

POC (Name, email, telephone): Julie Farnam; [redacted] (b)(6)

Cleared By:

DRAFT

Referred to U.S. Department of State

(b)(6

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Referred to U.S. Department of State

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Referred to U.S. Customs and Border Protection

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Referred to U.S. Customs and Border Protection

(b)(6

Referred to U.S. Customs and Border Protection

Shirk, Georgette L

From:	Groom, Molly M
Sent:	Friday, February 03, 2017 6:38 AM
To:	Whitney, Ronald W; Mandanas, Maria J (Joy); Kleczek, Marguerite P (Ania); Salem, Claudia S; Dalal-Dheini, Sharvari P (Shev); Zengotitabengoa, Colleen R; Hammill, Hunter A; Mcgee, Ramona L; Franke, Evan R; Zill, Katherine F; Tellawi, Heba K; Burkley, Bruce D; Zimonjic, Milica; Elder, Phillip D
Cc:	Busch, Philip B; OCC-Clearance; Hinds, Ian G; Carpenter, Dea D; OCC Regulations
Subject:	RE: DUE TOMORROW by 11:30: Data Call on potential Regs Flowing from EOs

This one doesn't need to be included since that guidance is going out this morning but good to point it out for us.

From: Whitney, Ronald W
Sent: Thursday, February 02, 2017 5:37:06 PM
To: Mandanas, Maria J (Joy); Kleczek, Marguerite P (Ania); Salem, Claudia S; Dalal-Dheini, Sharvari P (Shev); Zengotitabengoa, Colleen R; Hammill, Hunter A; Mcgee, Ramona L; Franke, Evan R; Zill, Katherine F; Tellawi, Heba K; Burkley, Bruce D; Zimonjic, Milica; Elder, Phillip D
Cc: Groom, Molly M; Busch, Philip B; OCC-Clearance; Hinds, Ian G; Carpenter, Dea D; OCC Regulations
Subject: RE: DUE TOMORROW by 11:30: Data Call on potential Regs Flowing from EOs

Since we are including significant changes to guidance (this may not be what they are looking for, but here goes):

EO 13769 - Section 11(a)(i) and 11(b) (EO should not be construed to impair or affect authority of executive agencies, and shall be implemented consistent with applicable law): This will require rescission of recent guidance suspending the adjudication and granting of immigration benefits, which conflicts with these provisions of the EO, since there is no legal basis for the wholesale suspension of immigration benefits.

Section 3(c) – Need to consider guidance concerning the issuance of travel documents (advance parole, refugee travel documents, perhaps reentry permits) for nationals of the 7 countries.

Ron Whitney
Deputy Chief, Refugee and Asylum Law Division
USCIS, Office of the Chief Counsel
[redacted] (b)(6)

From: Mandanas, Maria J (Joy)
Sent: Thursday, February 02, 2017 2:05 PM
To: Kleczek, Marguerite P (Ania); Whitney, Ronald W; Salem, Claudia S; Dalal-Dheini, Sharvari P (Shev); Zengotitabengoa, Colleen R; Hammill, Hunter A; Mcgee, Ramona L; Franke, Evan R; Zill, Katherine F; Tellawi, Heba K; Burkley, Bruce D; Zimonjic, Milica; Elder, Phillip D
Cc: Groom, Molly M; Busch, Philip B; OCC-Clearance; Hinds, Ian G; Carpenter, Dea D; OCC Regulations
Subject: RE: DUE TOMORROW by 11:30: Data Call on potential Regs Flowing from EOs

Ania, I added a line regarding SAVE.

Joy Mandanas
Associate Counsel, Regulatory and Verification Law Division, Office of Chief Counsel, DHS/USCIS
20 Massachusetts Avenue, NW, Suite 6090, Washington, DC
[redacted] (b)(6)

From: Kleczek, Marguerite P (Ania)
Sent: Thursday, February 02, 2017 4:53 PM
To: Whitney, Ronald W; Salem, Claudia S; Dalal-Dheini, Sharvari P (Shev); Zengotitabengoa, Colleen R; Hammill, Hunter A; Mcgee, Ramona L; Franke, Evan R; Zill, Katherine F; Tellawi, Heba K; Mandanas, Maria J (Joy); Burkley, Bruce D; Zimonjic, Milica; Elder, Phillip D
Cc: Groom, Molly M; Busch, Philip B; OCC-Clearance; Hinds, Ian G; Carpenter, Dea D; OCC Regulations
Subject: RE: DUE TOMORROW by 11:30: Data Call on potential Regs Flowing from EOs

One more clarification from Christina that just came in. The data call covers both regs and "significant guidance documents." So that means that if we think a significant guidance document would be necessary to implement the EO section, then we should identify that. If a reg, then the reg citation.

Thanks again!

From: Kleczek, Marguerite P (Ania)
Sent: Thursday, February 02, 2017 4:42 PM
To: Whitney, Ronald W; Salem, Claudia S; Dalal-Dheini, Sharvari P (Shev); Zengotitabengoa, Colleen R; Hammill, Hunter A; Mcgee, Ramona L; Franke, Evan R; Zill, Katherine F; Tellawi, Heba K; Mandanas, Maria J (Joy); Burkley, Bruce D; Zimonjic, Milica; Elder, Phillip D
Cc: Groom, Molly M; Busch, Philip B; OCC-Clearance; Hinds, Ian G; Carpenter, Dea D; OCC Regulations
Subject: RE: DUE TOMORROW by 11:30: Data Call on potential Regs Flowing from EOs

Thanks Ron and Phil for your responses!

When responding, please respond to the group as you have been doing, or at least OCC Regulations, which I've now cc'd.

From: Whitney, Ronald W
Sent: Thursday, February 02, 2017 4:37 PM
To: Kleczek, Marguerite P (Ania); Salem, Claudia S; Dalal-Dheini, Sharvari P (Shev); Zengotitabengoa, Colleen R; Hammill, Hunter A; Mcgee, Ramona L; Franke, Evan R; Zill, Katherine F; Tellawi, Heba K; Mandanas, Maria J (Joy); Burkley, Bruce D; Zimonjic, Milica; Elder, Phillip D
Cc: Groom, Molly M; Busch, Philip B; OCC-Clearance; Hinds, Ian G; Carpenter, Dea D
Subject: RE: DUE TOMORROW by 11:30: Data Call on potential Regs Flowing from EOs

A couple of thoughts below.

Ron Whitney
Deputy Chief, Refugee and Asylum Law Division
USCIS, Office of the Chief Counsel
[redacted]
(b)(6)

From: Kleczek, Marguerite P (Ania)
Sent: Thursday, February 02, 2017 12:59 PM
To: Salem, Claudia S; Dalal-Dheini, Sharvari P (Shev); Zengotitabengoa, Colleen R; Whitney, Ronald W; Hammill, Hunter A; Mcgee, Ramona L; Franke, Evan R; Zill, Katherine F; Tellawi, Heba K; Mandanas, Maria J (Joy); Burkley, Bruce D; Zimonjic, Milica; Elder, Phillip D
Cc: Groom, Molly M; Busch, Philip B; OCC-Clearance; Hinds, Ian G; Carpenter, Dea D
Subject: DUE TOMORROW by 11:30: Data Call on potential Regs Flowing from EOs
Importance: High

OGC Regs (Christina McDonald) got together CBP, ICE, and USCIS regs POCs to discuss a Regs working group that Christina was asked to lead. Note that there are other working groups at work going over other issues. What Christina has asked the three components to do is provide a preliminary list of potential new regs or revisions to existing regs affected by the attached 3 Executive Orders. We need SMEs help to identify potential regs. This preliminary list is due tomorrow noon to Christina, but we'll need to send over any suggestions to USCIS Regulatory Coordination Division (RCD – Sam Deshommes) a little earlier than that so that she can have time to send over the response for USCIS.

Christina is putting together a preliminary list to start things off. Here are some of preliminary thoughts as to where USCIS may need to start rulemaking actions. Could you fill in below (in a different color) possible 8 CFR cites for regs that may need to be amended or list what new regs might need to be promulgated?

EO 13768 – Public Safety in the Interior

Sec. 6 – Civil Fines and Penalties
CBP said that they impose fines against carriers. ICE mentioned INA 274C (document fraud – and mentioned Warren McBroom). I vaguely remember something about nonimmigrants having a requirement to post a bond?! Not sure if that qualifies or what provision, but could someone look into that? Any other ideas?

Sec. 9(a) (last sentence) – Sanctuary Jurisdictions (8 USC 1373) – SAVE involvement? Maybe too remote, but just raising the possibility. Use of SAVE for immigration status queries is currently limited to benefit applications made to federal, state and local agencies (with few exceptions), so expanded uses of SAVE under 1373 would require changes to their requirements, processes and their Program Guidance.

Sec. 10(b) Very broad order for us to review regs, policies, and procedures for consistency with the order and publish regs rescinding or revising any reg inconsistent with the order

Sec. 12 Recalcitrant Countries – INA section 243(d) (ALD?)

Sec. 14 – Privacy Act: Christina said that this is being worked on by a separate working group, so we do not have to worry about it.

EO 13769 – Foreign Terrorist Entry

Sec. 4(a) Implementing Uniform Screening Standards

- Uniform screening standard and procedure, such as in-person interviews
  New biometrics rule amending 8 CFR 103.2(b)(9) and 103.16; 103.17

- Amended application form that include questions aimed at identifying fraudulent answers and malicious intent

- Mechanism to ensure that the applicant is who the applicant claims to be
  New biometrics rule amending 8 CFR 103.2(b)(9) and 103.16; 103.17

Sec. 6 Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility

- Christina thought this was about TRIG This is about TRIG, but doesn't require any regulatory action. Our TRIG working group is already looking at this and preparing for future discussions with the Department and the interagency.

EO 13767 Border Security and Imm Enf

Sec. 11(b): 8 CFR 208.30 and 31 - Credible fear and reasonable fear determinations (RALD—are regs revisions required?) I don't see any need for regulatory changes, but the Asylum Division is working on revisions to its

Credible Fear lesson plan in response to this. That's not to say that there won't be a push for regulatory changes, but there's nothing here that isn't consistent with the plain language of the statute.

11(d): Parole authority – must be case-by-case in accordance with the plain language of the statute

- 8 CFCR 103.7 Bundled fees for adjustment applicants?
- We think 8 CFR 212.5 might be affected, but need to study the issue further.

11(c): Applying Expedited Removal to applicants for admission present for less than 2 years. Requires a FR notice, but this is primarily a CBP/ICE matter, but it will affect asylum officer resources.

Please send in any ideas that you have ASAP. Sorry for the quick turnaround. Our answer could be something like – we think 8 CFR XXXX might be affected, but we need to study the issue further.

Thanks,
Ania

Marguerite (Ania) P. Kleczek
Chief, Regulatory and Verification Law Division
Office of the Chief Counsel, USCIS
[redacted]
(b)(6)

(b)(6

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Referred to Department of Justice

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Referred to Department of Justice

Shirk, Georgette L

From: Zengotitabengoa, Colleen R
Sent: Wednesday, February 01, 2017 8:12 AM
To: Groom, Molly M; Whitney, Ronald W.
Subject: RE: EO

That would be my argument but can focus on this today.

From: Groom, Molly M
Sent: Wednesday, February 01, 2017 7:34:36 AM
To: Zengotitabengoa, Colleen R; Whitney, Ronald W
Subject: FW: EO

(b)(5)

Any good arguments regarding why section 3 doesn't cover refugees? [redacted]

[redacted] Anyway can this be a top priority today?

From: Benedict, Deborah L
Sent: Tuesday, January 31, 2017 7:31:12 PM
To: Groom, Molly M
Subject: RE: EO

Having other departments weigh in might help (and the below is just based on my reading, maybe State has something stronger!).

From: Groom, Molly M
Sent: Tuesday, January 31, 2017 7:29 PM
To: Benedict, Deborah L
Subject: RE: EO

They dismissed any argument Friday night. But maybe they will reconsider.

From: Benedict, Deborah L
Sent: Tuesday, January 31, 2017 7:21:20 PM
To: Groom, Molly M
Subject: RE: EO

(b)(5)

Nope unfortunately not [redacted]

From: Groom, Molly M
Sent: Tuesday, January 31, 2017 7:11 PM

To: Benedict, Deborah L
Subject: RE: EO

She told me who the lawyer was but didn't provide her reasoning—do you have that?

From: Benedict, Deborah L
Sent: Tuesday, January 31, 2017 7:08 PM
To: Groom, Molly M
Subject: EO

Assuming Barbara reached you regarding the State lawyer's interpretation of the EO Section 3?

Shirk, Georgette L

From: Groom, Molly M
Sent: Wednesday, February 01, 2017 11:11 AM
To: Whitney, Ronald W; Zengotitabengoa, Colleen R
Subject: RE: EO

You were on the reply—did you get it?

From: Whitney, Ronald W
Sent: Wednesday, February 01, 2017 12:09 PM
To: Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: EO

Did you ever hear back from Meg?

From: Groom, Molly M
Sent: Wednesday, February 01, 2017 4:35 AM
To: Zengotitabengoa, Colleen R; Whitney, Ronald W
Subject: FW: EO (b)(5)

Any good arguments regarding why section 3 doesn't cover refugees? [redacted]

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Nope unfortunately not, [redacted]

[redacted]

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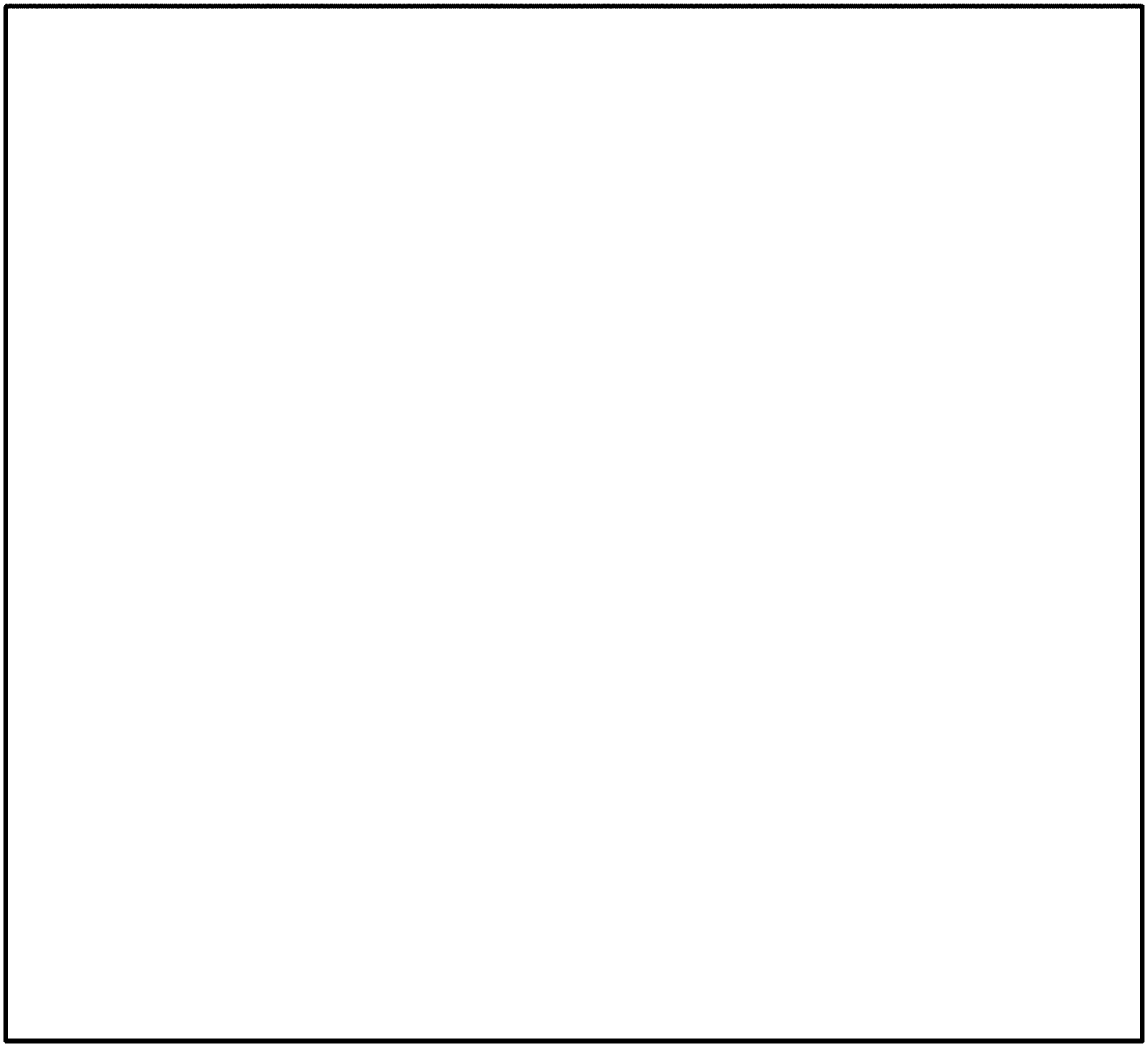
Shirk, Georgette L

From: Groom, Molly M
Sent: Sunday, February 05, 2017 6:52 PM
To: Whitney, Ronald W; Busch, Philip B; Zengotitabengoa, Colleen R; Lonegan, Bryan K
Subject: RE: Follow up thoughts on litigation

It hasn't been decided what prioritizing means.

From: Whitney, Ronald W
Sent: Sunday, February 05, 2017 7:33:56 PM
To: Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R; Lonegan, Bryan K (b)(5)
Subject: RE: Follow up thoughts on litigation



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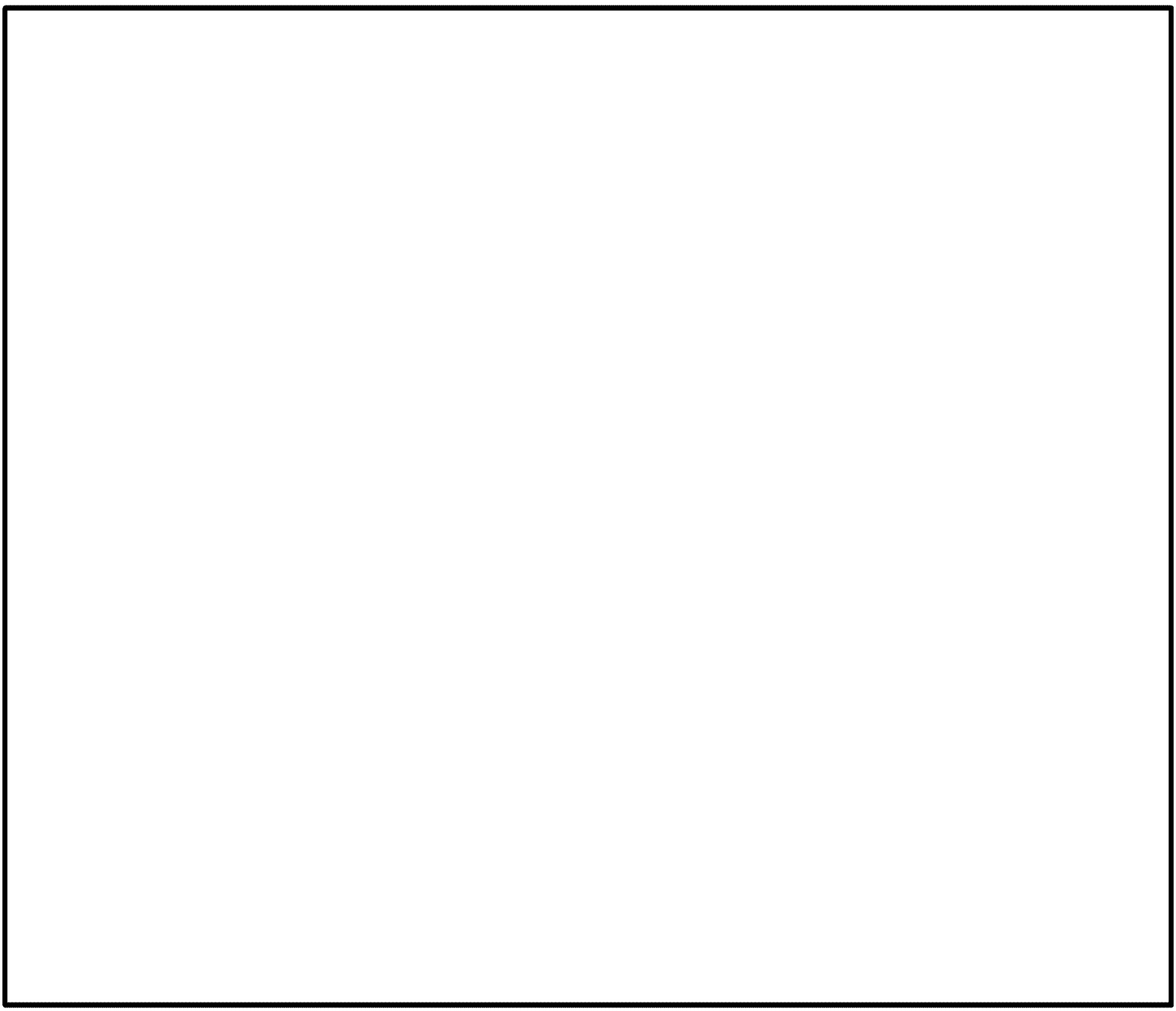

Go Falcons.

--Ron

From: Busch, Philip B
Sent: Sunday, February 05, 2017 11:02 AM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

(b)(5)

From: Groom, Molly M
Sent: Sunday, February 05, 2017 1:30:44 PM
To: Busch, Philip B; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

(b)(5)

It may be and we will figure that out [redacted]

From: Busch, Philip B
Sent: Sunday, February 05, 2017 12:37:04 PM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

(b)(5)

I was thinking about this question while churning up and down the Yorktown pool this morning. [redacted]

[redacted] (b)(5)

Phil

From: Zengotitabengoa, Colleen R
Sent: Sunday, February 05, 2017 11:35:19 AM
To: Groom, Molly M; Lonegan, Bryan K; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Will do.

From: Groom, Molly M
Sent: Sunday, February 05, 2017 11:01:22 AM
To: Lonegan, Bryan K; Zengotitabengoa, Colleen R; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Colleen I think you should reach out to Meg and see what she has in mind.

From: Lonegan, Bryan K
Sent: Sunday, February 05, 2017 10:40:53 AM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

To clarify. I could not find anything on the establishment clause and the Lautenberg amendment. I'll look more generally for estab cl and the INA

From: Lonegan, Bryan K
Sent: Sunday, February 05, 2017 10:31:11 AM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Yes, discussions with DOJ folks would be mutually beneficial; for us to put the establishment clause in the context of the refugee program and for them to put the refugee program in context of the establishment clause. Frankly, I'm having trouble finding much helpful material applying the estab clause to the refugee program.

From: Zengotitabengoa, Colleen R
Sent: Sunday, February 05, 2017 10:16:51 AM
To: Groom, Molly M; Lonegan, Bryan K; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Does Meg want us to join discussion with DOJ establishment clause expert? Would be good if we can.

From: Groom, Molly M
Sent: Sunday, February 05, 2017 8:52:15 AM

To: Zengotitabengoa, Colleen R; Lonegan, Bryan K; Busch, Philip B; Whitney, Ronald W
Subject: FW: Follow up thoughts on litigation

Colleen/Bryan/Ron-

Can you all dig deeper on this issue and continue the discussions with DOS. Meg P. wants to have discussion with DOJ establishment expert at that seems like good idea. [redacted] Let's figure it out.

(b)(5)

From: Strack, Barbara L
Sent: Sunday, February 05, 2017 8:44:37 AM
To: Groom, Molly M; Ruppel, Joanna; Stone, Mary M; Busch, Philip B
Subject: Follow up thoughts on litigation

All -

I wanted to follow up w/you on some issues related to yesterday's litigation call, with the understanding that this communication is protected by attorney/client privilege. In particular, I want to focus on the "religious minority" language. (b)(5)

[redacted]

Wanted to share this thinking and bring Joanna and MM into the loop before I leave for vacation later today, Barbara

Shirk, Georgette L

From: Groom, Molly M
Sent: Sunday, February 05, 2017 12:31 PM
To: Busch, Philip B; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

(b)(5)

It may be and we will figure that out. [redacted]

From: Busch, Philip B
Sent: Sunday, February 05, 2017 12:37:04 PM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Lonegan, Bryan K; Whitney, Ronald W
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(b)(5)

I was thinking about this question while churning up and down the Yorktown pool this morning. [redacted]

[redacted]

Phil

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[redacted]

[redacted]

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Shirk, Georgette L

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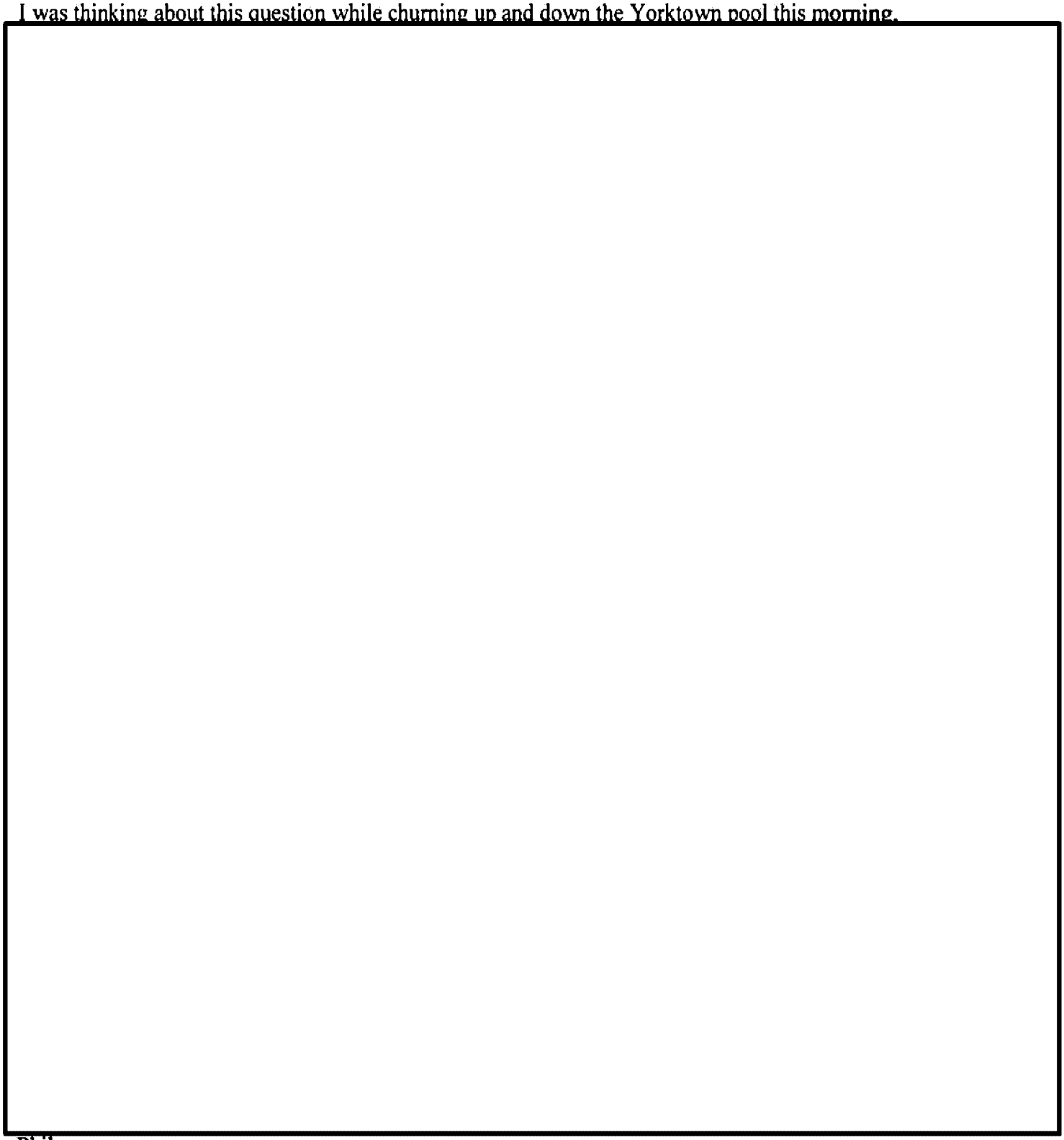

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Subject: RE: Follow up thoughts on litigation

Colleen I think you should reach out to Meg and see what she has in mind.

From: Lonegan, Bryan K
Sent: Sunday, February 05, 2017 10:40:53 AM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

To clarify. I could not find anything on the establishment clause and the Lautenberg amendment. I'll look more generally for estab cl and the INA

From: Lonegan, Bryan K
Sent: Sunday, February 05, 2017 10:31:11 AM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Busch, Philip B; Whitney, Ronald W (b)(5)
Subject: RE: Follow up thoughts on litigation

Yes, discussions with DOJ folks would be mutually beneficial [redacted]

From: Zengotitabengoa, Colleen R
Sent: Sunday, February 05, 2017 10:16:51 AM
To: Groom, Molly M; Lonegan, Bryan K; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Does Meg want us to join discussion with DOJ establishment clause expert? Would be good if we can.

From: Groom, Molly M
Sent: Sunday, February 05, 2017 8:52:15 AM
To: Zengotitabengoa, Colleen R; Lonegan, Bryan K; Busch, Philip B; Whitney, Ronald W
Subject: FW: Follow up thoughts on litigation

Colleen/Bryan/Ron-

(b)(5)

Can you all dig deeper on this issue and continue the discussions with DOS. Meg P. wants to have discussion with DOJ establishment expert at that seems like good idea. [redacted] Let's figure it out.

From: Strack, Barbara L
Sent: Sunday, February 05, 2017 8:44:37 AM
To: Groom, Molly M; Ruppel, Joanna; Stone, Mary M; Busch, Philip B
Subject: Follow up thoughts on litigation

All -

I wanted to follow up w/you on some issues related to yesterday's litigation call, with the understanding that this communication is protected by attorney/client privilege. In particular, I want to focus on the "religious minority" language. (b)(5)

[redacted]

Wanted to share this thinking and bring Joanna and MM into the loop before I leave for vacation later today, Barbara

Shirk, Georgette L

From: Lonegan, Bryan K
Sent: Wednesday, February 08, 2017 7:58 AM
To: Whitney, Ronald W; Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: Follow up thoughts on litigation

(b)(5)

Just wanted to share this.

[redacted]

From: Whitney, Ronald W
Sent: Sunday, February 05, 2017 9:57 PM
To: Lonegan, Bryan K; Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: Follow up thoughts on litigation

(b)(5)

[redacted]

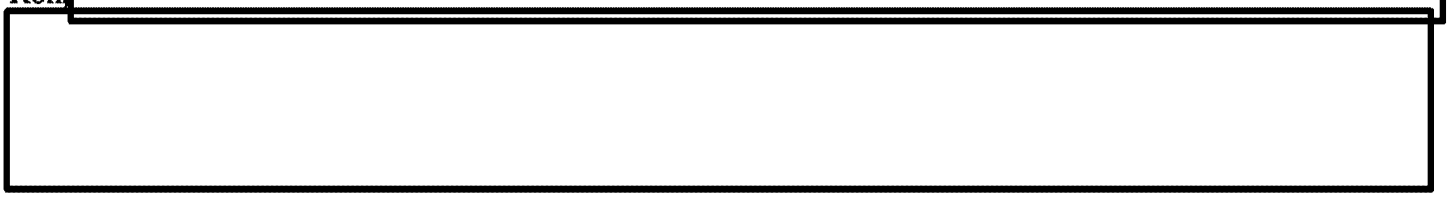
(b)(5)

--Ron

From: Lonegan, Bryan K
Sent: Sunday, February 05, 2017 5:05 PM
To: Whitney, Ronald W; Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: Follow up thoughts on litigation

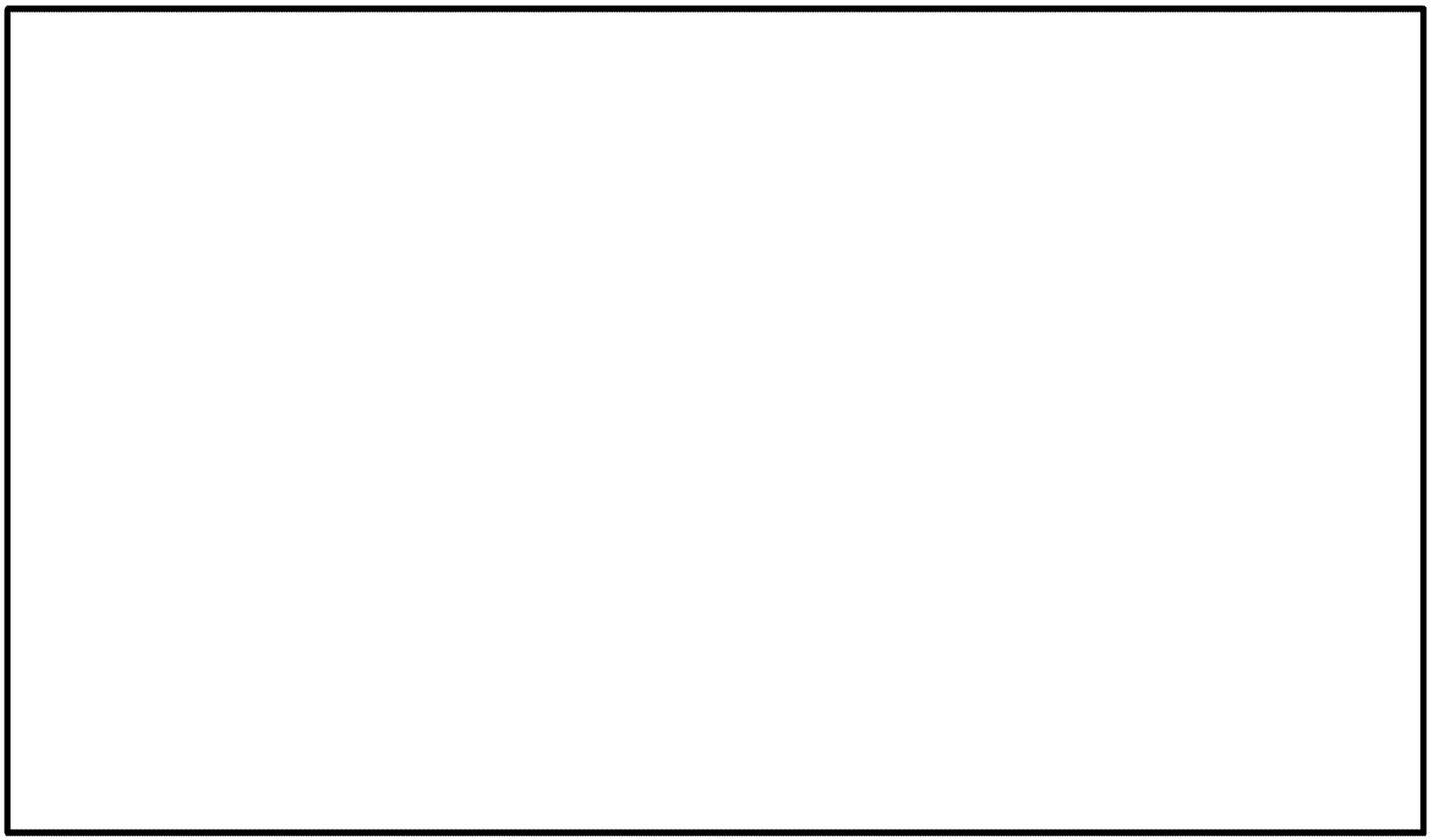
(b)(5)

Ron,



From: Whitney, Ronald W
Sent: Sunday, February 05, 2017 7:33:56 PM
To: Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R; Lonegan, Bryan K
Subject: RE: Follow up thoughts on litigation

(b)(5)



[redacted]

Go Falcons.

--Ron

From: Busch, Philip B
Sent: Sunday, February 05, 2017 11:02 AM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Whitney, Ronald W (b)(5)
Subject: RE: Follow up thoughts on litigation

[redacted]

From: Groom, Molly M
Sent: Sunday, February 05, 2017 1:30:44 PM
To: Busch, Philip B; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation (b)(5)

It may be and we will figure that out. [redacted]

From: Busch, Philip B
Sent: Sunday, February 05, 2017 12:37:04 PM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

I was thinking about this question while churning up and down the Yorktown pool this morning. (b)(5)

[redacted]

(b)(5)

[redacted]

Phil

From: Zengotitabengoa, Colleen R
Sent: Sunday, February 05, 2017 11:35:19 AM
To: Groom, Molly M; Lonegan, Bryan K; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Will do.

From: Groom, Molly M
Sent: Sunday, February 05, 2017 11:01:22 AM
To: Lonegan, Bryan K; Zengotitabengoa, Colleen R; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Colleen I think you should reach out to Meg and see what she has in mind.

From: Lonegan, Bryan K
Sent: Sunday, February 05, 2017 10:40:53 AM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

To clarify. I could not find anything on the establishment clause and the Lautenberg amendment. I'll look more generally for estab cl and the INA

From: Lonegan, Bryan K
Sent: Sunday, February 05, 2017 10:31:11 AM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation (b)(5)

Yes, discussions with DOJ folks would be mutually beneficial [redacted]

(b)(5)

[redacted]

From: Zengotitabengoa, Colleen R
Sent: Sunday, February 05, 2017 10:16:51 AM
To: Groom, Molly M; Lonegan, Bryan K; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Does Meg want us to join discussion with DOJ establishment clause expert? Would be good if we can.

From: Groom, Molly M
Sent: Sunday, February 05, 2017 8:52:15 AM
To: Zengotitabengoa, Colleen R; Lonegan, Bryan K; Busch, Philip B; Whitney, Ronald W
Subject: FW: Follow up thoughts on litigation

Colleen/Bryan/Ron-

Can you all dig deeper on this issue and continue the discussions with DOS. Meg P. wants to have discussion with DOJ establishment expert at that seems like good idea. [redacted] Let's figure it out.

(b)(5)

From: Strack, Barbara L
Sent: Sunday, February 05, 2017 8:44:37 AM
To: Groom, Molly M; Ruppel, Joanna; Stone, Mary M; Busch, Philip B
Subject: Follow up thoughts on litigation

All -

I wanted to follow up w/you on some issues related to yesterday's litigation call, with the understanding that this communication is protected by attorney/client privilege. In particular, I want to focus on the "religious minority" language. (b)(5)

[redacted]

(b)(5)

Wanted to share this thinking and bring Joanna and MM into the loop before I leave for **vacation later** today,
Barbara

Referred to U.S. Department of State

(b)(6

Referred to U.S. Department of State

(b)(6

(b)(6

Referred to U.S. Department of State

(b)(6

(b)(6

Referred to U.S. Department of State

Shirk, Georgette L

From: Groom, Molly M
Sent: Monday, February 06, 2017 1:38 PM
To: Parikh, Reena; Zengotitabengoa, Colleen R; Whitney, Ronald W
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: RE: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Your understanding is correct—NACARA adjudications for persons in the US should proceed. Thanks

---

From: Parikh, Reena
Sent: Monday, February 06, 2017 2:31 PM
To: Zengotitabengoa, Colleen R; Whitney, Ronald W; Groom, Molly M
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: RE: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Dear Colleen, Ron, Molly:

We received the inquiry below from the asylum HQ NACARA POC. I'm not sure if RAIO previously advised the asylum offices (for that brief period) to hold off on all I-881 adjudications or something (which would be odd because the applicants typically aren't from the affected countries in the EO). Regardless, per Lori's attached guidance on the EO, it seems as if the adjudication of NACARA 203 applications should continue as per usual as the I-881 is an application and NACARA applicants are "individuals in the United States" per the language in the 1st paragraph of Lori's guidance.

Please advise at your earliest convenience.

Thanks so much,
Reena

From: Picciotto, Giacomo A
Sent: Monday, February 06, 2017 2:16 PM
To: Parikh, Reena
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Reena,
Can you please advise me if based on this attached memo asylum offices can continue to adjudicate applications filed for suspension of deportation and cancellation of removal under NACARA 203?

In the first enumerated paragraph, the first sentence indicates that the E.O. "does not affect USCIS adjudications of applications and petitions filed for or on behalf of individuals in the United States [...]"

As the I-881 if filed by persons who claim eligibility for NACARA 203, I'm not sure that it falls under the category of "applications [...] filed for or on behalf of individuals in the United States."

The last sentence of first paragraph ("this includes, but is not limited to [...]") does not clarify the question as it isn't clear to what "this" refers.

I need to advise all offices as soon as possible. Thank you for your help.

Giacomo A. Picciotto

HQ-Asylum Division – Operations
[redacted] Mondays, Wednesdays, Fridays)
Tuesdays and Thursdays: by email or Skype only (b)(6)

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Referred to Department of Homeland Security

(b)(6

(b)(5

Referred to Department of Homeland Security

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Referred to Department of Homeland Security

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Referred to Department of Homeland Security

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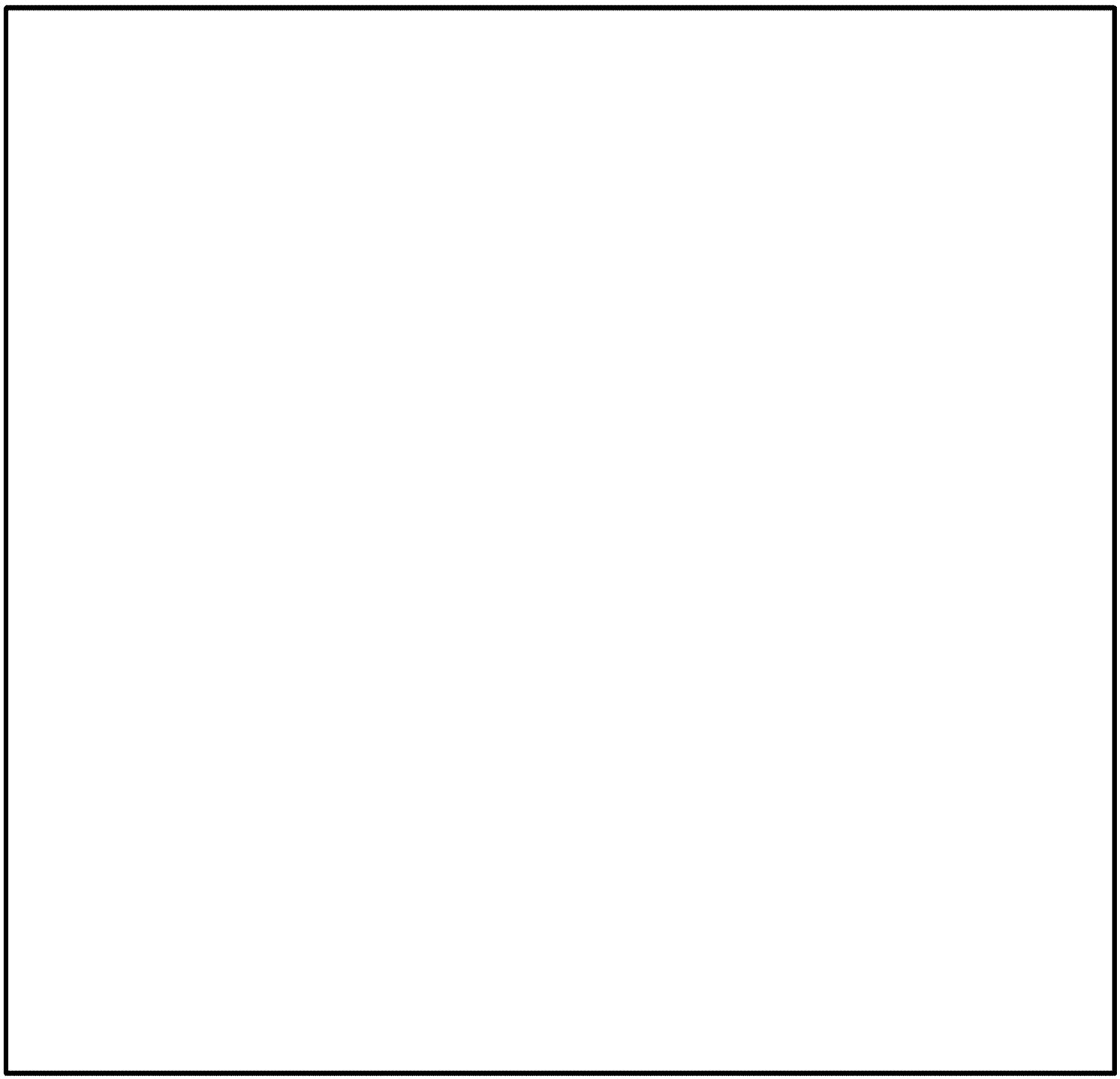
Referred to Department of Homeland Security

Shirk, Georgette L

From: Schwartz, Claudia R
Sent: Monday, February 06, 2017 3:54 PM
To: Groom, Molly M
Cc: Zengotitabengoa, Colleen R; Whitney, Ronald W
Subject: RE: TRIG points for PCC

Molly –

Below are some thoughts on litigation risks on revocation/rescission per our brief conversation. This chain below also includes some correspondence between Brandon and Joanna about tomorrow's Transborder PCC meeting. (b)(5)



(b)(5)

[redacted]

Let me know if anything else would be helpful,
Claudia

Claudia Schwartz, Associate Counsel
Office of the Chief Counsel, Refugee and Asylum Law Division
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Monday, February 06, 2017 4:00 PM
To: Prelogar, Brandon B
Cc: Sohrakoff, Karen A; Schwartz, Claudia R; Anderson, Kathryn E
Subject: RE: TRIG points for PCC

Tremendously helpful! Thank you. Do you have any sense of the DHS position here?

Also, with respect to your prior email, we should have our final RAIO task tracker done by tomorrow and I will share with you, then we can discuss how best to collaborate.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

From: Prelogar, Brandon B
Sent: Monday, February 06, 2017 3:53 PM
To: Ruppel, Joanna
Cc: Sohrakoff, Karen A; Schwartz, Claudia R; Anderson, Kathryn E
Subject: TRIG points for PCC

Joanna,

I know Karen updated you on the work we've initiated with State relating to the TRIG directive in the EO. We were just discussing and thinking that for tomorrow's PCC it may be helpful to arm you with a couple points to help guide consensus on the appropriate course of action responsive to the directive, insofar as you have a chance to weigh in. On process, our thinking is that the most thoughtful result is likely to follow from bilateral collaboration between USCIS and State – i.e., the other USG entity with experience applying the exemptions to actual cases – followed by broader

interagency consultation based on what is hopefully a joint State-DHS (i.e., USCIS) analysis and recommendation. In the event that there is a call for a WH-driven process, our hope is that (1) Multilat leads it, as that directorate traditionally has with respect to TRIG, and (2) some time is permitted to allow the State-USCIS collaboration to take place first. I'm touching base with Sarah Cross (Ronnie's successor) tomorrow and plan to advocate the same with her. Let me know if you want to discuss or think a different course makes sense, though.

Here are TPs that briefly highlight our work and suggest a path forward:

- In response to EO Section 6, which requires considering rescission of existing exercises of authority for TRIG exemptions, DHS and State have begun working on a joint review process to assess the value of the exercises of authority. The review process will take into account factors such as their utility in adjudications, national security implications, and foreign policy considerations. The aim of this work is to arrive at a joint, evidence-based, working-level analysis responsive to Section 6's directive. We would then share this with DOJ for consultation, as set out in the EO, with the aim of arriving at a consensus recommendation for our departments' respective leadership.
- *[If asked for an estimate of how long it would take us to produce the analysis]:* For USCIS' part, if State agrees, we think we could have something preliminarily developed at the working-level in 2-3 weeks.

Hope that helps, and good luck tomorrow!

Brandon Prelogar
Chief, International and Humanitarian Affairs Division
Department of Homeland Security/U.S. Citizenship and Immigration Services
Office of Policy and Strategy

[redacted] (b)(6)

Shirk, Georgette L

From: Zimonjic, Milica
Sent: Friday, February 03, 2017 10:32 AM
To: Deshommes, Samantha L
Cc: Kleczek, Marguerite P (Ania); Groom, Molly M; Busch, Philip B; Carpenter, Dea D; Dalal-Dheini, Sharvari P (Shev); Whitney, Ronald W; Hinds, Ian G; Elder, Phillip D; Mandanas, Maria J (Joy); Levine, Laurence D; Rigdon, Jerry L; Danzy, Alford L (Al); OCC Regulations; Tellawi, Heba K; Burkley, Bruce D
Subject: RE: Urgent Request: Possible Regulatory Action related to the Executive Orders on Immigration - Due 2/3, 12 Noon
Attachments: Regs and Guidance Chart_OCC_020317.docx

Importance: High

Hi Sam,

Attached is consolidated (preliminary) OCC input on regulations/guidance that may be needed to implement the three executive orders. We've used the chart supplied by Christina to organize our responses - you will see our additions in pink. (b)(5)

[redacted]

Please let us know if you have questions.

Thank you.

Millie Zimonjic
Associate Counsel
Regulatory and Verification Law Division
Office of Chief Counsel
U.S. Citizenship and Immigration Services
Department of Homeland Security
20 Massachusetts Avenue, NW, 4th Floor
Washington, DC 20529-2120

[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Thursday, February 02, 2017 5:36 PM
To: Ruppel, Joanna; Kleczek, Marguerite P (Ania); Strack, Barbara L; Lafferty, John L
Cc: Levine, Laurence D; Rather, Michael B; Tynan, Natalie S; Rigdon, Jerry L; Danzy, Alford L (Al); Zimonjic, Milica; OCC Regulations; Nicholson, Maura J; Palmer, Ann M
Subject: RE: Urgent Request: Possible Regulatory Action related to the Executive Orders on Immigration - Due 2/3, 12 Noon

Additionally, question for the team based on OCC's responses. Will the entry for Section 11b of EO 13767 have any impact on the RAIO regulation currently on the USCIS Priority List for action (removing the 10-day requirement for reasonable fear screenings)?

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy
[redacted] (b)(6)

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From: Ruppel, Joanna
Sent: Thursday, February 02, 2017 5:33 PM
To: Kleczek, Marguerite P (Ania); Deshommes, Samantha L; Strack, Barbara L; Lafferty, John L
Cc: Levine, Laurence D; Rather, Michael B; Tynan, Natalie S; Rigdon, Jerry L; Danzy, Alford L (Al); Zimonjic, Milica; OCC Regulations; Nicholson, Maura J; Palmer, Ann M
Subject: RE: Urgent Request: Possible Regulatory Action related to the Executive Orders on Immigration - Due 2/3, 12 Noon

I think we also want to add the asylum regulations that govern following-to-join cases. Can you add that?

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate
[redacted] (b)(6)

From: Kleczek, Marguerite P (Ania)
Sent: Thursday, February 02, 2017 5:21 PM
To: Deshommes, Samantha L; Ruppel, Joanna; Strack, Barbara L; Lafferty, John L
Cc: Levine, Laurence D; Rather, Michael B; Tynan, Natalie S; Rigdon, Jerry L; Danzy, Alford L (Al); Zimonjic, Milica; OCC Regulations
Subject: RE: Urgent Request: Possible Regulatory Action related to the Executive Orders on Immigration - Due 2/3, 12 Noon

All—

OCC RALD was looking at this and thus far, has come up with the following:

<u>EO 13769 – Foreign Terrorist Entry</u>

Sec. 6 Rescission of Exercise of Authority Relating to the Terrorism Grounds of Inadmissibility

- Christina thought this was about TRIG
- OCC RALD: This is about TRIG, but doesn't require any regulatory action. Our TRIG working group is already looking at this and preparing for future discussions with the Department and the interagency.

<u>EO 13767 Border Security and Imm Enf</u>

Sec. 11(b): 8 CFR 208.30 and 31 - Credible fear and reasonable fear determinations
OCC RALD: No need for regulatory changes, but the Asylum Division is working on revisions to its Credible Fear lesson plan in response to this. That's not to say that there won't be a push for regulatory changes, but there's nothing here that isn't consistent with the plain language of the statute.

11(d): Parole authority – must be case-by-case in accordance with the plain language of the statute
We think 8 CFR 212.5 might be affected, but need to study the issue further.
11(c): Applying Expedited Removal to applicants for admission present for less than 2 years. Requires a FR notice, but this is primarily a CBP/ICE matter, but it will affect asylum officer resources.

Thanks,
Ania

Marguerite (Ania) P. Kleczek
Chief, Regulatory and Verification Law Division
Office of the Chief Counsel, USCIS
[redacted] (b)(6)

From: Deshommes, Samantha L
Sent: Thursday, February 02, 2017 5:15 PM
To: Ruppel, Joanna; Strack, Barbara L; Lafferty, John L
Cc: Levine, Laurence D; Rather, Michael B; Tynan, Natalie S; Rigdon, Jerry L; Danzy, Alford L (Al); Kleczek, Marguerite P (Ania)
Subject: Urgent Request: Possible Regulatory Action related to the Executive Orders on Immigration - Due 2/3, 12 Noon
Importance: High

Good Afternoon RAIO,

Following issuance of the attached Executive Orders (EOs), there have been a number of working groups that have been stood up in the Department to effect implementation. One such group is being chaired by OGC Regulatory Affairs and is tasked with identifying and managing the various regulatory actions that may be needed to implement provisions of these Orders. Ania and I just finished a conference call with them and need some information from you to complete an urgent tasker on possible regulatory actions needed to implement the EOs.

On first glance, I think the Parole, Asylum, Reasonable Fear, and Credible Fear provisions of EO 13767, Section 11 will definitely have regulatory implications for RAIO; however, there could be other provisions that I'm overlooking in the other EOs. Could you please take a look at the attached EOs, if you haven't already, and at minimum identify what specific EO provision is likely to require regulatory changes and the regulatory citation, if known?

DHS needs this information from us by 12 noon tomorrow, so I'd appreciate any assistance you can give in just quickly identifying those items. At this point, your response doesn't need to be any more expansive then the following, for example:

- EO 13767, Section 11: 8 CFR XXX.XX – Update Reasonable Fear regulations to [insert]
- EO 13767, Section 11: 8 CFR XXX.XX – Update asylum regulations to [insert]
- ....

I apologize in advance for the short turnaround on this, and have already requested a delay and been denied. Even if you don't have an idea of the regulatory citation or it depends on the ultimate policy and it is just a possibility, that's fine at this point...

Please let me know if you have any questions.

Thanks,
Samantha

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

[redacted]

(b)(6)

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

Regulations Required by Immigration Executive Orders
USCIS OCC Input

Executive Order 13767: Border Security & Immigration Enforcement Improvements

Section from EO (b)(5)	Regulation, Guidance, or Notice?	Applicable Cite (statute or reg)	Lead Component	Required coordination with:
Sec. 1 Purpose Paragraph 2 - Transnational criminal organizations operate sophisticated drug- and human trafficking networks and smuggling operations on both sides of the southern border, contributing to a significant increase in violent crime and United States deaths from dangerous drugs. Among those who illegally enter are those who seek to harm Americans through acts of terror or criminal conduct."		8 CFR 289	USCIS	
Sec. 6. Detention for Illegal Entry. The Secretary shall immediately take all appropriate actions to ensure the detention of aliens apprehended for violations of immigration law pending the outcome of their removal proceedings or their removal from the country to the extent permitted by law. The Secretary shall issue new policy guidance to all DHS personnel regarding the appropriate and consistent use of lawful detention authority under the INA, including the termination of the practice commonly known as "catch and release," whereby aliens are routinely released into the United States shortly after their apprehension for violations of immigration law.			ICE	CBP
Sec. 7. Return to Territory. The Secretary shall take appropriate action, consistent with the requirements of section 1231 of Title 8 USC, to ensure that aliens described in section 235(b)(2)(C) of the INA are returned to the territory from which they came pending a formal removal proceeding.			CBP	
Sec. 11. Parole, Asylum, and Removal. It is the policy of the			OGC	CBP, ICE, USCIS

executive branch to end the abuse of parole and asylum provisions currently used to:	(This is similar to Expedited Removal notices that DHS published on Nov 13, 2002, Aug 11, 2004, & Jan 17, 2017.)			
Sec. 11. Parole, Asylum, and Removal (a) The Secretary shall immediately take all appropriate action to ensure that the parole and asylum provisions of Federal immigration law are not illegally exploited to prevent the removal of otherwise removable aliens.	Asylum regulations that govern following-to-join cases	8 CFR 208.21(d)		
Sec. 11. Parole, Asylum, and Removal (b) The Secretary shall take all appropriate action, including by promulgating any appropriate regulations, to ensure that asylum referrals and credible fear determinations pursuant to section 235(b)(1) of the INA (8 U.S.C. 1125(b)(1)) and 8 CFR 208.30, and reasonable fear determinations pursuant to 8 CFR 208.31, are conducted in a manner consistent with the plain language of those provisions.		8 U.S.C. 1125(b)(1); 8 CFR 208.30, 8 CFR 208.31	USCIS	CBP, ICE, DOJ (if made during proceedings)
Sec. 11. (c) Pursuant to section 235(b)(1)(A)(iii)(I) of the INA, the Secretary shall take appropriate action to apply, in his sole and unreviewable discretion, the provisions of section 235(b)(1)(A)(i) and (ii) of the INA to the aliens designated under section 235(b)(1)(A)(iii)(II).				
Sec. 11. Parole, Asylum, and Removal (d) The Secretary shall take appropriate action to ensure that parole authority under section 212(d)(5) of the INA (8 U.S.C. 1182(d)(5)) is exercised only on a case-by-case basis in accordance with the plain language of the statute, and in all circumstances only when an individual demonstrates urgent humanitarian reasons or a significant public benefit derived from		8 U.S.C. 1182(d)(5) 8 CFR 212.5 8 CFR 212.12 8 CFR 212.14 8 CFR 103.7(FFF); 212.19 (IER, not yet effective but	USCIS	

parole:		published as 81 FR 60129)		
Sec. 11. Parole, Asylum, and Removal (e) The Secretary shall take appropriate action to require that all Department of Homeland Security personnel are properly trained on the proper application of section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (8 U.S.C. 1232) and section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)), to ensure that	Guidance/Training Plan.	8 U.S.C. 1232; 6 U.S.C. 279(g)(2)	CBP (for screening), USCIS (for asylum), ICE (transp)	

unaccompanied alien children are properly processed, receive appropriate care and placement while in the custody of the Department of Homeland Security, and, when appropriate, are safely repatriated in accordance with law.				

Executive Order 13768: Enhancing Public Safety in the Interior of the United States

Section	Requirement for Regs (b)(5)	Cite (statute or reg)	Lead Component	Required coordination with:
Sec. 5. Enforcement Priorities		November 7, 2011 Policy Memorandum PM-602-0050 titled "Revised Guidance for the Referral of Cases and Issuance of Notices to Appear (NTAs) in Cases Involving Inadmissible and Removable Aliens. Regulations: 8 C.F.R. 103.2(b)(6) 8 C.F.R. 103.2(b)(16)	USCIS/ICE	

Sec. 6. Civil Fines and Penalties. As soon as practicable, and by no later than one year after the date of this order, the Secretary shall issue guidance and promulgate regulations, where required by law, to ensure the assessment and collection of all fines and penalties that the Secretary is authorized under the law to assess and collect from aliens unlawfully present in the United States and from those who facilitate their presence in the United States.		INA 274C; 8 U.S.C. 1324c INA 274D; 8 U.S.C. 1324d INA 275(b); 8 U.S.C. 1325(b) INA 214(a)(1); 8 U.S.C. 1184(a)(1) 8 CFR 214.1(a)(3)(iii)	USCIS/ICE	CBP (may also have fines & penalties that apply here; e.g., 8 U.S.C. 1324(C))
Sec. 9. Sanctuary Jurisdictions. (a) In furtherance of this policy, the Attorney General and the Secretary, in their discretion and to the extent consistent with law, shall ensure that jurisdictions that willfully refuse to comply with 8 U.S.C. 1373 (sanctuary jurisdictions) are not eligible to receive Federal grants, except as deemed necessary for law enforcement purposes by the Attorney General or the Secretary.		USCIS Guidance	FEMA (?)/USCIS	Per paragraph 5 of TF Document] FEMA (developing process for notification to jurisdictions that will lose federal

The Secretary has the authority to designate, in his discretion and to the extent consistent with law, a jurisdiction as a sanctuary jurisdiction.				grants)
Sec. 10. Review of Previous Immigration Actions and Policies (b) The Secretary shall review agency regulations, policies, and procedures for consistency with this order and, if required, publish for notice and comment proposed regulations rescinding or revising any regulations inconsistent with this order and shall consider whether to withdraw or modify any inconsistent policies and procedures, as appropriate and consistent with the law.		8 CFR 204.5(p)	USCIS, CBP, ICE	
Sec. 10. Review of Previous Immigration Actions and Policies. **(b)** To protect our communities and better facilitate the identification, detention, and removal of criminal aliens within constitutional and statutory parameters, the Secretary shall consolidate and revise any applicable forms to more effectively communicate with recipient law enforcement agencies.	Regulations or Guidance, as necessary, to be consistent with these revised Forms I-247D, I-247N, & I-247X		ICE	

Sec. 11. (a) The Secretary shall immediately take all appropriate action to ensure that the parole and asylum provisions of Federal immigration law are not illegally exploited to prevent the removal of otherwise removable aliens. (b) The Secretary shall take all appropriate action, including by promulgating any appropriate regulations, to ensure that asylum referrals and credible fear determinations pursuant to section 235(b)(1) of the INA (8 U.S.C. 1125(b)(1)) and 8 CFR 208.30, and reasonable fear determinations pursuant to 8 CFR 208.31, are conducted in a manner consistent with the plain language of those provisions.		8 CFR 208.31(b)	USCIS	
Sec. 12 Recalcitrant Countries The Secretary of Homeland Security and the Secretary of State shall cooperate to effectively implement the sanctions provided by section 243(d) of the INA (8 U.S.C. 1253(d)), as appropriate. The Secretary of State shall, to the maximum extent permitted by law, ensure that diplomatic efforts and negotiations with foreign states include as a condition precedent the acceptance by those foreign states of their nationals who are subject to removal from the United States.		8 CFR 214.2(h)(5)(i)(F) 8 CFR 214.2(h)(6)(i)(E) 8 CFR 214.2	USCIS	
Sec. 14 Privacy Act Agencies shall, to the extent consistent with applicable law, ensure that their privacy policies exclude persons who are not United States citizens or lawful permanent residents from the protections of the Privacy Act regarding personally identifiable information.		8 CFR 214	USCIS	

Executive Order 13769: Protecting the Nation from Foreign Terrorist Entry into the United States

Section	Requirement for Regs or Guidance	Cite (statute or reg)	Lead Component	Required coordination with:
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.		8 CFR 103.2(b)(9) 8 CFR 103.16 8 CFR 103.17 8 CFR 207 Possible corresponding form changes	USCIS	CBP

Sec. 5. Realignment of the U.S. Refugee Admissions Program for Fiscal Year 2017 (g) It is the policy of the executive branch that, to the extent permitted by law, 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.			USCIS	
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		Guidance	USCIS	
Sec. 7. Expedited Completion of the Biometric Entry-Exit Tracking System (a) The Secretary of Homeland Security shall expedite the			CBP	

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.				

Shirk, Georgette L

From: Elder, Phillip D
Sent: Tuesday, February 07, 2017 2:52 PM
To: Whitney, Ronald W; Zengotitabengoa, Colleen R; Hammill, Hunter A
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

I don't know, but we may want to prepare for that possibility. Meanwhile, we still need to decide on how we will communicate termination of the CAM program.

From: Whitney, Ronald W
Sent: Tuesday, February 07, 2017 3:34 PM
To: Elder, Phillip D; Zengotitabengoa, Colleen R; Hammill, Hunter A
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Have we conveyed our comments? Presumably, this won't be posted unless Section 5(a) of the EO is put back in place?

Ron Whitney
Deputy Chief, Refugee and Asylum Law Division
USCIS, Office of the Chief Counsel
[redacted] (b)(6)

From: Elder, Phillip D
Sent: Tuesday, February 07, 2017 6:13 AM
To: Zengotitabengoa, Colleen R; Hammill, Hunter A; Whitney, Ronald W
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Okay. I don't have any major concerns with Joanna's draft below, but wondered if we wanted to announce the possibility of an exemption so prominently. I also think "called for an immediate suspension" is a bit soft. I thought the EO did more called for it rather it "immediately suspended." But if this is approved to post, it is fine, legally.

From: Zengotitabengoa, Colleen R
Sent: Tuesday, February 07, 2017 9:02 AM
To: Hammill, Hunter A; Elder, Phillip D; Whitney, Ronald W
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Nothing went out, as far as I know. IO is looking for this language today, since they got permission for the parolees to travel this week, but looks like it's turned off after this week. Though we don't have confirmation of that yet.

From: Hammill, Hunter A
Sent: Tuesday, February 07, 2017 9:01 AM
To: Elder, Phillip D; Zengotitabengoa, Colleen R; Whitney, Ronald W
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

I didn't see anything actually go out, and our website looks like it's not updated.

From: Elder, Phillip D
Sent: Tuesday, February 07, 2017 8:32:52 AM

To: Hammill, Hunter A; Zengotitabengoa, Colleen R; Whitney, Ronald W
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Did we issue anything on this?

From: Hammill, Hunter A
Sent: Friday, February 03, 2017 11:56 AM
To: Elder, Phillip D
Subject: FW: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Can you look at this too?

From: Groom, Molly M
Sent: Friday, February 03, 2017 11:53 AM
To: Hammill, Hunter A; Whitney, Ronald W; Zengotitabengoa, Colleen R
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Oh yes—he was just here—I'm going too fast!

From: Hammill, Hunter A
Sent: Friday, February 03, 2017 11:50 AM
To: Groom, Molly M; Whitney, Ronald W; Zengotitabengoa, Colleen R
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Yes, I think it leaves open the question of winding down and concerns related to that on pipeline cases. Do you want me to run it be Phillip as well?

From: Groom, Molly M
Sent: Friday, February 03, 2017 11:42 AM
To: Hammill, Hunter A; Whitney, Ronald W; Zengotitabengoa, Colleen R
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Yes! You ok with suspension language?

From: Hammill, Hunter A
Sent: Friday, February 03, 2017 11:42 AM
To: Groom, Molly M; Whitney, Ronald W; Zengotitabengoa, Colleen R
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Should the language in the opening paragraph and the second bullet mimic the language in the first bullet ("whose parole requests have been approved by USCIS" versus "granted parole by USCIS") since CBP does the actual parole at the POE and would minimize suggestion that the entire parole process was already complete for them?

From: Groom, Molly M
Sent: Friday, February 03, 2017 11:35 AM
To: Whitney, Ronald W; Zengotitabengoa, Colleen R; Hammill, Hunter A
Subject: FW: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees
Importance: High

Are we ok with the language—suspending parole? I think that accurately reflects what they are doing but any legal vulnerabilities?

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 11:33 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Farnam, Julie E; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Strack, Barbara L; Stone, Mary M; Chiorazzi, Anne; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: URGENT-TIME-SENSTIIVE:-Proposed Language for CAM parolees
Importance: High

Here is our proposed language, based on what we understand the current thinking to be. Is this your understanding of the decision and can we message this as noted below? We have people scheduled to travel on Monday. IOM has booked and the beneficiaries have paid for their travel. Please note that approximately 190 people have booked travel. Of those, only one individual would be traveling with a refugee family member. [note, our numbers are from IOM, so we may be off a bit, but this is close]

SUSPENSION OF TRAVEL FOR INDIVIDUALS GRANTED PAROLE UNDER THE CENTRAL AMERICAN MINORS REFUGEE/PAROLE PROGRAM (CAM)

On January 27, 2017, President Donald J. Trump signed an Executive Order, "Protecting the Nation From Terrorist Entry into the United States" that called for an immediate suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days. In light of this temporary suspension, USCIS will also be pausing travel to the United States for all individuals granted parole under the Central American Minors Refugee/Parole Program. USCIS will act as follows:

- During this suspension, an applicant whose parole request has been approved by USCIS will be permitted to travel with any refugee family member who is permitted to travel pursuant to an exemption.
- The travel for all other individuals who were granted parole by USCIS under this program will be suspended until the U.S. Refugee Admission Program resumes for this population.

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

Shirk, Georgette L

From: Katz, Jonathan E
Sent: Thursday, February 02, 2017 5:54 PM
To: RALDGroup
Subject: Guidance
Attachments: EO 1-27 implementation guidance signed and dated.pdf

Just received this at ZLA. Some operational guidance that was issued today. This, among other things, allows for the adjudication of affirmative asylum applications under existing policies and procedures.

-- Jon

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

FEB 2 2017

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba
Acting Director

SUBJECT: Guidance Concerning Executive Order on Immigration

On January 27, President Trump signed an Executive Order entitled "Protecting The Nation From Foreign Terrorist Entry Into The United States." This memorandum provides guidance from the Department of Homeland Security (DHS) regarding the impact of this Executive Order on various immigration benefit requests.

All USCIS employees should be aware of current guidance from DHS, specifically:

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality. Section 3(c) also does not affect applications and petitions by lawful permanent residents outside the United States, or applications and petitions for individuals outside the United States whose approval does not directly confer travel authorization (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated in the Executive Order.

3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.

5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

Shirk, Georgette L

From:	Groom, Molly M
Sent:	Monday, February 06, 2017 7:53 PM
To:	#CIS OCC ATTORNEY ALL
Subject:	Litigation update on EO
Attachments:	Reply in support of stay motion FINAL --as filed.pdf

Please find attached the government's reply filed this evening in Washington v. Trump. Shortly after this filing, we learned that the 9th Circuit scheduled oral argument tomorrow at 3 pm PST. There is a link for live streaming available which I can forward tomorrow.

No. 17-35105

IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STATE OF WASHINGTON, et al.,
Plaintiffs-Appellees,
v.

DONALD TRUMP, President of the United States, et al.
Defendants-Appellants.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

REPLY IN SUPPORT OF EMERGENCY MOTION FOR STAY PENDING APPEAL

EDWIN S. KNEEDLER*
Deputy Solicitor General

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DOUGLAS N. LETTER
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* The Acting Solicitor General and Acting Assistant Attorney General have refrained from signing this brief, out of an abundance of caution, in light of a last-minute filing of an amicus brief by their former law firm.

The Executive Order is a lawful exercise of the President's authority over the entry of aliens into the United States and the admission of refugees. Relying on his express statutory authority to suspend entry of any class of aliens to protect the national interest, the President has directed a temporary suspension of entries through the refugee program and from countries that have a previously identified link to an increased risk of terrorist activity, *see* 8 U.S.C. § 1187(a)(12). The purpose of that temporary suspension is to permit an orderly review and revision of screening procedures to ensure that adequate standards are in place to protect against terrorist attacks. As a different district court recently concluded, that objective provides a "facially legitimate and bona fide" justification that satisfies any constitutional scrutiny that applies. *Louhghalam v. Trump*, Civ. Action No. 17-10154-NMG, Order 18-19 (D. Mass. Feb. 3, 2017); *see id.* at 10-11, 15-16.

The district court therefore erred in entering an injunction barring enforcement of the order. But even if some relief were appropriate, the court's sweeping nationwide injunction is vastly overbroad, extending far beyond the State's legal claims to encompass numerous applications of the Order that the State does not even attempt to argue are unlawful.

1. As an initial matter, the State cannot challenge the denial of entry or visas to third-party aliens. It is well-settled that a State lacks authority to sue "as the representative of its citizens" to protect them from the operation of federal law.

Massachusetts v. Mellon, 262 U.S. 447, 485-86 (1923); *South Carolina v. Katzenbach*, 383 U.S. 301, 324 (1966). The State invokes the "special solicitude" for States referred to in *Massachusetts v. EPA*, but there, Massachusetts sought to enforce a congressionally created "procedural right" to protect a loss of "sovereign territory." 549 U.S. 497, 519-20, 522-23 (2007). Here, by contrast, the State's interest in protecting its own territory is not at issue. Instead, the Constitution vests the federal government with exclusive power over immigration for the Nation as a whole, and Congress did not create any "procedural right" for States to sue the federal government to challenge its decisions to deny the entry of (or revoke visas held by) third-party aliens.

To the contrary, an alien outside the United States has no substantive right or basis for judicial review in the denial of a visa at all. *See Brownell v. Tom We Shung*, 352 U.S. 180, 184 n.3, 185 n.6 (1956). Moreover, Congress has been clear that the issuance of a visa to an alien does not confer upon that alien any right of admission into the United States, 8 U.S.C. § 1201(h), and that the Secretary of State "may, at any time, in his discretion, revoke such visa or other documentation." *Id.* § 1201(i). If a visa is revoked, even the alien himself has no right of judicial review "except in the context of a removal proceeding," and only if the visa revocation "provides the sole ground for removal." *Id.* And even an alien who has been admitted to and developed significant ties with this country, who has as a result come within the

protection of the Fifth Amendment's Due Process Clause, has no protected property or liberty interest in the retention of his visa. *Knoetze v. U.S. Dep't of State*, 634 F.2d 207, 212 (5th Cir. 1981). A fortiori, the State cannot challenge the revocation of third-party aliens' visas here. The State likewise cannot challenge the Executive's decision not to admit a refugee.

The Supreme Court's decisions in *Kerry v. Din*, 135 S. Ct. 2128 (2015), and *Kleindienst v. Mandel*, 408 U.S. 753 (1972), also do not support even limited judicial review of the State's claims here. In those cases, U.S. citizens sought review of the denial of a third-party visa on the ground that the citizens had an independent constitutionally-protected interest in the third-party's admission to the country—either a marital relationship or a First Amendment interest. The State, in contrast, has no independent constitutional rights to invoke with respect to the denial of admission of aliens affected by the Order.

2. Even if it could establish standing and a right of judicial review, the State would be unlikely to succeed on the merits of its claims.

a. Congress has granted the President broad discretion under 8 U.S.C. § 1182(f) to suspend the entry of "any class of aliens" into the United States, and independently broad discretion over the refugee program under 8 U.S.C. § 1157. The exclusion of aliens is also "a fundamental act of sovereignty * * * inherent in the executive power to control the foreign affairs of the nation." *United States ex*

rel. Knauff v. Shaughnessy, 338 U.S. 537, 542 (1950). The State does not address the text of § 1182(f), or the extensive caselaw relating to the exclusion of aliens from the United States. And although the State suggests (Response 23) that it is somehow impermissible for the President to rely on § 1182(f) "to impose a *categorical* ban on admission," the statute's broad grant of authority to suspend the entry "of any class of aliens," "for such period as [the President] shall deem necessary," whenever the President finds that it would be "detrimental to the interests of the United States," clearly authorizes the categorical, temporary suspension the President has adopted here.

b. The State continues to argue that Section 3(c)'s temporary suspension of the entry of aliens from seven countries contravenes the restriction on nationality-based distinctions in 8 U.S.C. § 1152(a)(1)(A). But that restriction applies only to "the issuance of an immigrant visa," *Id.*, not to the President's restrictions on the right of entry. It also has no application at all to aliens who hold or seek *non-immigrant* visas, such as student visas or work visas. And § 1152(a)(1)(B) permits, as here, a temporary suspension of entry pending completion of a review and revision of procedures for processing visa applications.

Furthermore, even if it applied, § 1152(a)(1)(A) would not restrict § 1182(f)'s broad grant of discretionary authority. A court should, whenever possible, "interpret two seemingly inconsistent statutes to avoid a potential conflict," *California ex rel.*

Sacramento Metro. Air Quality Mgmt. Dist. v. United States, 215 F.3d 1005, 1012 (9th Cir. 2000), and should interpret "the specific [to] govern[] the general." *RadLAX Gateway Hotel v. Amalgamated Bank*, 132 S. Ct. 2065, 2070-71 (2012). Here, § 1152(a)(1)(A) establishes a general rule governing the issuance of immigrant visas, whereas § 1182(f) governs the specific instance in which the President determines that entry of a "class of aliens" would be "detrimental to the interests of the United States." The State's assertion that § 1152(a)(1)(A) limits that authority would mean that the President would be statutorily disabled from barring the entry of nationals of a country with which the United States was at war—a result that would raise serious constitutional questions, which is itself a sufficient reason to reject the State's reading. *See Edward J. DeBartolo Corp. v. Florida Gulf Coast Building & Constr. Trades Council*, 485 U.S. 568, 575 (1988).

c. The State asserts that the Order violates the constitutional rights of lawful permanent residents (LPRs). Response at 10, 15 & n.3, 16. But the Order does not apply to LPRs. Exhibit D. It applies only to aliens who lack LPR status. And most of those aliens are outside the United States and have never been admitted to this country. The Supreme Court "has long held that an alien seeking initial admission to the United States requests a privilege and has no constitutional rights regarding his application." *Landon v. Plasencia*, 459 U.S. 21, 32 (1982).

The State argues (Response 9) that "courts routinely review executive decisions with far greater security implications than this Order." In those cases, however, the courts were reviewing government actions taken against individuals who had rights under the U.S. Constitution or federal statutes with respect to the adverse actions they faced. *See, e.g., Hamdi v. Rumsfeld*, 542 U.S. 507, 535 (2004) (plurality op.) (reviewing indefinite detention of U.S. citizen); *Boumediene v. Bush*, 553 U.S. 723 (2008) (reviewing detention of aliens held to have constitutionally protected interest in habeas corpus review). Those cases do not override the longstanding rule that aliens outside the United States have no right or interest in their admission to the United States protected by the Due Process Clause, *Knauff*, 338 U.S. at 543, or the rule that non-immigrants do not have a liberty or property interest in the retention of a visa.

d. The State's constitutional challenges lack merit.

i. The State first asserts that the Order violates the Establishment Clause and equal protection principles because it was assertedly based on animus against Muslims. That is incorrect. There are two separate aspects of the Order challenged here, and both are neutral with respect to religion.

First, Section 3(c) temporarily suspends entry of aliens from seven countries previously identified under 8 U.S.C. § 1187(a)(12). Those countries were identified by Congress and the Executive Branch as being associated with a heightened risk of

terrorism. Congress itself identified Iraq and Syria, where "the Islamic State of Iraq and the Levant (ISIL) * * * maintain[s] a formidable force." U.S. Department of State, *Country Reports on Terrorism 2015* 6 (June 2016). *See* 8 U.S.C. § 1187(a)(12)(A)(i)(I), (ii)(I). Congress also incorporated countries designated as state sponsors of terrorism: Iran, Sudan, and Syria. *Id.* § 1187(a)(12)(A)(i)(II) and (ii)(II). And in 2016, the Executive Branch added Libya, Somalia, and Yemen after a review that considered "whether the country or area is a safe haven for terrorists" and "whether the presence of an alien in the country or area increases the likelihood that the alien is a credible threat to the national security of the United States." 8 U.S.C. § 1187(a)(12)(D)(iii); https://www.dhs.gov/news/20016/02/18/dhs-announces-further-travel-restrictions-visa-waiver-program.

Second, Section 5(a) temporarily suspends the refugee program as to refugees from *all* countries, not just the seven countries identified in Section 3(c). Section 5(b) further provides that, when the refugee program resumes, the Secretary of State shall "make changes, to the extent permitted by law, to prioritize refugee claims" by members of persecuted minority religions. Laws that "give relief to a religious minority" "are in tune with the Bill of Rights," *Kong v. Scully*, 341 F.3d 1132, 1141 (9th Cir. 2003), and Section 5(b) of the Order applies equally to *all* religious minorities seeking refugee status "on the basis of religious-based persecution." As the district court recognized in *Louhghalam*, Section 5(b) "could be invoked to give

preferred refugee status to a Muslim individual in a country that is predominantly Christian." Order 13.[2]

Accordingly, as the district court held in *Louhghalam*, Order 13, the Executive Order is "neutral with respect to religion." And under *Mandel*, the Order's national-security basis for the temporary suspension amply establishes its constitutionality. *See also Louhghalam*, Order 18-19. The State asserts (Response 10) that the Court should "look behind" the stated basis for the Order to probe its subjective motivations because the State claims to have made "an affirmative showing of bad faith." *Din*, 135 S. Ct. at 2141 (Kennedy, J., concurring). But the State's allegations of bad faith are not meaningfully different from the allegations deemed insufficient in *Mandel*, where the plaintiff asserted that the visa was denied because of the alien's advocacy of revolutionary Marxism and world communism, rather than his failure to comply with the terms of prior visas. 408 U.S. at 756; *see Din*, 135 S. Ct. at 2141-2142 (Kennedy, J., concurring) (endorsing *Mandel*). And here, the State asks the courts to take the extraordinary step of second-guessing a formal national-security judgment made by the President himself pursuant to broad grants of statutory authority.

[2] Washington relies on *Larson v. Valente*, 456 U.S. 228 (1982), but that holding is limited to cases where a government statute or practice "explicitly discriminates against a certain religious group." *Sep. of Church & State Comm. v. City of Eugene*, 93 F.3d 617, 623 (9th Cir. 1996) (O'Scannlain, J., concurring).

ii. The State also argues (Response 14-18) that the order violates aliens' procedural due process rights. But as explained above, aliens outside the United States have no due process rights with respect to their attempt to gain entry into this country. And regardless, "notice and an opportunity to respond" is not required where, as here, the challenged rule reflects a categorical judgment. *Cf. Bi-Metallic Inv. Co. v. State Bd. Of Equalization*, 239 U.S. 441, 445 (1915) ("[w]here a rule of conduct applies to more than a few people," individuals affected do not "have a constitutional right to be heard before a matter can be decided"); *see also Din*, 135 S. Ct. at 2144 (Breyer, J., dissenting) (citing *Bi-Metallic*).

3. The State argues (Response 7-8) that the injunction does not impose any irreparable harm. But the injunction reinstates procedures that the President determined should be temporarily suspended in the interest of national security. Order § 1; *see also id.* § 2. The Order temporarily suspends entry of aliens from seven countries previously identified by Congress and the Executive Branch as raising heightened terrorism-related concerns. The suspension terminates in 90 days, once concerns relating to screening practices can be addressed, as necessary "to prevent infiltration [into this Nation] by foreign terrorists or criminals," Order § 3(c). Similarly, the temporary suspension of the U.S. refugee program will be lifted after 120 days, once the Secretaries of State and Homeland Security, in consultation with the Director of National Intelligence, 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." Order § 5(a). The potential national-security risks and harms resulting from the compelled application of procedures that the President has determined must be reexamined, for the purpose of ensuring an adequate measure of protection for the Nation, cannot be undone. Nor can the effect on our constitutional separation of powers.

4. Regardless of the plaintiff's likelihood of success, the injunction court is, at a minimum, vastly overbroad. The State has made clear that it is seeking to protect LPRs and other nationals from the seven identified countries who were previously admitted to the United States and are either temporarily abroad or are here now and wish to travel outside this country—*not* aliens who are attempting to enter the country for the first time. *See* Response 11-12, 15-16; Transcript 7-8, 15-16. That makes sense because the latter class of aliens have no constitutional rights with respect to entry into the country—a point the State largely conceded below. *See* Transcript 7, 15. The injunction, however, bars *all* applications of Section 3(c)—even as to aliens who have never previously visited this country, and have not yet begun the process of obtaining a visa. It also bars all applications of Section 5, even though there is no indication that any of the aliens affected by the temporary

suspension of the refugee program have been previously admitted to this country.[3] That is plainly impermissible. At most, the injunction should be limited to the class of individuals on whom the State's claims rest—previously admitted aliens who are temporarily abroad now or who wish to travel and return to the United States in the future.

[3] Indeed, the district court even enjoined a provision that will not go into effect for 120 days, a provision as to which even plaintiffs conceded that their challenge is not ripe for review. Transcript 15 (Section 5(b) claim "does not necessarily require immediate injunction").

CONCLUSION

For the foregoing reasons, defendants respectfully request a stay pending appeal of the district court's February 3, 2017 injunctive order.

Respectfully submitted,

/s/ Edwin S. Kneedler
EDWIN S. KNEEDLER*
Deputy Solicitor General

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* The Acting Solicitor General and Acting Assistant Attorney General have refrained from signing this brief, out of an abundance of caution, in light of a last-minute filing of an amicus brief by their former law firm.

CERTIFICATE OF SERVICE

I hereby certify that on February 6, 2017, I filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. All participants in the case are registered CM/ECF users and will be served by the appellate CM/ECF system.

s/ Lowell V. Sturgill Jr.
Lowell V. Sturgill Jr.

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Reply in Support of Emergency Motion for Stay Pending Appeal complies with the type-volume limitation of Fed. R. App. P. 27 because it contains 2,599 words. This Motion complies with the typeface and the type style requirements of Fed. R. App. P. 27 because this brief has been prepared in a proportionally spaced typeface using Word 14-point Times New Roman typeface.

s/ Lowell V. Sturgill Jr.
Lowell V. Sturgill Jr.

Shirk, Georgette L

From: Mura, Elizabeth E
Sent: Monday, February 06, 2017 1:53 PM
To: Picciotto, Giacomo A; Parikh, Reena
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: RE: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Giacomo,

I also confirmed I-881 adjudications should proceed.

Thanks,
Beth

Elizabeth E. Mura
Operations Branch Chief - Asylum Division
Refugee, Asylum and International Operations Directorate
Dept. of Homeland Security/U.S. Citizenship & Immigration Services
[redacted] (b)(6)

From: Picciotto, Giacomo A
Sent: Monday, February 06, 2017 2:42 PM
To: Parikh, Reena
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R; Mura, Elizabeth E
Subject: RE: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Thank you, Reena!

From: Parikh, Reena
Sent: Monday, February 06, 2017 2:40 PM
To: Picciotto, Giacomo A
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: RE: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Hi Giacomo,

NACARA 203 adjudications for persons in the U.S. should proceed.

Thanks,
Reena

From: Parikh, Reena
Sent: Monday, February 06, 2017 2:17 PM
To: Picciotto, Giacomo A
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: RE: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Giacomo,

We'll confirm with our leadership and get back to you asap.

Thanks,
Reena

From: Picciotto, Giacomo A
Sent: Monday, February 06, 2017 2:16 PM
To: Parikh, Reena
Cc: Busenkell, Kathleen R (Katie); Allred, Esther R
Subject: Need clarification ASAP on "Guidance Concerning Executive Order on Immigration"

Reena,
Can you please advise me if based on this attached memo asylum offices can continue to adjudicate applications filed for suspension of deportation and cancellation of removal under NACARA 203?

In the first enumerated paragraph, the first sentence indicates that the E.O. "does not affect USCIS adjudications of applications and petitions filed for or on behalf of individuals in the United States [...]"

As the I-881 if filed by persons who claim eligibility for NACARA 203, I'm not sure that it falls under the category of "applications [...] filed for or on behalf of individuals in the United States."

The last sentence of first paragraph ("this includes, but is not limited to [...]") does not clarify the question as it isn't clear to what "this" refers.

I need to advise all offices as soon as possible. Thank you for your help.

Giacomo A. Picciotto
HQ-Asylum Division – Operations
[redacted] (Mondays, Wednesdays, Fridays) (b)(6)
Tuesdays and Thursdays: by email or Skype only

This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message. Thank you.

Shirk, Georgette L

From: Schwartz, Claudia R
Sent: Monday, February 06, 2017 3:56 PM
To: Perry-Elby, Diana D; Croizat, Jessika S; Busenkell, Kathleen R (Katie); Katz, Jonathan E
Subject: FW: TRIG points for PCC

Please see below as an FYI. Tomorrow there is an interagency meeting which Molly and Joanna **will be attending.**

Claudia Schwartz, Associate Counsel
Office of the Chief Counsel, Refugee and Asylum Law Division
U.S. Citizenship and Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Schwartz, Claudia R
Sent: Monday, February 06, 2017 4:54 PM
To: Groom, Molly M
Cc: Zengotitabengoa, Colleen R; Whitney, Ronald W
Subject: RE: TRIG points for PCC

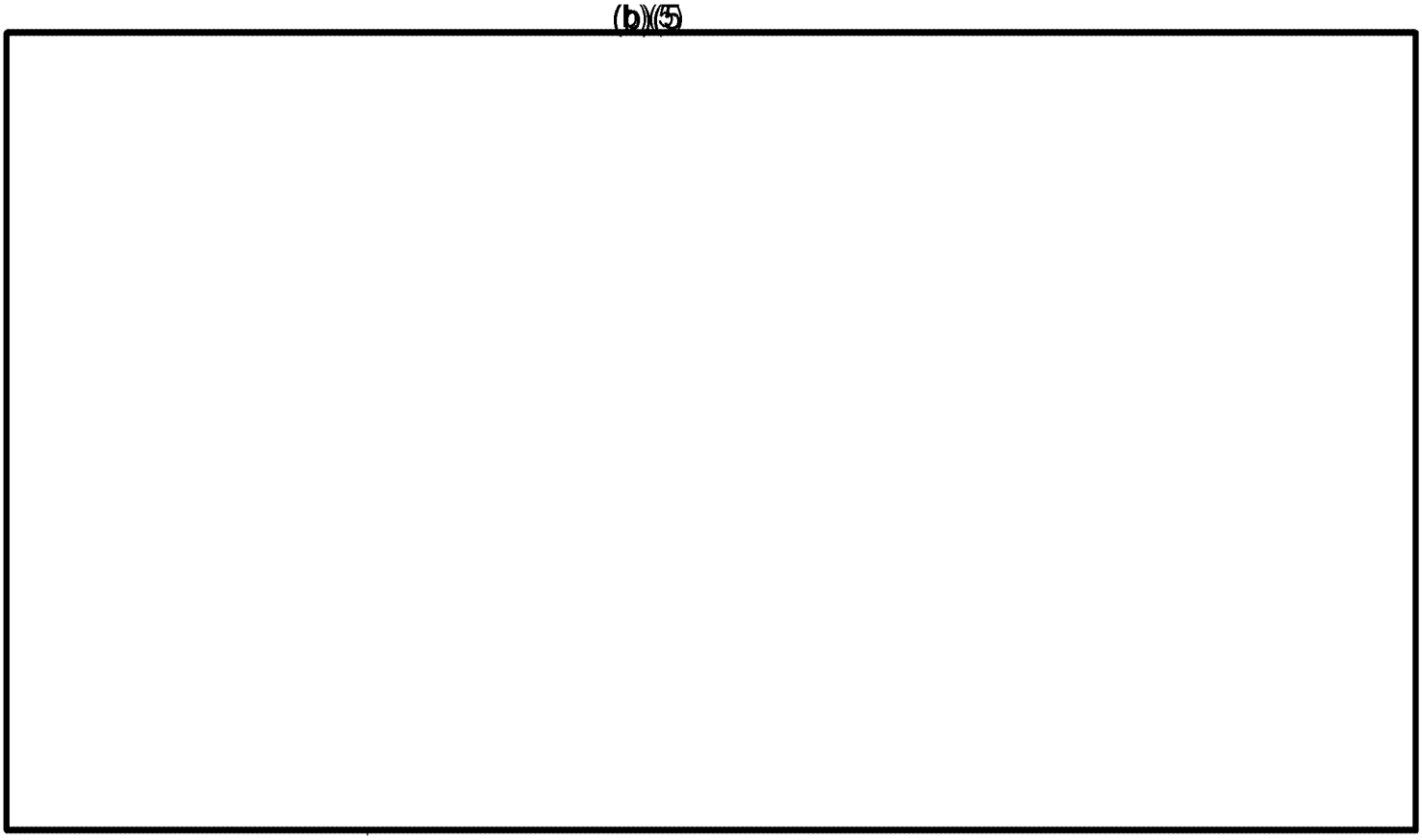
Molly –

(b)(5)

Below are some thoughts on litigation risks on revocation/rescission per our brief conversation. This chain below also includes some correspondence between Brandon and Joanna about tomorrow's Transborder PCC meeting.

[redacted]

(b)(5)



Let me know if anything else would be helpful,
Claudia

Claudia Schwartz, Associate Counsel
Office of the Chief Counsel, Refugee and Asylum Law Division
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

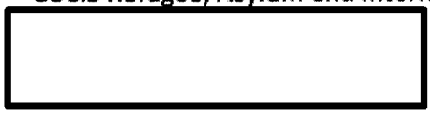
From: Ruppel, Joanna
Sent: Monday, February 06, 2017 4:00 PM
To: Prelogar, Brandon B
Cc: Sohrakoff, Karen A; Schwartz, Claudia R; Anderson, Kathryn E
Subject: RE: TRIG points for PCC

Tremendously helpful! Thank you. Do you have any sense of the DHS position here?

Also, with respect to your prior email, we should have our final RAIO task tracker done by tomorrow and I will share with you, then we can discuss how best to collaborate.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate



(b)(6)

From: Prelogar, Brandon B
Sent: Monday, February 06, 2017 3:53 PM
To: Ruppel, Joanna
Cc: Sohrakoff, Karen A; Schwartz, Claudia R; Anderson, Kathryn E
Subject: TRIG points for PCC

Joanna,

I know Karen updated you on the work we've initiated with State relating to the TRIG directive in the EO. We were just discussing and thinking that for tomorrow's PCC it may be helpful to arm you with a couple points to help guide consensus on the appropriate course of action responsive to the directive, insofar as you have a chance to weigh in. On process, our thinking is that the most thoughtful result is likely to follow from bilateral collaboration between USCIS and State – i.e., the other USG entity with experience applying the exemptions to actual cases – followed by broader interagency consultation based on what is hopefully a joint State-DHS (i.e., USCIS) analysis and recommendation. In the event that there is a call for a WH-driven process, our hope is that (1) Multilat leads it, as that directorate traditionally has with respect to TRIG, and (2) some time is permitted to allow the State-USCIS collaboration to take place first. I'm touching base with Sarah Cross (Ronnie's successor) tomorrow and plan to advocate the same with her. Let me know if you want to discuss or think a different course makes sense, though.

Here are TPs that briefly highlight our work and suggest a path forward:

- In response to EO Section 6, which requires considering rescission of existing exercises of authority for TRIG exemptions, DHS and State have begun working on a joint review process to assess the value of the exercises of authority. The review process will take into account factors such as their utility in adjudications, national security implications, and foreign policy considerations. The aim of this work is to arrive at a joint, evidence-based, working-level analysis responsive to Section 6's directive. We would then share this with DOJ for consultation, as set out in the EO, with the aim of arriving at a consensus recommendation for our departments' respective leadership.
- *[If asked for an estimate of how long it would take us to produce the analysis]:* For USCIS' part, if State agrees, we think we could have something preliminarily developed at the working-level in 2-3 weeks.

Hope that helps, and good luck tomorrow!

Brandon Prelogar
Chief, International and Humanitarian Affairs Division
Department of Homeland Security/U.S. Citizenship and Immigration Services
Office of Policy and Strategy

[redacted] (b)(6)

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Referred to Department of Justice

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Referred to THE WHITE HOUSE

From: Duggan, Patricia A (Patty)
To: Finley, William L (Bill); #CIS OCC FIELD CHIEFS; #CIS OCC FIELD DEPUTIES
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions
Date: Monday, January 30, 2017 11:45:55 AM

FYI – followed by this. –thx, Patty

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 4:00:29 PM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Field Offices may continue to adjudicate N-400 and N-600 applications and administer the oath of citizenship for approved candidates who remain eligible. This message lifts the hold on citizenship applications and petitions.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Finley, William L (Bill)
Sent: Monday, January 30, 2017 8:38 AM
To: #CIS OCC FIELD CHIEFS; #CIS OCC FIELD DEPUTIES
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions
Importance: High

FYI

William "Bill" Finley
Chief, CLD, OCC, USCIS, DHS
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12:16 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs

Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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From: Gentry, Anthony E
To: Kustra, Bonnie C; Zill, Katherine F; Franke, Evan R
Subject: RE: Leaked Draft Executive Order
Date: Thursday, January 26, 2017 8:45:08 AM

All,

Phillip has asked us not to forward his message (see below) if you share further. This was on the Washington Post website yesterday but the link is dead this morning, which makes him think the Post has reconsidered its provenance. RALD folks here, though, said that the 4 month freeze of all refugee admissions and reduction to 50,000 is what they have heard will happen.

Thanks

Tony

From: Gentry, Anthony E
Sent: Thursday, January 26, 2017 8:29 AM
To: Kustra, Bonnie C; Zill, Katherine F; Franke, Evan R
Subject: FW: Leaked Draft Executive Order

FYI.

From: Elder, Phillip D
Sent: Thursday, January 26, 2017 8:00 AM
To: Kleczek, Marguerite P (Ania); Burkley, Bruce D; Mandanas, Maria J (Joy); Tellawi, Heba K; Zimonjic, Milica; Gentry, Anthony E
Subject: Leaked Draft Executive Order

Here is the draft of the order that will drastically affect us if signed.

Sec. 8. will provide the impetus for the Biometrics rule.

Sec. 4 will require that we revisit every form.

From: Finley, William L (Bill)
To: #CIS OCC FIELD CHIEFS; #CIS OCC FIELD DEPUTIES
Subject: FW: Draft Executive Order Immigration and Refugees
Date: Wednesday, January 25, 2017 4:25:38 PM
Attachments: Draft-Executive-Order-Immigration-and-Refugees.pdf

FYI

William "Bill" Finley
Chief, Central Law Division
[redacted] (b)(6)

From: William Finley [mailto:[redacted]
Sent: Wednesday, January 25, 2017 2:24 PM
To: Finley, William L (Bill)
Subject: Draft Executive Order Immigration and Refugees

Referred to THE WHITE HOUSE

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Referred to THE WHITE HOUSE

Referred to THE WHITE HOUSE

Katz, Jonathan E

From: Radel, David M
Sent: Thursday, February 02, 2017 2:54 PM
To: #ZLA All Employees
Subject: FW: EO Guidance
Attachments: EO 1-27 implementation guidance signed and dated.pdf

Hello Everyone,

Great news – we can proceed with our normal processing of cases from the seven countries implicated in the recent Executive Order. Please remove the holds from the cases that we recently placed on hold and resume case processing, to include decision issuance. It's back to business as usual!

If you have any questions or concerns, just let me know.

All the best,
David

From: Kim, Ted H
Sent: Thursday, February 02, 2017 2:40 PM
To: Aguilar, Kimberly M; Bardini, Emilia M; Boyle, Meghann W; Bundy, Kelsey D; Daum, Robert L; Flanagan, Lisa M; Gadson, Irvin C; Ho, Cheri L; Hong, Marianne X; Hussey, Jedidah M; Kline, Jennifer M; Madsen, Kenneth S; Menges, Patricia A; Papazian, Varsenik L; Radel, David M; Raufer, Susan; Rellis, Jennifer L; Varghese, Mathew C; Varghese, Sunil R
Cc: Caudill-Mirillo, Ashley B; Kirkland, Brooke A; Lafferty, John L; Mura, Elizabeth E; Pilotti, David A; Potts-Hansen, Stephanie N; Roberts, Rhonda J; Schaper, Michael C; Tanner, Rebecca S
Subject: FW: EO Guidance

Attached is the written formal USCIS guidance that we have been waiting for that allows us to resume adjudicating affirmative asylum cases as normal.

I also checked with CSPED, and if you are asked by members of the public if we are operating "business as usual," we can respond affirmatively. If the inquiries are more complicated than that or relate to other aspects of the Executive Orders, please continue to forward those to me for response by HQ CSPED.

Thanks,
Ted

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:32 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

Signed and dated copy attached. Have a good evening!

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:20 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [redacted] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: RE: EO Guidance

Please hold off on disseminating just yet. The copy was not dated. I'll send an updated version in just a minute.

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:13 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [redacted] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: EO Guidance (b)(6)

Attached please find the EO implementation guidance. OCOMM will also be sending this out to a larger audience and I will post it on the ECN.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Katz, Jonathan E

From: Radel, David M
Sent: Monday, January 30, 2017 7:06 AM
To: #ZLA All Employees
Subject: RE: Recent Executive Order

Importance: High

One new instruction for APSO: If any individual is referred for us for CF/RF processing who was denied admission as a result of the EO, please notify me, Marianne, and Lisa ASAP (so that we can then notify HQASM). We may proceed with CF/RF processing in these cases unless instructed otherwise. Thank you, David

---

From: Radel, David M
Sent: Sunday, January 29, 2017 12:48 PM
To: #ZLA All Employees
Subject: Recent Executive Order

Hello All:

Effective immediately, we have been instructed to prevent any asylum decision document from being issued in person or by mail to a national of any of the following countries unless or until we are instructed otherwise:

Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya

Please ensure that until further notice, no applicant from the countries above is served as asylum decision document in person or by mail. Any cases PUSHing should get mail-out notices and the cases will remain pending with out office until further notice.

You and your team members should continue to process these cases up to the point of decision service, but may not serve the decision documents at this time.

At this time, we may continue to serve APSO decision documents on individuals from these countries, just not asylum decision documents.

If you have any questions, please let me know.

Thank you,
David.

Katz, Jonathan E

From: Radel, David M
Sent: Tuesday, January 31, 2017 3:56 PM
To: #ZLA All Employees
Subject: RE: Recent Executive Order

A tad more guidance on this issue, as I know that inquiries may be already coming your way from applicants and attorneys. Although we do not have any information to share with external stakeholders at this time, you may direct them to the USCIS.gov, DHS.gov, WhiteHouse.gov for additional information and future updates on the Executive Orders. You may also forward any specific, written inquiries to Marianne and me so that we may forward them on to USCIS HQ for response. Thank you all and please let me know if I can provide you with any additional information or support. Best, David

---

From: Radel, David M
Sent: Monday, January 30, 2017 3:06 PM
To: #ZLA All Employees
Subject: RE: Recent Executive Order

All: Please note that this guidance should not be discussed with external stakeholders; any stakeholder questions can be directed to a supervisor, Marianne, or me. Thank you, David

---

From: Radel, David M
Sent: Monday, January 30, 2017 7:06 AM
To: #ZLA All Employees
Subject: RE: Recent Executive Order
Importance: High

One new instruction for APSO: If any individual is referred for us for CF/RF processing who was denied admission as a result of the EO, please notify me, Marianne, and Lisa ASAP (so that we can then notify HQASM). We may proceed with CF/RF processing in these cases unless instructed otherwise. Thank you, David

---

From: Radel, David M
Sent: Sunday, January 29, 2017 12:48 PM
To: #ZLA All Employees
Subject: Recent Executive Order

Hello All:

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Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya

Please ensure that until further notice, no applicant from the countries above is served as asylum decision document in person or by mail. Any cases PUSHing should get mail-out notices and the cases will remain pending with out office until further notice.

You and your team members should continue to process these cases up to the point of decision service, but may not serve the decision documents at this time.

At this time, we may continue to serve APSO decision documents on individuals from these countries, just not asylum decision documents.

If you have any questions, please let me know.

Thank you,
David.

Lonegan, Bryan K

From: Busch, Philip B
Sent: Wednesday, February 08, 2017 10:47 AM
To: Smith, Alice J; OCC-Clearance; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver
Attachments: waiver process

Would appreciate any thoughts on what is attached. Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

This communication, along with any attachments, may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message.

From: Smith, Alice J
Sent: Tuesday, February 07, 2017 7:29 PM
To: Busch, Philip B; OCC-Clearance; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

Thank you, Phil. I know that must have been a bit of torture trying to pull together so much of our simultaneous "ECN-ing" (I like that term ☺). (b)(5)

General question, and I fully recognize this may well have been raised and nixed in other discussions about this E.O. waiver process. If so, please feel free to say "thank you for playing, Alice, time to move on":

[redacted]

(b)(5)

[redacted]

Thanks again,
Alice

From: Busch, Philip B
Sent: Tuesday, February 07, 2017 6:25 PM
To: OCC-Clearance; Smith, Alice J; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

Thanks all for your careful review and input. Attached FYI is what I just sent back to SCOPs et al. I used the OPS documents as a baseline as they requested – have tried to capture the key points made in the OCC comments and edits, while trying to trim them down a bit to eliminate some of the redundancy, back and forth, etc. that inevitably arise when lots of people are ECNing (is that a verb? I guess it is now) on short notice simultaneously, so as not to overwhelm the recipients. Let me know if you think I've missed anything essential. Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Hinds, Ian G **On Behalf Of** OCC-Clearance
Sent: Tuesday, February 07, 2017 2:52 PM
To: Smith, Alice J; Busch, Philip B; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Cc: OCC-Clearance
Subject: RE: Waiver

I defer to Phil/Molly on how they want to handle this.

From: Smith, Alice J
Sent: Tuesday, February 07, 2017 2:49 PM
To: Busch, Philip B; Hinds, Ian G; Groom, Molly M; Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Cc: OCC-Clearance
Subject: RE: Waiver

I've made my comments, as I know PE and a few others have, to the ecn. Before this goes back, I think it needs a final OCC reviewer (is that you Ian ?) to clean up some places where we were editing on top of each other and it's choppy.

Thanks,
Alice

From: Busch, Philip B
Sent: Tuesday, February 07, 2017 1:02 PM
To: Hinds, Ian G; Groom, Molly M; Kleczek, Marguerite P (Anla); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ool, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Cc: OCC-Clearance
Subject: RE: Waiver

Adding ALD

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Hinds, Ian G
Sent: Tuesday, February 07, 2017 12:59 PM
To: Busch, Philip B; Groom, Molly M; Kleczek, Marguerite P (Anla); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ool, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Cc: OCC-Clearance
Subject: RE: Waiver

Here is the link.

From: Busch, Philip B
Sent: Tuesday, February 07, 2017 12:53 PM
To: Hinds, Ian G; Groom, Molly M; Kleczek, Marguerite P (Anla); Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ool, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

Could someone put this on an ECN for our comments? Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel

Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Hinds, Ian G
Sent: Tuesday, February 07, 2017 12:52 PM
To: Groom, Molly M; Kleczek, Marguerite P (Ania); Busch, Philip B; Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

Here is what we just received from SCOPS. They want comments by 3 pm.

From: Groom, Molly M
Sent: Monday, February 06, 2017 10:36 PM
To: Kleczek, Marguerite P (Ania); Busch, Philip B; Lonegan, Bryan K; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

That was the plan discussed. SCOPS was given flexibility on how to set it up so we will comment on what they provide [redacted] (b)(5)

[redacted]

Let's see what they come up with and I look forward to learning more about our best recommendations. Thanks so much for us know and careful work on this front.

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 10:28:58 PM
To: Busch, Philip B; Lonegan, Bryan K; Groom, Molly M; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Zimonjic, Milica; Tellawi, Heba K
Subject: RE: Waiver

Based on what Phil said offline, just confirming that [redacted] (b)(5)

[redacted]

From: Busch, Philip B
Sent: Monday, February 06, 2017 4:36 PM
To: Kleczek, Marguerite P (Ania); Lonegan, Bryan K; Groom, Molly M; Elder, Phillip D; Vignier, Monica A; Miller, Caitlin E;

Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E
Subject: RE: Waiver

Just had a call with Lori, etc. and CBP and OGC. SCOPs is going to put together a paper by tomorrow on how they think this could be implemented using advance parole. Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 3:29 PM
To: Lonegan, Bryan K; Groom, Molly M; Elder, Phillip D; Busch, Philip B; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E
Subject: RE: Waiver

Thanks, Bryan, for finding that case law. Much appreciated!

(b)(5)

I think [redacted]

From: Lonegan, Bryan K
Sent: Monday, February 06, 2017 3:11 PM
To: Groom, Molly M; Kleczek, Marguerite P (Ania); Elder, Phillip D; Busch, Philip B; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E
Subject: RE: Waiver

Sorry, I was not clear [redacted]

(b)(5)

From: Groom, Molly M
Sent: Monday, February 06, 2017 3:04 PM
To: Kleczek, Marguerite P (Ania); Elder, Phillip D; Busch, Philip B; Vignier, Monica A; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

[redacted] (b)(5)

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 3:01:27 PM
To: Elder, Phillip D; Busch, Philip B; Vignier, Monica A; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Phillip, Monica, and I have come up with these options—We agree to step away from proposing use of the I-192. Instead consider the following: (b)(5)

[redacted]

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 2:42 PM
To: Elder, Phillip D; Busch, Philip B; Vignier, Monica A; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

What a great find! Do you have any experience with using that exception?

From: Elder, Phillip D
Sent: Monday, February 06, 2017 2:40 PM
To: Kleczek, Marguerite P (Ania); Busch, Philip B; Vignier, Monica A; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver (b)(5)

[redacted]

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 2:32 PM
To: Busch, Philip B; Vignier, Monica A; Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K (b)(5)
Subject: RE: Waiver

[redacted]

(b)(5)

[redacted]

From: Busch, Philip B
Sent: Monday, February 06, 2017 2:17 PM
To: Kleczek, Marguerite P (Ania); Vignier, Monica A; Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver (b)(5)

[redacted]

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 2:08 PM
To: Vignier, Monica A; Busch, Philip B; Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K (b)(5)
Subject: RE: Waiver

[redacted]

From: Vignier, Monica A
Sent: Monday, February 06, 2017 2:00 PM
To: Kleczek, Marguerite P (Ania); Busch, Philip B; Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

[redacted] (b)(5)

Monica A. Vignier
Associate Counsel, USCIS-OCC

[redacted] (b)(6)

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 1:52 PM
To: Busch, Philip B; Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K; Vignier, Monica A
Subject: RE: Waiver

Adding Monica.

See the latest we've have learned on this. Please see attached.

What's the authority for CBP to turn folks around at POEs? I feel like I'm missing the answer to that basic question.

From: Busch, Philip B
Sent: Monday, February 06, 2017 10:54 AM
To: Elder, Phillip D; Groom, Molly M; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver (b)(5)

[redacted]

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Elder, Phillip D
Sent: Monday, February 06, 2017 10:00 AM
To: Groom, Molly M; Busch, Philip B; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver (b)(5)

[redacted]

(b)(5)

[redacted]

From: Groom, Molly M
Sent: Monday, February 06, 2017 9:54 AM
To: Elder, Phillip D; Busch, Philip B; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Thanks all—but do we think any of our current forms could be used to adjudicate the national interest standard—which at this point we aren't clear on what it is. But if someone concluded that the waiver was in the national interest where someone needed to travel and showed urgent humanitarian reasons or SPB, could we then use the 131 for the waiver decision? And how would that work if folks who needed the waiver couldn't currently apply for the 131?

From: Elder, Phillip D
Sent: Monday, February 06, 2017 9:24 AM
To: Busch, Philip B; Miller, Caitlin E; Kleczek, Marguerite P (Ania); Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Molly,
Executive Order 13769, section 3, paragraph (g), states, "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." (b)(5)

[redacted]

(b)(5)

[redacted]

Once USCIS has decided what process it will follow, RVLD can advise on the procedural requirements under the PRA and APA for the process to be legally sufficient.

Let me know if you need anything else.

Thanks,
Phillip

From: Busch, Philip B
Sent: Monday, February 06, 2017 9:13 AM
To: Miller, Caitlin E; Kleczek, Marguerite P (Ania); Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

I think CBP has been freely using this one at the ports on its own.

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Miller, Caitlin E
Sent: Monday, February 06, 2017 9:06 AM
To: Kleczek, Marguerite P (Ania); Groom, Molly M; Smith, Alice J; Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

I have one issue, although I am not sure if it has been decided already. The EO says in Sec. 3(g):

"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."

The use of and seems like the EO could be read to either 1) require both DHS and DOJ to jointly agree to waivers; or 2) (b)(5) provide independent authority for DHS and DOS to grant waivers.

[redacted]

Caitlin Miller (formerly Shay)
Associate Counsel, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Ave., NW, Suite 3100
Mail Stop 2121
Washington, DC 20529-2121
[redacted] (b)(6)

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From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 8:00 AM
To: Groom, Molly M; Smith, Alice J; Ool, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Will try!

From: Groom, Molly M
Sent: Monday, February 06, 2017 7:59 AM
To: Kleczek, Marguerite P (Ania); Smith, Alice J; Ool, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

Can you sketch it out in next hour?

From: Kleczek, Marguerite P (Ania)
Sent: Monday, February 06, 2017 7:58:07 AM
To: Groom, Molly M; Smith, Alice J; Ool, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Lonegan, Bryan K
Subject: RE: Waiver

RVLD can start figuring out a process.

From: Groom, Molly M
Sent: Sunday, February 05, 2017 11:27 PM
To: Smith, Alice J; Ool, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Thanks Alice. No need to cancel anything at 9 tomorrow as the call was at 9 tonight but limited lines. Waiting to hear from Lori. All the information is helpful. If anyone—Evan? Could synthesize issues with creating process for individuals to apply for a waiver under the EO that would be good—regardless of which part of DHS does it.

From: Smith, Alice J
Sent: Sunday, February 05, 2017 11:18 PM
To: Ool, Maura M; Groom, Molly M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver (b)(5)

[redacted]

Will try to join you at 9 am. but have outside appt. I may not be able to cancel.

Alice

From: Ool, Maura M
Sent: Sunday, February 05, 2017 9:19:47 PM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

(b)(5)

I believe [redacted]

From: Groom, Molly M
Sent: Sunday, February 05, 2017 9:09:17 PM
To: Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Is the information collection required by OMB or any statute? All help appreciated.

From: Ooi, Maura M
Sent: Sunday, February 05, 2017 9:07:50 PM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

(b)(5)

I was just thinking [redacted]

From: Groom, Molly M
Sent: Sunday, February 05, 2017 8:58:16 PM
To: Ooi, Maura M; Zengotitabengoa, Colleen R; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

What PRA issues might you envision? Simple and straightforward appreciated. And just throw it out even if you are just flagging

---

From: Ooi, Maura M
Sent: Sunday, February 05, 2017 8:55:52 PM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Also, as for broader legal issues with USCIS adjudicating these waiver requests, and along the lines of the rule making issues Evan raised [redacted] (b)(5)

I defer to Phillip on that, but wanted to flag it.

From: Zengotitabengoa, Colleen R
Sent: Sunday, February 05, 2017 8:34:46 PM
To: Groom, Molly M; Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Smith, Alice J; Ooi, Maura M; Miller,

Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

(b)(5)

[redacted]

From: Groom, Molly M
Sent: Sunday, February 05, 2017 8:01:11 PM
To: Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

(b)(5)

Thought on issues with agreeing to this statement? [redacted]

From: Franke, Evan R
Sent: Sunday, February 05, 2017 7:28:36 PM
To: Groom, Molly M; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

Thanks!

From: Groom, Molly M
Sent: Sunday, February 05, 2017 7:20:49 PM
To: Franke, Evan R; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

(b)(5)

Many thanks [redacted] Still we need to discuss with CBP and maybe OGC at 9. If that happens I will send a number.

From: Franke, Evan R
Sent: Sunday, February 05, 2017 7:15:01 PM
To: Groom, Molly M; Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Roll, Annemarie E; Kleczek, Marguerite P (Ania); Lonegan, Bryan K
Subject: RE: Waiver

(b)(5)

All,

[redacted]

[redacted]

Sorry this is not more coherent, but I wanted to start articulating thoughts.

Regards,

Evan

From: Groom, Molly M
Sent: Sunday, February 05, 2017 5:55:13 PM
To: Elder, Phillip D; Busch, Philip B; Hinds, Ian G; Zengotitabengoa, Colleen R; Smith, Alice J; Ooi, Maura M; Miller, Caitlin E; Franke, Evan R; Roll, Annemarie E; Kleczek, Marguerite P (Anla); Lonegan, Bryan K
Subject: Waiver

Looking for quick thoughts on legal issues if we were asked to adjudicate waivers under the EO at section 3 for the 7 countries in the national interest.

Knowing what we know from DACA, what should we be thinking about. This is a tonight issue so what thoughts you have would be appreciated.

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(b)(5

Referred to Department of Homeland Security

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Referred to Department of Homeland Security

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Referred to Immigration and Customs Enforcement

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Referred to Immigration and Customs Enforcement

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Referred to Department of Homeland Security

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Referred to U.S. Customs and Border Protection

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Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

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Referred to U.S. Customs and Border Protection

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(b)(6

Referred to Department of Justice

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(b)(5

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(b)(6

Referred to Department of Homeland Security

Lonegan, Bryan K

From:	Franke, Evan R
Sent:	Monday, February 06, 2017 7:33 AM
To:	Busch, Philip B; Zengotitabengoa, Colleen R; Roll, Annemarie E; Miles, John D; Miller, Caitlin E; Lonegan, Bryan K
Cc:	Smith, Alice J; Ooi, Maura M; Elder, Phillip D; Hinds, Ian G; Kleczek, Marguerite P (Ania); Groom, Molly M; Charette, Kaitlyn E; Angustia, Kathleen M (Kate); Schau Nelson, Jessica R
Subject:	Filings and materials to review for today's DOJ respons(es)
Attachments:	FW: Washington v. Trump - Hawaii motion to intervene; FW: Washington v. Trump - Response to Stay; RE: Washington v. Trump - Response to Stay

All,

Materials are coming in fast and furious.

Hawaii has moved to intervene (or in the alternative be counted as *amicus*) in the Washington v. Trump litigation at the request for stay and the appeal of the TRO.

Washington and Minnesota have filed their response to the request for stay.

A number of other *amici* have filed briefs.

All I have so far received are attached. You may have received these from other sources. Sorry if I am doubling up, but I want to have everyone have all of these.

Washington has finally cited the Fifth Circuit *Texas* case as supporting their bid to challenge the EO here. Interestingly, this is a the opposite of the position they took when they were among the non-plaintiff states opposing the attack on DAPA/DACA where they approved of the brief filed by the United States opposing the PI and its reasoning and filed additional briefing to the argument made by the United States: http://agportal-s3bucket.s3.amazonaws.com/uploadedfiles/Home/News/Press_Releases/2015/Texas%20v.%20US%20Multi-State%20PI%20Amicus%20As%20Filed.pdf

It was the same Washington AG as it is now. There are distinguishing factors. We have the additional procedural hurdle at being at the TRO stage rather than the PI stage. Also, Washington factually asserted that the Nov. 20 Memo from Secretary Johnson was a net economic positive and they argue only economic harm from the EO. However, the U.S. argued no standing for Texas and the other states on their economic harm theory, and Washington signed onto a brief saying (on page 3)

"To avoid redundancy, the amici States will not repeat the United States' compelling arguments as to why the district court erred in holding that Plaintiffs' APA claim was likely to succeed. Instead, the amici States will focus on the other three elements of the preliminary injunction test: irreparable injury, the balance of hardships, and the public interest. The amici States will also explain why the preliminary injunction is so overbroad that this error independently merits reversal."

Evan

Evan R Franke
Chief, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
20 Massachusetts Avenue, N.W.
Suite 4210
Washington, D.C. 20529-2120

(b)(6)

Litigation Issues Emailbox: OCC.Lcd@dhs.gov
National Security Issues Emailbox: USCISoccNSCD@dhs.gov

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Thank you.

Lonegan, Bryan K

From: Lonegan, Bryan K
Sent: Wednesday, February 08, 2017 8:58 AM
To: Whitney, Ronald W; Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: Follow up thoughts on litigation (b)(5)

Just wanted to share this.

From: Whitney, Ronald W
Sent: Sunday, February 05, 2017 9:57 PM
To: Lonegan, Bryan K; Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: Follow up thoughts on litigation (b)(5)

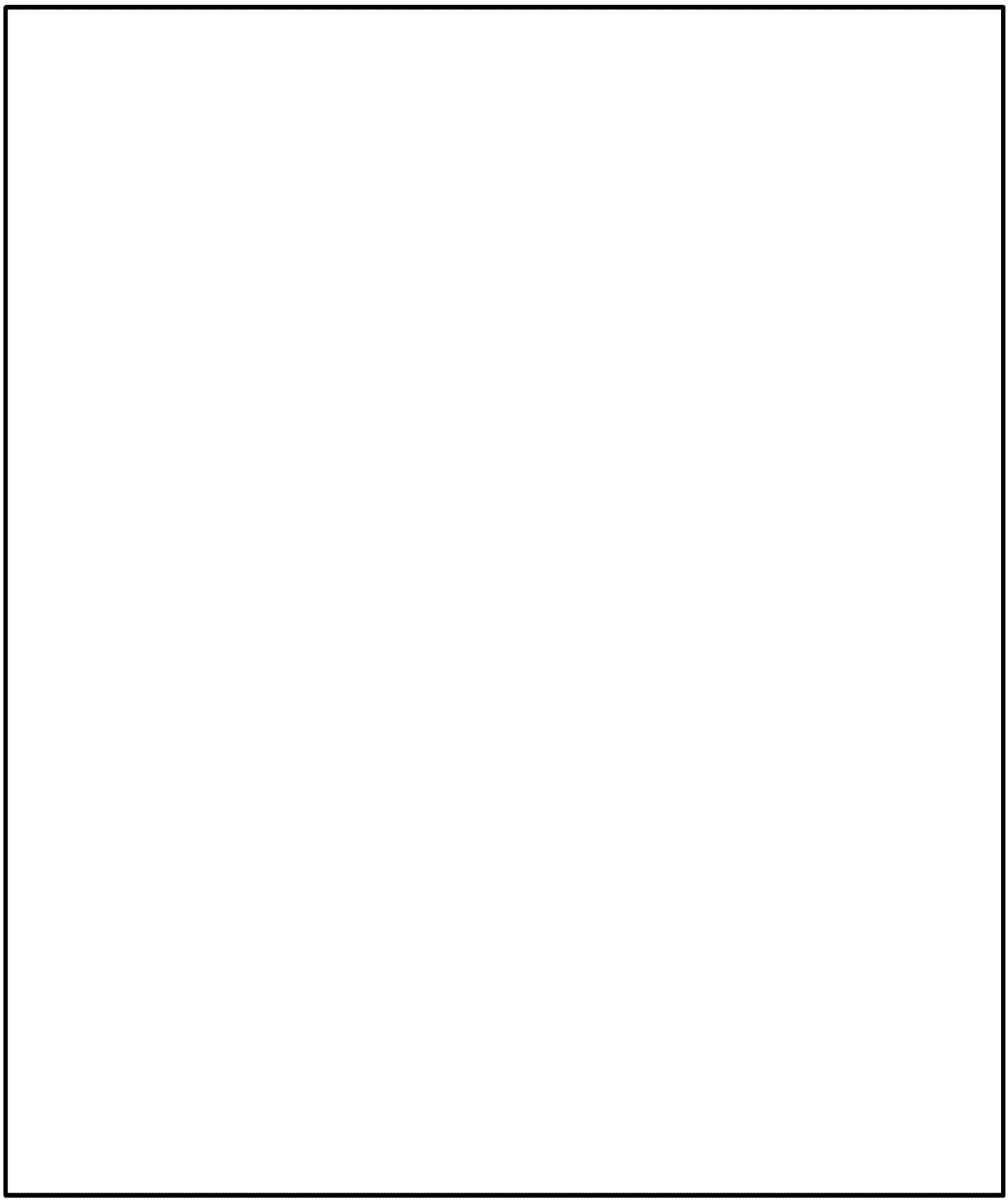
(b)(5)

--Ron

From: Lonegan, Bryan K
Sent: Sunday, February 05, 2017 5:05 PM
To: Whitney, Ronald W; Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R (b)(5)
Subject: RE: Follow up thoughts on litigation

From: Whitney, Ronald W
Sent: Sunday, February 05, 2017 7:33:56 PM
To: Busch, Philip B; Groom, Molly M; Zengotitabengoa, Colleen R; Lonegan, Bryan K
Subject: RE: Follow up thoughts on litigation (b)(5)

(b)(5)



Go Falcons.

--Ron

From: Busch, Philip B
Sent: Sunday, February 05, 2017 11:02 AM
To: Groom, Molly M; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation (b)(5)

[redacted]

From: Groom, Molly M
Sent: Sunday, February 05, 2017 1:30:44 PM
To: Busch, Philip B; Zengotitabengoa, Colleen R; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation (b)(5)

It may be and we will figure that out [redacted]

From: Busch, Philip B
Sent: Sunday, February 05, 2017 12:37:04 PM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Lonegan, Bryan K; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation (b)(5)

I was thinking about this question while churning up and down the Yorktown pool this morning. [redacted]

(b)(5)

[redacted]

Phil

From: Zengotitabengoa, Colleen R
Sent: Sunday, February 05, 2017 11:35:19 AM
To: Groom, Molly M; Lonegan, Bryan K; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Will do.

From: Groom, Molly M
Sent: Sunday, February 05, 2017 11:01:22 AM
To: Lonegan, Bryan K; Zengotitabengoa, Colleen R; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Colleen I think you should reach out to Meg and see what she has in mind.

From: Lonegan, Bryan K
Sent: Sunday, February 05, 2017 10:40:53 AM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation (b)(5)

[redacted]

From: Lonegan, Bryan K
Sent: Sunday, February 05, 2017 10:31:11 AM
To: Zengotitabengoa, Colleen R; Groom, Molly M; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Yes, discussions with DOJ folks would be mutually beneficial [redacted] (b)(5)

[redacted]

(b)(5)

[redacted]

From: Zengotitabengoa, Colleen R
Sent: Sunday, February 05, 2017 10:16:51 AM
To: Groom, Molly M; Lonegan, Bryan K; Busch, Philip B; Whitney, Ronald W
Subject: RE: Follow up thoughts on litigation

Does Meg want us to join discussion with DOJ establishment clause expert? Would be good if we can.

From: Groom, Molly M
Sent: Sunday, February 05, 2017 8:52:15 AM
To: Zengotitabengoa, Colleen R; Lonegan, Bryan K; Busch, Philip B; Whitney, Ronald W
Subject: FW: Follow up thoughts on litigation

Colleen/Bryan/Ron-

Can you all dig deeper on this issue and continue the discussions with DOS. Meg P. wants to have discussion with DOJ establishment expert at that seems like good idea [redacted]

(b)(5)

From: Strack, Barbara L
Sent: Sunday, February 05, 2017 8:44:37 AM
To: Groom, Molly M; Ruppel, Joanna; Stone, Mary M; Busch, Philip B
Subject: Follow up thoughts on litigation

All -

I wanted to follow up w/you on some issues related to yesterday's litigation call, with the understanding that this communication is protected by attorney/client privilege. In particular, I want to focus on the "religious minority" language. (b)(5)

[redacted]

Wanted to share this thinking and bring Joanna and MM into the loop before I leave for vacation later today,
Barbara

Referred to U.S. Customs and Border Protection

(b)(6

(b)(6

Referred to U.S. Customs and Border Protection

(b)(6

Referred to U.S. Customs and Border Protection

(b)(6

(b)(6

(b)(5

Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

(b)(6

(b)(6

Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

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Referred to Department of Homeland Security

(b)(6

Referred to Department of Homeland Security

From: Busch, Philip B
To: #CIS OCC ALL
Subject: Executive Order update
Date: Thursday, February 16, 2017 2:24:48 PM

Colleagues,

This message provides a short update regarding Executive Order (EO) 13,769, issued on Jan. 27, 2017 and entitled "Protecting the Nation from Foreign Terrorist Entry into the United States." As you undoubtedly know, on Feb. 3, 2017, in a suit brought against the Government by the states of Washington and Minnesota, the U.S. District Court for the Western District of Washington issued a temporary restraining order (TRO) enjoining enforcement of key provisions of the EO nationwide. The United States sought a stay of the TRO from the U.S. Court of Appeals for the Ninth Circuit. On Feb. 9, 2017, a Ninth Circuit panel denied the stay, leaving in place the district court's TRO. Shortly thereafter, based upon a "sua sponte en banc call" from another Ninth Circuit Judge, the Ninth Circuit requested briefing as to whether the matter should be heard en banc. Today, Feb. 16, the Government filed its brief. While also making legal arguments that the panel's denial of a stay of the TRO was erroneous, the Government's brief stated (citation omitted):

> [T]he United States does not seek en banc review of the merits of the panel's ruling. Rather than continuing this litigation, the President intends in the near future to rescind the [EO] and replace it with a new, substantially revised Executive Order to eliminate what the panel erroneously thought were constitutional concerns. In so doing, the President will clear the way for immediately protecting the country rather than pursuing further, potentially time-consuming litigation. Under the unusual circumstances presented here . . . the government respectfully submits that the most appropriate course would be for the [Ninth Circuit] to hold its consideration of the case until the President issues the new Order and then vacate the panel's preliminary decision.

We do not have further details at this time about the new, revised EO, other than statements made by the President at his news conference today indicating his intention to issue it next week. I emphasize that at the present time (1) the Jan. 27 EO remains in force and has not yet been rescinded; but (2) the district court's order enjoining enforcement of certain provisions of the EO also remains fully in effect. Previous guidance on injunction compliance, including the USCIS Broadcast Message issued on Feb. 3, 2017 entitled "Nationwide Injunction on Executive Order", and the message from Caitlin Miller to OCC attorneys on Feb. 14, 2017 entitled "Injunction Issued in ED VA", remains in force and should be followed. There are numerous other lawsuits pending around the country challenging the EO, and some (such as the case in the E.D. VA) have resulted in injunctive orders, but the *Washington* TRO is the broadest, and at this time no case other than the

one in the Ninth Circuit has reached the circuit court level.

I also would like to remind you all to read and comply with the important message sent to you this morning by Evan Franke entitled "IMPORTANT--YOU ARE REQUIRED TO READ AND RESPOND--EO Litigation Hold."

Thank you all for your continued efforts to carry out our mission. We will continue to try to keep you updated on EO developments, and please do not hesitate to raise questions if you have them.

Philip B. Busch

Acting Deputy Chief Counsel

Senior Legal Advisor

Office of the Chief Counsel

U.S. Citizenship and Immigration Services

U.S. Department of Homeland Security

(b)(6)

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In particular, the Court rejected the view of the U.S. Court of Appeals for the Second Circuit ("Second Circuit") that interdiction was prohibited because of the INA's prohibition upon the then-Attorney General returning an alien to a country where he or she would be persecuted.[22] The Second Circuit had reached this conclusion by noting that the Attorney General was the President's "agent" in matters of immigration.[23] Therefore, it found that INA's prohibition on the Attorney General returning aliens to countries where the alien's life or freedom would be threatened because of the alien's race, religion, nationality, political opinion, or membership in a particular social group should be imputed to the rest of the executive branch.[24] The Supreme Court disagreed, however, holding that the interdiction program created by the President did not "usurp[] authority that Congress has delegated to, or implicate[] responsibilities that it has imposed on, the Attorney General alone."[25] The Court reached this conclusion, in part, because it viewed the INA as restricting only the then-Attorney General's immigration-related responsibilities under the act. It did not view the INA as restricting the President's actions in geographic areas outside of where Congress had authorized the Attorney General to act in the immigration context (i.e., outside the United States).[26] The upshot of this reasoning was that the Court declined to find that the interdiction program implemented under the authority of Section 212(f) ran afoul of statutory or treaty-based restrictions.

The *Sale* decision also helped define what is meant by the term *entry* as that term is used in Section 212(f). At the time when *Sale* was decided, the INA explicitly defined *entry* to encompass "any coming of an alien into the United States, from any foreign port or place or from an outlying possession, whether voluntarily or otherwise."[27] Therefore, consistent with this definition, the Court distinguished between (1) aliens who are "on our shores seeking admission" or "on the threshold of initial entry," and (2) aliens who are within the United States after entry, regardless of the legality of that entry.[28] While the statutory definition of *entry* that the Court relied upon was deleted from the INA as part of the amendments made by the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 (P.L. 104-208),[29] the *Sale* Court's construction of *entry* has persisted in discussions of Section 212(f) and in other contexts.[30]

---

[22] *Id.* at 171-72. For several decades, the authority to interpret, implement, and enforce the provisions of the INA was primarily vested in the Attorney General. The Attorney General, in turn, delegated this authority to the Immigration and Naturalization Service (INS) within the Department of Justice. Following the establishment of the Department of Homeland Security (DHS) pursuant to the Homeland Security Act of 2002 (P.L. 107-296), the INS was abolished and its functions were generally transferred to DHS. *See* 6 U.S.C. § 251. Although the INA still refers to the Attorney General in multiple places, such references are generally (although not universally) taken to mean the Secretary of Homeland Security. *See generally* CRS Legal Sidebar WSLG553, *Does It Matter Whether the INA Says DOJ or DHS?: An Example Involving Revocation of Asylum*, by Kate M. Manuel.

[23] Haitian Centers Council, Inc. v. McNary, 969 F.2d 1350, 1360 (2d Cir. 1992).

[24] *Id.* ("[W]e reject the government's suggestion that since [the relevant provision of the INA] restricts actions of only the attorney general, the President might in any event assign the same "return" function to some other government official. Congress understood that the President's agent for dealing with immigration matters is the attorney general, and we would find it difficult to believe that the proscription of [the INA]—returning an alien to his persecutors—was forbidden if done by the attorney general but permitted if done by some other arm of the executive branch.").

[25] *Sale*, 509 U.S. at 172.

[26] *Id.* at 173. *See also* INA § 103(a)(1), 8 U.S.C. § 1103(a)(1) ("The Secretary of Homeland Security shall be charged with the administration and enforcement of this chapter and all other laws relating to the immigration and naturalization of aliens, except insofar as this chapter or such laws relate to the powers, functions, and duties conferred upon the President.... ").

[27] INA § 101(a)(13), 8 U.S.C. § 1101(a)(13) (1994).

[28] *Sale*, 509 U.S. at 174.

[29] P.L. 104-208, § 301(a), 110 Stat. 3009-575 (amending Section 101(a)(13) of the INA to define *admission*, instead of (continued...)

From: Miller, Caitlin E
To: #CIS OCC ATTORNEY ALL
Subject: Injunction Issued in ED VA
Date: Tuesday, February 14, 2017 8:39:09 AM
Attachments: 111 PI Memorandum Decision EDVA.pdf
112 PI Order EDVA.pdf

Hello all,

Yesterday evening, the District Court for the Eastern District of Virginia issued a preliminary injunction in *Aziz v. Trump*. The Court enjoined the government from enforcing Section 3(c) of the Executive Order, "Protecting the Nation from Foreign Terrorist Entry into the United States," as applied to "any person who has a Virginia residence or is employed by or attends an educational institution administered by the Commonwealth of Virginia, and who, as of 5:00 p.m. Eastern Standard Time on Friday, January 27,2017, was lawfully admitted for permanent residency in the United States, held an immigrant visa that would entitle the bearer to be lawfully admitted for permanent residency upon admission to the United States, held a valid student visa (or accompanying family or spousal visa), or held a valid work visa (or accompanying family or spousal visa)."

OCC has reviewed the court's order and decision and believes that, by virtue of our compliance with the nationwide temporary restraining order that the Ninth Circuit upheld on February 9, USCIS is in compliance with this latest injunction and does not need to take any further affirmative steps. We will keep you updated with any significant further developments.

Best,

Caitlin Miller (formerly Shay)
Associate Counsel, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Ave., NW, Suite 3100
Mail Stop 2121
Washington, DC 20529-2121

[redacted] (b)(6)

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

TAREQ AQEL MOHAMMED AZIZ, et al.,	)	
	)	
Plaintiffs/Petitioners	)	
	)	
v.	)	1:17-cv-116 (LMB/TCB)
	)	
DONALD TRUMP, President of the United States, et al.,	)	
	)	
Defendants/Respondents.	)	

MEMORANDUM OPINION

In this civil action, the Commonwealth of Virginia ("Commonwealth") alleges that Executive Order 13,769, entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" ("the EO"), violates the First and Fifth Amendments to the United States Constitution, as well as the Immigration and Nationality Act and Religious Freedom Restoration Act. Before the Court is the Commonwealth's Motion for a Preliminary Injunction, to which defendants have responded and on which oral argument has been held. Attached to the Commonwealth's motion were multiple exhibits and declarations. The defendants have responded with no evidence other than the EO, which they have defended primarily with arguments attacking the Commonwealth's standing to oppose the EO and emphasizing the authority of the president to issue such an EO. For the reasons that follow, the Commonwealth's Motion for a Preliminary Injunction will be granted.

I. FINDINGS OF FACT

A. The Executive Order

On January 20, 2017, Donald Trump ("Trump") was inaugurated as the 45th President of the United States. On January 27, 2017, he signed the EO. Section 3 of the EO "proclaim[ed]

that the immigrant and nonimmigrant entry into the United States of aliens from" Syria, Iraq, Iran, Libya, Sudan, Yemen, and Somalia "would be detrimental to the interests of the United States" and "suspend[ed] entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order." [Dkt. 7-1] § 3(c). Although the EO specifically excludes "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"[1] from the ban on entry, it does not list lawful permanent residents ("LPRs") among those excluded. Id. Section 5 of the EO suspends the United States Refugee Assistance Program ("USRAP") for persons from all countries for 120 days. Id. at § 5(a). Once the suspension has ended, the EO directs the Secretaries of State and Homeland Security "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." Id. at § 5(b).

Section 1 describes the stated purpose for the EO as follows:

> 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.

[Dkt. 31-1] § 1. Section 2 goes on to declare it to be "the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States;

[1] The "G" series of visas are available to qualifying representatives of foreign governments and international organizations.

and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes." Id. § 2.

The EO was initially applied to LPRs, and the defendants have since conceded that Customs and Border Patrol ("CBP") initially stopped several LPRs at the border in the 24 to 48 hours after the EO was signed, although they represent that all such persons have since been permitted to enter the United States. After initial confusion within the executive branch, [Dkt. 61-17], Homeland Security Secretary John Kelly released a statement on Sunday, January 29, announcing that he "deem[ed] the entry of lawful permanent residents to be in the national interest" and that "lawful permanent resident status will be a dispositive factor in our case-by-case determinations," [Dkt. 61-1].

The next day, White House Counsel Donald F. McGahn II issued a memorandum stating that "there has been reasonable uncertainty about whether [Section 3 of the EO] appl[ies] to lawful permanent residents of the United States. Accordingly, to remove any confusion, I now clarify that Section 3(c) . . . do[es] not apply to such individuals." [Dkt. 34-1]. Defendants have argued that in light of this memorandum, the EO cannot be interpreted to apply to LPRs; however, a voluntary change of policy cannot be taken as binding unless it is "absolutely clear" that the government will not revert to its original position. Friends of the Earth, Inc. v. Laidlaw Envt'l Servs. (TOC), Inc., 528 U.S. 167, 189 (2000). As the Ninth Circuit observed in related litigation, defendants have "offered no authority establishing that the White House counsel is empowered to issue an amended order superseding the Executive Order signed by the president . . . and that proposition seems unlikely," nor have they "established that the White House counsel's interpretation of the Executive Order is binding on all executive branch officials responsible for enforcing" it. Washington v. Trump, __ F.3d __, 2017 WL 526497, at *8 (9th

Cir. 2017). Accordingly, the Court finds that the EO presents an ongoing risk to the status of LPRs from the seven countries covered by the EO.

B. Injuries to the Commonwealth and its Residents

The Commonwealth has produced evidence of the EO being disruptive to the operation of its public colleges and universities. As the declaration of W. Taylor Reveley III ("Reveley"), who is president of the College of William & Mary and the chair of the Council of Presidents, a group consisting of the presidents and chancellors of Virginia's 14 public universities and colleges and 23 community colleges, [Dkt. 32] at ¶¶ 1–2, explains, the EO affects international travel of at least 350 students attending Virginia Commonwealth University, Virginia Tech, George Mason University, the University of Virginia, and William & Mary combined.[2] [Dkt. 32] at ¶ 5. That number includes at least two students who were abroad when the EO was issued and were denied reentry to the United States on its authority. Id. at ¶ 6.[3] At one university, Iranian-born faculty and students "have had to cancel their plans to present their work at an international conference on engineering" because they believe they are likely to be denied reentry to the United States. Id. at ¶ 7. The EO is also disrupting the process by which medical students "match" with academic hospitals for their residency, which takes place this month. Id. at ¶ 8. At least two Virginia universities have already had to cancel appearances by foreign scholars as a result of the EO. Id. at ¶ 9. Students have also begun withdrawing applications to attend Virginia schools as a result of the travel ban, and at least two students who had already announced an intention to enroll in Virginia schools have now abandoned those plans. Id. at

[2] At oral argument, the Commonwealth represented that across all of its schools its estimate of affected persons has grown to 1,000 students and 66 faculty and staff members.

[3] One of these students, Najwa Elyazgi, has since entered the United States, but only as a result of the District of Washington's order staying enforcement of the EO. [Dkt. 54] ¶ 11.

¶ 11. The affected students and faculty "must refrain from leaving the United States for fear of not being able to return," id. at ¶ 7, and "are unsure whether they should take the trips they had planned to visit family and fulfill research obligations, whether future trips should be planned, and whether members of their family or research partners will be able to visit the United States," id. at ¶ 14. The defendants provided no evidence to counter these representations.

The Commonwealth has also presented evidence that enforcement of § 3(c) of the EO will have a financial impact on its colleges and universities. Most concretely, the EO will result in reduced revenue from tuition money from students who cannot return to continue their studies or who are unable to enroll. [Dkt. 32] at ¶ 11. Department of Homeland Security data from 2015, the most recent year available, shows that 465 student visa holders from the affected countries were enrolled in Virginia schools. [Dkt. 61-15] at 4. College Factual, a company that specializes in higher education analytics, estimates that this could result in up to $20.8 million in lost tuition and fees. Id.; [Dkt. 61-16] at 1. Although the Commonwealth has not identified any specific grants or contracts that are in immediate jeopardy, it also argues that the EO may inhibit the ability of research universities to fulfill the terms of various grants and contracts. [Dkt. 32] at ¶ 12.

Reveley also avers that university personnel are experiencing "anxiety, confusion, and distress" because of the uncertainty introduced by the EO, such that some universities "have experienced an uptick in students, employees, and faculty using their counseling services." Id. at ¶ 14. Finally, Reveley and other administrators are concerned that the EO could imperil Virginia students who are studying abroad, by inflaming "anti-American sentiment[.]" Id. at ¶ 15. Again, defendants have not tendered any evidence to refute these concerns.

C. The Government's Asserted Rationale for the EO

Defendants have maintained that the EO is necessary to protect the United States from terrorist attacks to be carried out by nationals of the seven affected countries [Dkts. 31-1, 80]; however, they have not offered any evidence to identify the national security concerns that allegedly prompted this EO, or even described the process by which the president concluded that this action was necessary.[4]

And contrary to the national security concerns recited in the EO, the only evidence in the record on this subject is a declaration of 10 national security professionals who have served at the highest levels of the Department of State, the Department of Homeland Security, the Central Intelligence Agency, and the National Security Council through both Republican and Democratic administrations, [Dkt. 57], and at least four of whom "were current on active intelligence regarding all credible terrorist threat streams directed against the [United States] as recently as one week before the issuance of the" EO. Id. at ¶ 2. They write

> We all agree that the United States faces real threats from terrorist networks and must take all prudent and effective steps to combat them, including the appropriate vetting of travelers to the United States. We all are nevertheless unaware of any specific threat that would justify the travel ban established by the Executive Order issued on January 27, 2017. We view the Order as one that ultimately undermines the national security of the United States, rather than making us safer. In our professional opinion, this Order cannot be justified on national security or foreign policy grounds.

Id. at ¶ 3. They also observe that since September 11, 2011, "not a single terrorist attack in the United States has been perpetrated by aliens from the countries named in the Order." Id. at ¶ 4.

[4] To the extent that such evidence might be classified, "the Government may provide a court with classified information. Courts regularly receive classified information under seal and maintain its confidentiality. Regulations and rules have long been in place for that." Washington, 2017 WL 526497, at *10 n.8.

D. The President's Public Comments

The Commonwealth's evidence also contains several statements by the president and his senior advisors on the subject of immigration to the United States by Muslims. Although defendants dispute the relevance of these statements, as discussed below, they have not contested their accuracy.

On December 7, 2015, then-candidate Trump issued a press released titled "Donald J. Trump's Statement on Preventing Muslim Immigration." [Dkt. 61-12]. In the statement, he called "for a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what is going on." Id.

The latter statement is consistent with views that the president has expressed on various occasions over the last six years. A representative example[5] can be found in a 2011 interview with Fox News's Bill O'Reilly ("O'Reilly"). A portion of that interview reads:

> O'Reilly: Is there a Muslim problem in the world?
> Trump: Absolutely. Absolutely. I don't notice Swedish people knocking down the World Trade Center.
> . . .
> O'Reilly: But you do believe overall there is a Muslim problem in the world.
> Trump: Well, there is a Muslim problem. Absolutely. You just have to turn on your television set.
> O'Reilly: And do you think it encompasses all Muslims?
> Trump: No. And that's the sad part about life. Because you have fabulous Muslims. I know many Muslims and they're fabulous people. They're smart. They're industrious. They're great. Unfortunately, at this moment in time, there is a Muslim problem in the world. And by the way, and you know it and I [sic] and I know it and some people don't like saying it because they think it's not politically correct.

[Dkt. 61-19] at 5.

[5] The attachments to the Declaration of Mona Siddiqui [Dkt. 61] collect several other examples, although the Court does not consider every document in the Siddiqui declaration to be relevant.

As the campaign proceeded, there were fewer references to an outright ban on Muslim immigration, with the focus switched to a ban on persons from territories that have a Muslim majority. Mr. Trump and then-vice-presidential candidate Mike Pence ("Pence") were asked about this evolution in an interview with Lesley Stahl ("Stahl") on July 17, 2016. The relevant portion reads:

> Stahl: [I]n December, you [i.e., Pence] tweeted, and I quote you, "Calls to ban Muslims from entering the U.S. are offensive and unconstitutional."
> Trump: So you call it territories. OK? We're gonna do territories. We're not gonna let people come in from Syria that nobody knows who they are.
> . . .
> Stahl: [S]o you're changing . . . your position.
> Trump: –No, I—call it whatever you want. We'll call it territories, OK?
> Stahl: So not Muslims?
> Trump: You know—the Constitution—there's nothing like it. But it doesn't necessarily give us the right to commit suicide, as a country, OK? And I'll tell you this. Call it whatever you want, change territories [sic], but there are territories and terror states and terror nations that we're not gonna allow the people to come into our country.

[Dkt. 61-22] at 9–10.

On the morning of Friday, January 27, 2017, the president gave an interview with the Christian Broadcasting Network's David Brody ("Brody"):

> Brody: Persecuted Christians, we've talked about this, the refugees overseas. The refugee program, or the refugee changes you're looking to make. As it relates to persecuted Christians, do you see them as kind of a priority here?
> Trump: Yes.
> Brody: You do?
> Trump: They've been horribly treated. Do you know if you were a Christian in Syria it was impossible, at least very tough to get into the United States? If you were a Muslim you could come in, but if you were a Christian, it was almost impossible and the reason that was so unfair [sic], everybody was persecuted in all fairness, but they were chopping off the heads of everybody but more so the Christians. And I thought it was very, very unfair. So we are going to help them.

[Dkt. 61-6] at 2. That evening, the EO was signed.

On Sunday, January 29, 2017, two days after the EO was signed, former Mayor of New York City Rudolph Giuliani ("Giuliani") said in an interview on Fox News, "'I'll tell you the whole history of it[.]' . . . 'So when [Trump] first announced it, he said 'Muslim ban.' He called me up. He said, 'Put a commission together. Show me the right way to do it legally.' . . . 'And what we did was, we focused on, instead of religion, danger—the areas of the world that create danger for us[.]' . . . 'Which is a factual basis, not a religious basis. Perfectly legal, perfectly sensible. And that's what the ban is based on. It's not based on religion. It's based on places where there are [sic] substantial evidence that people are sending terrorists into our country.'" [Dkt. 61-4] at 1–2 (emphasis in original).

The president and his advisors deny that the EO represents the Muslim ban that the president spoke about during his campaign. Secretary Kelly said in an interview on Tuesday, January 31, 2017, "'This is not, I repeat not, a ban on Muslims.' . . . 'We cannot gamble with American lives. I will not gamble with American lives. These orders are a matter of national security, and it is my sworn responsibility as secretary of homeland security to protect and defend the American people.'" [Dkt. 61-17] at 3.

II. CONCLUSIONS OF LAW

A. Justiciability

As a threshold matter, defendants argue that courts "lack jurisdiction to review the Executive Branch's decisions concerning visa revocation and entry," at least in part because those decisions involve national security judgments. [Dkt. 80] at 14.

The word "jurisdiction" was once a "word of many, too many, meanings." Steel Co. v. Citizens for a Better Environment, 523 U.S. 83, 90 (1998) (internal citation and quotation marks omitted). Accordingly, the Supreme Court "has endeavored in recent years to 'bring some

discipline' to the use of the term 'jurisdictional.'" Gonzalez v. Thaler, 132 S. Ct. 641, 648 (2012) (quoting Henderson v. Shinseki, 562 U.S. 428, 435 (2011)). Because the modern concept addresses "a court's adjudicatory capacity," it refers to either "subject matter jurisdiction" or "personal jurisdiction." Henderson, 562 U.S. at 435.

Defendants have argued that exercising jurisdiction in this case would be "an impermissible intrusion on the political branches' plenary constitutional authority over foreign affairs, national security, and immigration." [Dkt. 80] at 14. By advancing this argument, defendants appear to be invoking the political question doctrine, under which a court lacks subject matter jurisdiction over "a controversy . . . where there is a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it[.]" Zivotofsky v. Clinton, 566 U.S. 189, 195 (2012) (internal quotation marks and citations omitted).

The issues in this case are not textually committed to another department by the Constitution. To the contrary, the Commonwealth argues that the EO is in violation of constitutional and statutory law, and that resolving these claims requires interpreting the EO, the Immigration and Nationality Act, and the Constitution. "This is a familiar judicial exercise." Zivotofsky, 566 U.S. at 196. "At least since Marbury v. Madison, [the Supreme Court has] recognized that when" government action "is alleged to conflict with the Constitution, 'it is emphatically the province and duty of the judicial department to say what the law is.'" Id. (quoting Marbury, 1 Cranch 137, 177 (1803)). "That duty will sometimes involve the '[r]esolution of litigation challenging the constitutional authority of one of the three branches,' but courts cannot avoid their responsibility merely 'because the issues have political implications.'" Id. (quoting INS v. Chadha, 462 U.S. 919, 943 (1983)).

At oral argument, defendants suggested that their justiciability arguments were limited to the context of 8 U.S.C. § 1182(f), which is the statutory authority that the president invokes for the EO. Section 1182(f) provides that "[w]henever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants[.]" Defendants urge that this statutory grant of authority places the president at the zenith of his power, citing the framework first articulated by Justice Jackson in his concurrence in Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952). Under Youngstown Sheet & Tube, "[w]hen the President acts pursuant to an express . . . authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate." 343 U.S. at 635.

Maximum power does not mean absolute power. Every presidential action must still comply with the limits set by Congress' delegation of power and the constraints of the Constitution, including the Bill of Rights.[6] It is a bedrock principle of this nation's legal system that "the Constitution ought to be the standard of construction for the laws, and that wherever there is evident opposition, the laws ought to give place to the Constitution." The Federalist No. 81, at 481 (Alexander Hamilton) (Clinton Rossiter ed., 1999). Defendants have cited no authority for the proposition that Congress can delegate to the president the power to violate the

[6] Youngstown Sheet & Tube is better known as the Steel Seizure Case. In that case, President Truman ordered the Secretary of Commerce to seize control of most of the country's steel mills because he felt that an impending strike would jeopardize the military's ability to wage the Korean War. The Supreme Court struck the order, holding that although "[t]he power of Congress to . . . authorize the taking of private property for public use" was beyond question, the president did not have power to do so without Congress' approval, even in wartime. Id. at 588.

Constitution and its amendments and the Supreme Court has made it clear that even in the context of immigration law, congressional and executive power "is subject to important constitutional limitations." Zadvydas v. Davis, 533 U.S. 678, 695 (2001).

Indeed, the Supreme Court has refused to hold that the president is exempt from compliance with the Due Process Clause even when he is exercising a pure Article II power, such as the detention of persons deemed "enemy combatants." In Hamdi v. Rumsfeld, 542 U.S. 507, 509 (2004), for example, the Supreme Court was confronted with the constitutional claims of an "enemy combatant." The Court recognized the government's "critical . . . interest in detaining those who actually pose an immediate threat to the national security of the United States during ongoing international conflict," id., but still held that the president must comply with the Fifth Amendment, id. at 524. If the president's actions can be subject to judicial review when he is exercising his core Article II powers, as in Hamdi, it follows that his actions are also subject to such review when he exercises Article I powers delegated to him by Congress. As the Ninth Circuit has explained, "the Supreme Court has repeatedly and explicitly rejected the notion that the political branches . . . are not subject to the Constitution when policymaking in [the immigration] context." Washington, 2017 WL 526497, at *5.

The defendants also continue to dispute the Commonwealth's Article III standing to challenge the EO. The Court has already held that the Commonwealth has pleaded facts sufficient to establish standing under both a parens patriae theory and proprietary theory. See Mem. Op., [Dkt. 42] at 11. Because the pending motion is for a preliminary injunction, the Commonwealth may no longer rest on its pleadings but must "set forth by affidavit or other evidence specific facts, which for purposes of the [preliminary injunction] will be taken to be true." Cacchillo v. Insmed, Inc., 638 F.3d 401, 404 (2d Cir. 2011) (internal quotation marks and

citations omitted). As discussed above, the Commonwealth has submitted sufficient evidence in the form of Reveley's declaration to establish at this early point in the litigation standing under the standards articulated in this Court's memorandum opinion dated February 3, 2017. See Mem. Op., [Dkt. 42] at 11.

B. Preliminary Injunction

"A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of the equities tips in his favor, and that an injunction is in the public interest." Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008). "While plaintiffs seeking preliminary injunctions must demonstrate that they are likely to succeed on the merits, they 'need not show a certainty of success." League of Women Voters of N.C. v. North Carolina, 769 F.3d 224, 247 (4th Cir. 2014) (internal quotation marks and citation omitted).

C. Likelihood of Success on the Merits

The First Amendment to the United States Constitution provides that "Congress shall make no law respecting an establishment of religion." U.S. Const. amend. I.[7] "The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another." Larson v. Valente, 456 U.S. 228, 244 (1982). The Supreme Court has articulated various tests for determining whether that command has been violated. The first such test is that the law "must have a secular . . . purpose." Lemon v. Kurtzman, 403 U.S. 602, 612 (1971).

[7] Although the First Amendment only addresses Congress by its terms, it has long been held to apply to executive action as well. See, e.g., New York Times Co. v. United States, 403 U.S. 713, 714 (1971).

"In the past, [this] test has not been fatal very often, presumably because government does not generally act unconstitutionally, with the predominant purpose of advancing" one religion over another. McCreary County v. Am. Civil Liberties Union of Ky., 545 U.S. 844, 863 (2005). The secular purpose requirement "'nevertheless serves an important function,'" id. at 859 (quoting Wallace v. Jaffree, 472 U.S. 38, 75 (1985) (O'Connor, J., concurring in the judgment)), because "[b]y showing a purpose to favor religion, the government sends the . . . message to . . . nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members," id. at 860 (internal citations and quotation marks omitted). This message of exclusion from the political community is all the more conspicuous when the government acts with a specific purpose to disfavor a particular religion.

Defendants have argued that the Court may not go beyond the text of the EO in assessing its purpose, or look behind its proffered national security rationale,[8] but the Supreme Court has rejected that position. Although courts "often . . . accept governmental statements of purpose, in keeping with the respect owed in the first instance to such official claims, . . . in those unusual cases where the claim was an apparent sham, or the secular purpose secondary, the unsurprising results have been findings of no adequate secular object." McCreary, 545 U.S. at 865. When determining what purpose motivates governmental action, "an understanding of official objective emerges from readily discoverable fact, without any judicial psychoanalysis of a drafter's heart of hearts." McCreary, 545 U.S. at 862. In other words, what matters is what an "objective observer" would draw from the text of the policy, enlightened by historical context and "the

[8] The District of Massachusetts apparently agreed in Louhghalam v. Trump, as it referred only to the text of the EO, but the court did not explain why it did not consider any other evidence. See __ F. Supp. 3d __, 2017 WL 479779, at *4–*5 (D. Mass 2017).

specific sequence of events leading to" its adoption. Id. (internal citations and quotation marks omitted). This historical context can include statements by relevant policymakers. Id. at 870 (considering resolutions authorizing a Ten Commandments display by county boards); see also Washington, 2017 WL 526497 at *10 (sanctioning the consideration of "statements by decisionmakers").

Defendants argue that an elected official's statements before he took the oath of office are irrelevant, but that position also runs counter to McCreary. 545 U.S. at 866. Just as the Supreme Court has held that "the world is not made brand new every morning[,]" id., a person is not made brand new simply by taking the oath of office. Limiting the temporal scope of the purpose inquiry "bucks common sense: reasonable observers have reasonable memories, and [Supreme Court] precedents sensibly forbid an observer 'to turn a blind eye to the context in which [the] policy arose.'" Id. (quoting Santa Fe Ind. Sch. Dist. v. Doe, 530 U.S. 290, 315 (2000)). For example, in McCreary, the American Civil Liberties Union ("ACLU") sought to enjoin a display including the Ten Commandments in two counties' courthouses. Id. at 855. The Supreme Court examined the history of interactions between county executives, the ACLU, and the federal district court for a one-year period before the challenged display was erected, id. at 851–57, and determined from that history that "the [c]ounties were simply reaching for any way to keep a religious document on the walls of courthouses constitutionally required to embody religious neutrality," id. at 873. Further, in Santa Fe, the Court examined over a year's worth of events leading up to a school district's adoption of the challenged "Prayer at Football Games" policy to conclude that it "unquestionably ha[d] the purpose and create[d] the perception of encouraging the delivery of prayer at a series of important school events." Santa Fe, 530 U.S. at 294–98, 317.

This Court is similarly not free to "ignore perfectly probative evidence" from statements made by the president before he took office. See McCreary, 545 U.S. at 866.

Defendants have repeatedly cited Kleindienst v. Mandel, 408 U.S. 753 (1972), arguing that when facing constitutional scrutiny in an immigration context, the government must only supply a "facially legitimate and bona fide reason" for its action, but Mandel is inapplicable to this litigation. By its terms, Mandel does not apply to the persons who have already been granted visas because it involved an as-applied challenge to executive action by a person who had not been granted a visa. Id. at 758–60. Here, by contrast, the allegations involve persons who have passed through extensive vetting requirements and been granted visas. Accordingly, the limitation Mandel imposes on constitutional review of executive action does not apply to the class of persons relevant to this action. Moreover, even if Mandel did apply, it requires that the proffered executive reason be "bona fide." Id. at 770. As the Second and Ninth Circuits have persuasively held, if the proffered "facially legitimate" reason has been given in "bad faith," it is not "bona fide." Am. Academy of Religion v. Napolitano, 573 F.3d 115, 126 (2d Cir. 2009); Bustamente v. Mukasey, 531 F.3d 1059, 1062 (9th Cir. 2008). That leaves the Court in the same position as in an ordinary secular purpose case: determining whether the proffered reason for the EO is the real reason.

Defendants argue that permitting a court to "look behind" the president's national security judgments will result in a trial de novo of the president's national security determinations.[9] No party has asked the Court to engage in such an exercise, nor would

[9] Similar concerns were raised in one of the wartime detention cases, Boumediene v. Bush, 553 U.S. 723, 831 (2008) (Scalia, J., dissenting), but lower courts have proven capable of conducting the required due process analysis without supplanting the executive branch, see e.g., Bensayah v. Obama, 610 F.3d 718, 723–27 (D.C. Cir. 2010).

precedent permit it to do so. As in the Ninth Circuit, this court's "jurisprudence has long counseled deference to the political branches on matters of immigration and national security[.]" Washington, 2017 WL 526497, at *5. The Establishment Clause concerns discussed above do not involve an assessment of the merits of the president's national security judgment. Instead, the question is whether the EO was animated by national security concerns at all, as opposed to the impermissible motive of, in the context of entry, disfavoring one religious group and, in the area of refugees, favoring another religious group.

The Commonwealth has produced unrebutted evidence supporting its position that it is likely to succeed on an Establishment Clause claim. The "Muslim ban" was a centerpiece of the president's campaign for months, and the press release calling for it was still available on his website as of the day this Memorandum Opinion is being entered. See [Dkt. 61-12]. The president connected that policy to this EO when, asked last July if he had abandoned his plan for a Muslim ban, he responded "Call it whatever you want. We'll call it territories, OK?" [Dkt. 61-22] at 10. Giuliani said two days after the EO was signed that Trump's desire for a Muslim ban was the impetus for this policy. [Dkt. 61-4] at 1. And on the same day that the president signed the EO, he lamented that under the old policy, "If you were a Muslim you could come in, but if you were a Christian, it was almost impossible," and said his administration was "going to help" make persecuted Christians a priority. [Dkt. 61-6] at 2. Defendants have not denied any of these statements or produced any evidence, beyond the text of the EO itself, to support their contention that the EO was primarily motivated by national security concerns.[10]

[10] The Court gives little weight to the post hoc statements by Secretary Kelly and other administration officials that this is not a Muslim ban. See [Dkt. 61-17] at 3. Such rationalizations, coming after the litigation had already been challenged on First Amendment and other legal grounds, are typically afforded little weight in an intent inquiry. See Peacock v. Duval, 694 F.2d 644, 646 (9th Cir. 1982).

The "specific sequence of events" leading to the adoption of the EO bolsters the Commonwealth's argument that the EO was not motivated by rational national security concerns. As the declaration from the national security experts states, ordinarily an executive order prioritizing national security is based "on cleared views from expert agencies with broad experience on the matters presented to [the president]." [Dkt. 57] at ¶ 7. But here there is no evidence that such a deliberative process took place. Id. To the contrary, there is evidence that the president's senior national security officials were taken by surprise. See [Dkt. 61-17]. Although Giuliani suggested that the EO was formulated by a "whole group of very expert lawyers" and at least two members of Congress, this process appears to have taken place during the campaign and there is no evidence that this commission was privy to any national security information when developing the policy. See [Dkt. 61-4]. Once again, defendants have offered no evidence to the contrary.

Defendants argue that the list of countries affected by the EO was singled out by Congress and the previous administration for special scrutiny and therefore cannot reflect religious prejudice. Giuliani advanced a similar argument in his interview after the EO was signed—that as long as the policy was given an outwardly legal form, it is constitutional. [Dkt. 61-4] at 1–2. Once again, McCreary is to the contrary:

> One consequence of taking account of the purpose underlying past actions is that the same government action may be constitutional if taken in the first instance and unconstitutional if it has a sectarian heritage. This presents no incongruity, however, because purpose matters.

545 U.S. at 866 n.14. Absent the direct evidence of animus presented by the Commonwealth, singling out these countries for additional scrutiny might not raise Establishment Clause concerns; however, with that direct evidence, a different picture emerges. In Giuliani's own account, the origin of this EO was a statement by the president that he wanted a legal way to

impose a ban on Muslims entering the United States. [Dkt. 61-4] at 1. The president himself acknowledged the conceptual link between a Muslim ban and the EO when, asked if he had changed his position, he said "Call it whatever you want. We'll call it territories, OK?" [Dkt. 61-22] at 10. That the same list might have been created by constitutionally legitimate concerns does not alter the legal analysis under McCreary.

The argument has also been made that the Court cannot infer an anti-Muslim animus because the EO does not affect all, or even most, Muslims. The major premise of that argument—that one can only demonstrate animus toward a group of people by targeting all of them at once—is flawed. For example, it is highly unlikely that the Supreme Court considered the displays of the Ten Commandments erected by the Kentucky counties in McCreary, which had a localized impact, to be targeted at all persons outside the Judeo-Christian traditions. See 545 U.S. at 851. Moreover, the Supreme Court has never reduced its Establishment Clause jurisprudence to a mathematical exercise. It is a discriminatory purpose that matters, no matter how inefficient the execution. See id. at 860.

Finally, defendants argue that the evidence on which the Commonwealth relies proves too much, because it would render every policy that the president makes related to Muslim-majority countries open to challenge. This fear is exaggerated. The Court's conclusion rests on the highly particular "sequence of events" leading to this specific EO and the dearth of evidence indicating a national security purpose. See McCreary, 545 U.S. at 862. The evidence in this record focuses on the president's statements about a "Muslim ban" and the link Giuliani established between those statements and the EO. Based on that evidence, at this preliminary

of the litigation, the Court finds that the Commonwealth has established a likelihood of success on the merits.[11]

D. Irreparable Harm

As a matter of law, the threat of an Establishment Clause violation in and of itself constitutes irreparable harm. Newsom v. Albemarle Cnty. Sch. Bd., 354 F.3d 249, 261 (4th Cir. 2003) (citing Elrod v. Burns, 427 U.S. 347, 373 (1976)). But it is not the only irreparable harm that the Commonwealth is experiencing. As discussed above, the travel ban applies to hundreds of students at the Commonwealth's universities, and is already preventing the exchange of faculty on which such universities thrive, by significantly straining freedom of movement. Moreover, Virginia's schools have begun to lose students, and have credibly stated that they expect to continue losing students and medical residents in the coming months if the travel ban is not lifted. Students are not fungible, thus these losses cannot be compensated by money damages, even if money damages were available in this civil action, which they are not. In light of the likelihood of an Establishment Clause violation and the restraint on liberty imposed by the travel ban, the Commonwealth has established irreparable harm.

E. Balance of the Equities

As the Fourth Circuit has held, "a state is in no way harmed by the issuance of a preliminary injunction which prevents the state from enforcing restrictions likely to be found unconstitutional[.]" Giovani Carandola, Ltd. v. Bason, 303 F.3d 507, 521 (4th Cir. 2002) (internal quotation marks and citation omitted). Moreover, in contrast to the evidence of irreparable harm to the Commonwealth from the EO, the defendants have failed to present any

[11] Because the Commonwealth has established a likelihood of success on its Establishment Clause claim, the Court does not need to address its equal protection, due process, or statutory claims at this stage.

evidence of harm they or the nation will suffer if enforcement of § 3(c) of the EO is preliminarily enjoined beyond bare assertions that the EO is necessary for national security. Although there is no interest more weighty than a bona fide national security concern, the defendants have presented no evidence to support their contention that the EO is necessary to national security. And as the Ninth Circuit observed, there is no evidence that the procedures in place before the EO was signed were inadequate, as the government has not pointed to any attacks perpetrated by nationals of the affected countries since September 11, 2001. Washington, 2017 WL 526497 at *10. Ironically, the only evidence in this record concerning national security indicates that the EO may actually make the country less safe. As the former national security officials have stated: "[The EO] ultimately undermines the national security of the United States, rather than mak[ing] us safer. In our professional opinion, this Order cannot be justified on national security or foreign policy grounds." [Dkt. 57] at ¶ 3. The Commonwealth therefore prevails on the balance of the equities.

F. Public Interest

The Fourth Circuit has held that "upholding constitutional rights surely serves the public interest." Giovani Carandola, 303 F.3d at 521 (internal quotation marks and citation omitted). The Court therefore finds that enjoining an action that is likely a violation of the Establishment Clause serves the public interest, particularly in the absence of evidence to support the government's asserted national security interest as discussed above.

G. Scope of Relief

The Commonwealth originally sought an order enjoining enforcement of § 3(c) of the EO at any port of entry against Virginia residents who lawfully held either LPR status, a valid student visa, or a valid work visa at the time that the EO was signed. At oral argument, it

amended its request to include a request for a nationwide injunction applying to all persons, not just Virginia residents. Although "[n]ationwide injunctions are appropriate if necessary to afford relief to the prevailing party," Va. Soc'y for Human Life v. Fed. Election Comm'n, 263 F.3d 379, 393 (2001), injunctive relief must be no broader than necessary to avoid encroaching "on the ability of other circuits to consider the" questions raised. Id. The relief originally requested by the Commonwealth is appropriately tailored to the basis for the Commonwealth's standing and its claims relating to its residents, colleges, and universities. Moreover, the nationwide temporary restraining order entered in the District of Washington provides the broader protection sought by the Commonwealth. To avoid any claim that the preliminary injunction to be entered in this litigation is defective because of overbreadth, this Court declines the Commonwealth's invitation to impose broader relief.

III. CONCLUSION

For the reasons discussed in this Memorandum Opinion, the Court holds that the unrefuted evidence presented by the Commonwealth establishes that there is a likelihood the Commonwealth will prevail on the merits of its Establishment Clause claim; that it will suffer irreparable injury if the enforcement of § 3(c) of the EO is not enjoined as it relates to Virginia residents, Virginia institutions, and persons connected to those persons and institutions; that the defendants will not suffer any harm from imposing the injunction; and that enjoining unconstitutional action by the Executive Branch is always in the public's interest. Accordingly, the Court will enter a separate order granting a modified version of the injunction sought by the Commonwealth.

Entered this 13th day of February, 2017.

Alexandria, Virginia

/s/
Leonie M. Brinkema
United States District Judge

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

TAREQ AQEL MOHAMMED AZIZ, et al.,	)	
	)	
Petitioners,	)	
	)	
v.	)	1:17-cv-116 (LMB/TCB)
	)	
DONALD TRUMP, President of the United States, et al.,	)	
	)	
	)	

Defendants.

PRELIMINARY INJUNCTION

For the reasons stated in the accompanying Memorandum Opinion, the Court finds that the Commonwealth of Virginia has standing to maintain this civil action and has established that it is likely to prevail on the merits, that it is likely to suffer irreparable harm in the absence of injunctive relief, and that the balance of the equities and the public interest favor an injunction. Accordingly, the Commonwealth's Motion for a Preliminary Injunction [Dkt. 23] is GRANTED and it is hereby

ORDERED that respondents, and all officers, agents, and employees of the Executive Branch of the United States government, and anyone acting under their authorization or direction be and are ENJOINED from enforcing § 3(c) of Executive Order 13,769 against any person who has a Virginia residence or is employed by or attends an educational institution administered by the Commonwealth of Virginia, and who, as of 5:00 p.m. Eastern Standard Time on Friday, January 27, 2017, was lawfully admitted for permanent residency in the United States, held an immigrant visa that would entitle the bearer to be lawfully admitted for permanent residency upon admission to the United States, held a valid student visa (or accompanying family or spousal visa), or held a valid work visa (or accompanying family or spousal visa); and it is further

ORDERED that nothing in this Order affects the statutes or regulations relating to immigration in effect before Executive Order 13,769 went into effect; and it is further

ORDERED that the Commonwealth of Virginia is not required to deposit a security.

The Clerk is directed to forward copies of this Preliminary Injunction and the accompanying Memorandum Opinion to counsel of record.

Entered this 13th day of February, 2017.

Alexandria, Virginia

/s/

Leonie M. Brinkema
United States District Judge

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From:	Campagnolo, Donna P
To:	Moran, Karla; Neufeld, Donald W; Cox, Sophia; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject:	RE: I-192
Date:	Tuesday, February 07, 2017 11:01:20 AM
Attachments:	192 eo option.docx

All: Thanks so much for the great discussion this morning. Attached is the updated version.

Thanks again.

Donna Campagnolo
HQ Service Center Operations

From: Moran, Karla
Sent: Tuesday, February 07, 2017 10:52 AM
To: Neufeld, Donald W; Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

We (SCOPS) voted for the I-192. It's cleaner for us to implement and CBP will not have issues if they need to ER the person. The I-192 will provide them with an I-797 that is a Transportation Letter (draft language attached). They would need to provide a valid passport and visa to enter and be inspected. On the other hand, if we issue a parole – CBP is worried that if issues arise, they may try to say they have a parole.

Also, while e-verify isn't related to admission, we added it because the Fortune 500 companies are asking to vouch for their employees (e.g. Microsoft, Amazon, Google, etc.). This would ensure that we are only accepting letters from legitimate businesses that have been vetted. We thought it would be good to leave in but completely understand if it's taken out somewhere along the process, as many are reviewing.

From: Neufeld, Donald W
Sent: Tuesday, February 07, 2017 10:46 AM
To: Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Overall the paper looks very good. Thanks to everyone for pulling it together so quickly.

The everify requirement would purely be a policy call. I don't see the nexus between e-verify use and a national interest determination related to admission so I would advocate for removing it.

I agree that adding work to VSC is problematic so if we could do I-192s elsewhere that would be better. We also need to validate the 18000 volume estimate as I don't know who provided it or how it was calculated.

If we believe the I-131 is better we should explain why.

From: Cox, Sophia
Sent: Tuesday, February 07, 2017 9:30:03 AM
To: Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Cc: Neufeld, Donald W
Subject: RE: I-192

Adding Ron.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Cox, Sophia
Sent: Tuesday, February 07, 2017 8:39 AM
To: Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M
Cc: Neufeld, Donald W
Subject: RE: I-192
Importance: High

Hi. Here are my concerns in the attached. Look forward to discussing.

- Why are we requiring E-Verify? Are we being told it is a requirement from the FO/Dept. or are we imposing it on ourselves? [redacted] (b)(5)
- If the I-192 is denied, what would be the legal basis for the removal charge be?
- I know VSC already does the I-192s for the victims relate work, but this will coincide with cap where the contractors will already be knee deep in data entry. Recommend moving this elsewhere.

Sophia Cox
Senior Advisor, Policy

Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529

[redacted] (b)(6)

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 7:56 AM
To: Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Good morning Pam. Thanks so much for the feedback. It's for folks inside the US. We can certainly make that more clear.

Regarding the timeframe, as I understand it from Leslie, the major piece for start up is around the system updates. Leslie- please confirm. I don't know that those can be cut down.

All- If the system update timeframe ends up being too long, does the team have any ideas on what we can do without those in place for this? Also, if not 30 days for a processing time, what would you recommend?

Thanks again.
Donna

From: Hutchings, Pamela G
Sent: Tuesday, February 07, 2017 7:49:49 AM
To: Campagnolo, Donna P; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Good morning, All,

The opening paragraph seems to imply this form/process may be used for those visa holders currently "stuck" outside the U.S., is that correct? Otherwise the process proposed is manageable for USCIS to implement – in the long term. If this is simply a short term fix, required for a small number of affected individuals during this 80 day period, then a 45 day startup and 30 day processing time doesn't seem to meet their immediate needs.

Pam

From: Campagnolo, Donna P
Sent: Monday, February 06, 2017 9:13 PM
To: Moran, Karla; McCament, James W; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Hi all and thanks so much Karla. The I-192 version looks great.

I have been working on the 131 version, and because so much of that is similar to what we note about the I-192 processing, I decided to merge both options into one document and added some background to give some context. Take a look and let me know what you think about that approach.

Bottom line is it looks like we could implement either option in about 45 days as the system updates to notices and filing look minimal and simple web updates. Can you verify those timelines? Also, do we want to go as far as to make a recommendation on which we think is the right one to implement or simply present both?

Thanks again. Looking forward to your feedback. Have a good night and looking forward to meeting in the morning.

Donna Campagnolo
HQ Service Center Operations

From: Moran, Karla
Sent: Monday, February 06, 2017 5:44 PM
To: McCament, James W; Campagnolo, Donna P; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Subject: I-192

All,
This is the latest draft version, we've updated with "business" and "student" criteria. Please feel free to edit.
Donna is working on a separate draft for paroles. We will discuss in the morning as these are both due by noon tomorrow.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

Exception Options

Background: As a result of recent Executive Orders relating to limiting travel to the United States from 7 identified countries, the Department of Homeland Security is in a challenging position to assist individuals that may be stuck in this process.

This proposal specifically applies to the population of individuals, currently in the United States, that came to the US on a valid business or student visa, and still has a current, unexpired visa and passport.

This is a truly unique situation for the Agency. One that we haven't encountered to date, thus, will require something new to be implemented. Essentially, DHS needs to create a process that would allow the individuals stuck in this scenario to apply to the Department prior to leaving the country. This provisional review will ensure that, upon their return to the United States, they will be allowed reentry. The goal being that this new process will provide them with a document that they could present to CBP when they arrive to allow entry.

It is estimated per the Department of State (DOS), as communicated to USCIS by CBP that approximately 18,000 people could be in this population.

While we believe that the best option to truly stay aligned to the intent of the Order is to not allow this, we understand that the Department needs to consider and possibly create an option to assure impacted individuals a safe return to the US. USCIS currently doesn't have an existing process that allows for this, thus, a new process must be created for this sole reason. As a result, USCIS is proposing two possible options for consideration.

Option 1: I-192, Application for Advance Permission to Enter as a Nonimmigrant

I-192 Process Overview:

- USCIS shall adjudicate Form I-192, Application for Advance Permission to Enter as a Nonimmigrant. Currently, these cases are accepted at the Vermont Service Center (VSC). We would look to locate this workload at one of the other Service Centers.
    - Fees:
    - Form I-192 $930 USD
    - Biometrics $80 USD
- Approval of the I-192 will generate Form I-797 that will allow the beneficiary to board an aircraft back to the United States. CBP will inspect and determine admission based on the beneficiary's NIV.
    - A denial of Form I-192 may result in the issuance of an NTA.

- USCIS (Service Center Operations) (SCOPS) will accept the current expedite process request for Form I-192.
    - Severe financial loss to company or person;
    - Emergency situation;
    - Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States;
    - Department of Defense or national interest situation (These particular expedite requests must come from an official U.S. government entity and state that delay will be detrimental to the government.);
    - USCIS error; or
    - Compelling interest of USCIS.

- Biometrics are required for all I-192 cases. Adjudication will not occur until results are received and analyzed.
    - Name checks will not be required – currently there is a 9 month backlog.

- Premium Processing is not available for Form I-192.

- USCIS Field Operations will accept emergency process request for Form I-192, when the Form I-192 is pending with USCIS (SCOPS).

- Routine processing time for I-192 requests will be 30 days.

Mandatory Criteria:

The applicant must file Form I-192 with the evidence described in "criteria" below.

1. Business Traveler Criteria
    a) Traveler must have a valid Non Immigrant Visa (H, I, L, O, P, Q, R).
    b) U.S. employer must be enrolled in e-Verify.
    c) Must have an original letterhead/signed letter by CEO, Vice President, or President level, from U.S. Company indicating purpose of travel (business) and length of trip.
    d) Travel may only be for business.
    e) Travel may not be for vacation.
    f) Travel may not be to one of the seven countries indicated on Executive Order.

2. Student Traveler Criteria
a) Student must have a valid Non Immigrant Visa (F, M, J).
    b) U.S. University/School must be verified in SEVIS.
    c) Must have an original letterhead/signed letter by Vice President, or President level, from U.S. University/School indicating purpose of travel (business) and length of trip.
    d) Travel may only be for business.
    e) Travel may not be for vacation.
    f) Travel may not be to one of the seven countries indicated on Executive Order.

Option #1 - Required for Implementation:

1. Communications on new process to the public
2. Preparation at VSC for intake and customer interaction.
    a. Training on new process
3. System Updates:
    - Form I-192 – Currently, very little data is collected on the I-192 in USCIS systems. A modification to CLAIMS 3 will be required to add additional data fields. This piece is essential so that we can differentiate these cases from others and be able to run reports on this specific workload. It is estimated that this modification can be made in an estimated two weeks.

    - Form I-797 resides in the local C3 print service. Changes can be made to the notice (body) within two weeks; however, header changes may require more time. Total estimated time for changes is 30 days.

If required, USCIS could implement this portion of option #1 in 45 days. It's important to note at this stage in the proposed process that true success will be dependent on CBP also playing a role in the process as these individuals enter the United States. The CBP process overview is noted below.

USCIS will not interview these cases. In this particular process, USCIS views the interview portion of the adjudication to occur at the time of entry into the US, with CBP.

CBP Process

Option #2 – Advanced Parole

I-131 Process Overview: Much of the process flow as identified in Option # 1 will also apply here in the I-131 process.

- USCIS shall adjudicate Form I-131, Application for Travel Document.
- All Service Centers and many Field Office locations currently adjudicate I-131s, Advanced Parole. For this workload, SCOPS would look to the Nebraska Service Center (NSC) to process these requests.
- The I-131 is a form that we use in support of many different benefits. As a result, this option may be a bit more challenging to segregate the population for reporting purposes. We do believe that we can find a way to do that through data analysis, just wanted to note it in the proposal as a challenge that needs to be overcome.
    - If it is identified that there is a particular need to have these cases follow a different process then the standard we could create an exception here. The Service Center could process the I-131, and USCIS could ask the individual to come into the Field Office to gather their travel document.

Otherwise, the standard process is they will receive their travel document via the mail.

- With that said, advanced parole, under its definition and in looking at the Agency's past use of it, is the solution that makes the most sense and is completely aligned to the intent of parole and USCIS processing.

    - Fees:
    - Form I-131 $575 USD
    - Biometrics $80 USD

- Approval of the I-131 will generate Form I-797 as well as a I-512, which is a travel document. This document will allow the beneficiary to board an aircraft back to the United States. CBP will inspect and determine admission based on the beneficiary's NIV.

    - A denial of Form I-131 may result in the issuance of an NTA.

- USCIS (Service Center Operations) (SCOPS) will accept the current expedite process request for Form I-131.
    - Severe financial loss to company or person;
    - Emergency situation;
    - Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States;
    - Department of Defense or national interest situation (These particular expedite requests must come from an official U.S. government entity and state that delay will be detrimental to the government.);
    - USCIS error; or
    - Compelling interest of USCIS.

- Biometrics are required for all I-131 cases. Adjudication will not occur until results are received and analyzed.

- Premium Processing is not available for Form I-131.

- USCIS Field Operations will accept emergency process requests for Form I-512, Request for Travel Document, when the Form I-131 is pending with USCIS (SCOPS).

- Routine processing time for I-131 requests will be 30 days.

Mandatory Criteria:

The applicant must file Form I-131 with the evidence described in "criteria" below.

3. Business Traveler Criteria

g) Traveler must have a valid Non Immigrant Visa (H, L, O, P, R).
h) U.S. employer must be enrolled in e-Verify.
i) Must have an original letterhead/signed letter by CEO, Vice President, or President level, from U.S. Company indicating purpose of travel (business) and length of trip.
j) Travel may only be for business.
k) Travel may not be for vacation.
l) Travel may not be to one of the seven countries indicated on Executive Order.

4. Student Traveler Criteria

g) Student must have a valid Non Immigrant Visa (F, M, J).
h) U.S. University/School must be verified in SEVIS.
i) Must have an original letterhead/signed letter by Vice President, or President level, from U.S. University/School indicating purpose of travel (business) and length of trip.
j) Travel may only be for business.
k) Travel may not be for vacation.
l) Travel may not be to one of the seven countries indicated on Executive Order.

Option #2 - Required for Implementation:

4. Communications on new process to the public
5. Preparation at NSC for intake and customer interaction.
    a. Training on new process
6. System Updates:
    - Form I-512 – USCIS would like to modify the language to the I-512 for this new process so that it is clear that these cases are the exception to the Order. Updates will take approximately 1 month.

    - Form I-797 (approval notice) for the I-131 resides in the local C3 print service. Changes can be made to the notice (body) within two weeks; however, header changes may require more time. Total estimated time for changes is 30 days.

If required, USCIS could implement this portion of option #2 in 45 days. It's important to note at this stage in the proposed process that true success will be dependent on CBP also playing a role in the process as these individuals enter the United States. The same process that CBP outlined in Option #1 would apply here in Option #2 as well.

Recommendation: USCIS recommends that the I-192 process is implemented, if it is required to have an exception process for these individuals with DHS. It is a form and process that's orginal intent is specifically for this purpose. Because it is not currently used for many processes, it's something that allows for ease in reporting and segregating this population from the rest.

Exception Order Authorization

This notice is to advise you of action taken on Form I-192. The official notice has been mailed according to the mailing preference noted on the Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. Any relevant documentation was mailed according to the specified mailing preference.

The above application for Exception to Executive Order 13769 is approved.

Transportation Line: Presentation of this original document authorizes a transportation line to accept the named bearer on board for travel to the United States without liability under Section 273 of the Immigration and Nationality Act (INA). This travel authorization is issued pursuant to Section (3)(e) of Executive Order 13769 dated January 27, 2017.

Recipient: This document authorizes a **SINGLE DEPARTURE** from the United States and a **SINGLE RETURN** to the United States. Upon your return to the United States and your arrival at a Port of Entry, you must present this document to Customs and Border Protection (CBP), together with your valid, unexpired non-immigrant visa, and your valid unexpired passport. Your travel must be within the validity period of this authorization and your valid non-immigrant visa.

CBP: This authorization has been issued pursuant to Section (3)(g) of Executive Order 13769 following an individual case by case review and upon a determination that admission would be in the national interest. The named bearer is authorized to depart the United States temporarily, with the intent to return to the United States. Presentation of the original of this document and a valid visa allows a Customs and Border Protection (CBP) Officer at a Port of Entry to readmit the named bearer, whose photograph appears on this authorization into the United States based on Section (3)(g) of Executive Order 13769.

WARNING NOTICE

Read before you travel abroad

Presentation of this Exception Order Authorization, together with a valid unexpired passport and a valid unexpired non-immigrant visa, will allow a CBP officer at a port-of entry to readmit you into the United States.

DHS can revoke or terminate your Exception Order Authorization at any time. If you are outside the United States when you are notified that DHS has revoked or terminated your Exception Order Authorization document, the revocation or termination of this travel document may leave you unable to return to the United States unless you receive a subsequent travel authorization.

Leaving the United States, even with this Exception Order Authorization, does not guarantee that you will be readmitted into the United States.

Inadmissibility in general: If you have concerns about admissibility and waivers, you should contact an immigration attorney or an immigrant assistance organization accredited by the BIA before making travel plans.

Waiver Options

Background: As a result of recent Executive Orders relating to limiting travel to the United States from 7 identified countries, the Department of Homeland Security is in a challenging position to assist individuals that may be stuck in this process. The concerning population consists of individuals, currently in the United States, that came to the US on a valid visa, but as a result of the recent Orders, can no longer enter and depart the country.

This is a truly unique situation for the Agency. One that we haven't encountered to date, thus, will require something new to be implemented. Essentially, DHS needs to create a process that would allow the individuals stuck in this scenario to apply to the Department prior to leaving the country. This provisional review will ensure that, upon their return to the United States, they will be allowed reentry. The goal being that this new process will provide them with a document that they could present to CBP when they arrive to allow entry.

It is estimated that approximately 18,000 people could be in this population.

While we believe that the best option to truly stay aligned to the intent of the Order is to not allow this, we understand that the Department needs to consider and possibly create an option to assure impacted individuals a safe return to the US. USCIS currently doesn't have an existing process that allows for this, thus, a new process must be created for this sole reason. As a result, USCIS is proposing two possible options for consideration.

Option 1: Grant Exception to "Known Travelers"

I-192 Process Overview:

- USCIS shall adjudicate Form I-192, Application for Advance Permission to Enter as a Nonimmigrant. Currently, these cases are accepted at the Vermont Service Center (VSC). For ease of implementation we would look to locate this workload there as well.
    - Fees:
    - Form I-192 $930 USD
    - Biometrics $80 USD
- Approval of the I-192 will generate Form I-797 that will allow the beneficiary to board an aircraft back to the United States. CBP will inspect and determine admission based on the beneficiary's NIV.
    - A denial of Form I-192 may result in the issuance of an NTA.
- USCIS (Service Center Operations) (SCOPS) will accept the current expedite process request for Form I-192.
    - Severe financial loss to company or person;
    - Emergency situation;

- Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States;
- Department of Defense or national interest situation (These particular expedite requests must come from an official U.S. government entity and state that delay will be detrimental to the government.);
- USCIS error; or
- Compelling interest of USCIS.

- Biometrics are required for all I-192 cases. Adjudication will not occur until results are received and analyzed.

- Premium Processing is not available for Form I-192.

- USCIS Field Operations will accept emergency process request for Form I-192, when the Form I-192 is pending with USCIS (SCOPS).

- Routine processing time for I-192 requests will be 30 days.

Mandatory Criteria:

The applicant must file Form I-192 with the evidence described in "criteria" below.

1. Business Traveler Criteria
   a) Traveler must have a valid Non Immigrant Visa (H, L, O, P, R).
   b) U.S. employer must be enrolled in e-Verify.
   c) Must have an original letterhead/signed letter by CEO, Vice President, or President level, from U.S. Company indicating purpose of travel (business) and length of trip.
   d) Travel may only be for business.
   e) Travel may not be for vacation.
   f) Travel may not be to one of the seven countries indicated on Executive Order.

2. Student Traveler Criteria

a) Student must have a valid Non Immigrant Visa (F, M, J).
   b) U.S. University/School must be verified in SEVIS.
   c) Must have an original letterhead/signed letter by Vice President, or President level, from U.S. University/School indicating purpose of travel (business) and length of trip.
   d) Travel may only be for business.
   e) Travel may not be for vacation.
   f) Travel may not be to one of the seven countries indicated on Executive Order.

Option #1 - Required for Implementation:

1. Communications on new process to the public
2. Preparation at VSC for intake and customer interaction.
   a. Training on new process

3. System Updates:
    - Form I-192 – Currently, very little data is collected on the I-192 in USCIS systems. A modification to CLAIMS 3 will be required to add additional data fields. This piece is essential so that we can differentiate these cases from others and be able to run reports on this specific workload. It is estimated that this modification can be made in an estimated two weeks.

    - Form I-797 resides in the local C3 print service. Changes can be made to the notice (body) within two weeks; however, header changes may require more time. Total estimated time for changes is 30 days.

If required, USCIS could implement this portion of option #1 in 45 days. It's important to note at this stage in the proposed process that true success will be dependent on CBP also playing a role in the process as these individuals enter the United States. The CBP process overview is noted below.

CBP Process

Option #2 – Advanced Parole

I-131 Process Overview: Much of the process flow as identified in Option # 1 will also apply here in the I-131 process.

- USCIS shall adjudicate Form I-131, Application for Travel Document.
- All Service Centers and many Field Office locations currently adjudicate I-131s, Advanced Parole. For this workload, SCOPS would look to the Nebraska Service Center (NSC) to process these requests.
- The I-131 is a form that we use in support of many different benefits. As a result, this option may be a bit more challenging to segregate the population for reporting purposes. We do believe that we can find a way to do that through data analysis, just wanted to note it in the proposal as a challenge that needs to be overcome.
    - If it is identified that there is a particular need to have these cases follow a different process then the standard we could create an exception here. The Service Center could process the I-131, and USCIS could ask the individual to come into the Field Office to gather their travel document. Otherwise, the standard process is they will receive their travel document via the mail.

- With that said, advanced parole, under its definition and in looking at the Agency's past use of it, is the solution that makes the most sense and is completely aligned to the intent of parole and USCIS processing.

    - Fees:
    - Form I-131 $575 USD

- Biometrics $80 USD

- Approval of the I-131 will generate Form I-797 as well as a I-512, which is a travel document. This document will allow the beneficiary to board an aircraft back to the United States. CBP will inspect and determine admission based on the beneficiary's NIV.

  - A denial of Form I-131 may result in the issuance of an NTA.

- USCIS (Service Center Operations) (SCOPS) will accept the current expedite process request for Form I-131.
  - Severe financial loss to company or person;
  - Emergency situation;
  - Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States;
  - Department of Defense or national interest situation (These particular expedite requests must come from an official U.S. government entity and state that delay will be detrimental to the government.);
  - USCIS error; or
  - Compelling interest of USCIS.

- Biometrics are required for all I-131 cases. Adjudication will not occur until results are received and analyzed.

- Premium Processing is not available for Form I-131.

- USCIS Field Operations will accept emergency process requests for Form I-512, Request for Travel Document, when the Form I-131 is pending with USCIS (SCOPS).

- Routine processing time for I-131 requests will be 30 days.

Mandatory Criteria:

The applicant must file Form I-131 with the evidence described in "criteria" below.

3. Business Traveler Criteria
   g) Traveler must have a valid Non Immigrant Visa (H, L, O, P, R).
   h) U.S. employer must be enrolled in e-Verify.
   i) Must have an original letterhead/signed letter by CEO, Vice President, or President level, from U.S. Company indicating purpose of travel (business) and length of trip.
   j) Travel may only be for business.
   k) Travel may not be for vacation.
   l) Travel may not be to one of the seven countries indicated on Executive Order.

4. Student Traveler Criteria

g) Student must have a valid Non Immigrant Visa (F, M, J).
h) U.S. University/School must be verified in SEVIS.
i) Must have an original letterhead/signed letter by Vice President, or President level, from U.S. University/School indicating purpose of travel (business) and length of trip.
j) Travel may only be for business.
k) Travel may not be for vacation.
l) Travel may not be to one of the seven countries indicated on Executive Order.

Option #2 - Required for Implementation:

4. Communications on new process to the public
5. Preparation at NSC for intake and customer interaction.
    a. Training on new process
6. System Updates:
    - Form I-512 – USCIS would like to modify the language to the I-512 for this new process so that it is clear that these cases are the exception to the Order. Updates will take approximately 1 month.

    - Form I-797 (approval notice) for the I-131 resides in the local C3 print service. Changes can be made to the notice (body) within two weeks; however, header changes may require more time. Total estimated time for changes is 30 days.

If required, USCIS could implement this portion of option #2 in 45 days. It's important to note at this stage in the proposed process that true success will be dependent on CBP also playing a role in the process as these individuals enter the United States. The same process that CBP outlined in Option #1 would apply here in Option #2 as well.

From:	Moran, Karla
To:	Hutchings, Pamela G; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject:	RE: Form I-192
Date:	Monday, February 06, 2017 1:49:33 PM
Attachments:	Known Traveler.EO Exception.docx

Agreed, it's changed to "business only." If the FO wants to add personal trips – that's up to them. But, this makes it much cleaner. (new version attached)

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted]
(b)(6)

From: Hutchings, Pamela G
Sent: Monday, February 06, 2017 2:41 PM
To: Moran, Karla; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: RE: Form I-192

Karla,

Should the expedite criteria be modified as our stated criteria to file is for business ONLY travel? Suggest keeping only bullets one (edit out person) five, six and seven. In addition, edit Emergency Criteria to fit criteria to file (business related ONLY).

Pam

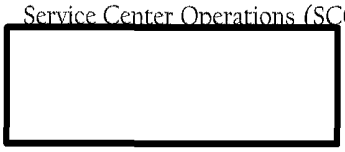
From: Moran, Karla
Sent: Monday, February 06, 2017 2:09 PM
To: McCament, James W; Campagnolo, Donna P; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: Form I-192

Okay, first draft. Please edit as needed.
Remember we only have until 3pm EST.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security

Citizenship & Immigration Services
Service Center Operations (SCOPS)



(b)(6)

Process to Grant Exception to "Known Travelers"

Summary

DHS requests that USCIS create a process to grant exceptions to the suspension of entry of Foreign Nationals from specified countries as responsible Known Travelers with pressing needs sponsored by U.S. companies. USCIS will adjudicate Form I-192, Application for Advance Permission to Enter as a Nonimmigrant and upon approval issue a Form I-797 that will allow the beneficiary to board an aircraft back to the United States.

USCIS (SCOPS) will accept the current expedite process request for Form I-192. USCIS (FOD) may accept "emergency" Form I-192, after the fee and Form is filed with SCOPS.

USCIS will issue a Form I-797 to beneficiary, if Form I-192 is approved. (language on Form I-797 to be determined)

Process

Beneficiary will file Form I-192 and the evidence described in "criteria" below.

Criteria

a) Must have a valid Non Immigrant Visa
b) Must have an original letterhead/signed letter by CEO, Vice President, or President level, from U.S. Company indicating purpose of travel (business) and length of trip.
c) Travel may only be for business.
d) Travel may not be to one of the seven countries indicated on Executive Order

Fees

$930 USD

Where to File

Because the filing address is ONLINE we can change this to CSC, VSC, TSC or NSC. Currently, the VSC is accepting Form I-192 for T's and U's.

Expedite Criteria

USCIS reviews expedite requests on a case-by-case basis and requests are granted at the discretion of the office leadership. The burden is on the applicant or petitioner to demonstrate that one or more of the expedite criteria have been met.

USCIS may expedite a petition or application if it meets one or more of the following criteria:

- Severe financial loss to company or person;
- Emergency situation;
- Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States;

- Department of Defense or national interest situation (These particular expedite requests must come from an official U.S. government entity and state that delay will be detrimental to the government.);
- USCIS error; or
- Compelling interest of USCIS.

Travel for vacation is not a valid criteria.

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Referred to Department of Homeland Security

(b)(6

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

(b)(5

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(b)(5

(b)(5

(b)(5

From:	Cox, Sophia
To:	Neufeld, Donald W; Arroyo, Susan K; Hope, Leslie K; Hutchings, Pamela G; McCament, James W; McConnell, James E; Moran, Karla; Sabga, George M
Subject:	RE: EO Hold
Date:	Monday, January 30, 2017 2:34:52 PM
Importance:	High

Hi. Per our conversation a little bit ago, here are some high level questions I got from folks for the Department to answer. I hope this is along the lines of what you are looking for. I didn't include the questions I sent you yesterday but if any of them need to be included let me know and I will put them back in.

1. Part of the uniform screening standard is to include "Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent"

    a. Does this mean that all applications and petitions will need to be revised or standardized? We note that many of the forms have already be revised to include the questions related to criminality and national security.

    b. If the answer to one of these questions reveals potential issues, what bearing will this have on benefit types that do not accord status and where the issue is not grounds for denial?

2. As part of the uniform screening standard the EO includes a directive to develop "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"

    a. Is this process/determination a discretionary call or will there be defined areas?

3. Information is to be collected on "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"

    a. What is the definition of "major offenses" as it relates to this section? How is it different from the term "aggravated felony" as defined in the INA 101(a)(43)?

4. Can we accept/adjudicate/approved (if eligible) I-730s for following to join family members of individuals granted asylum (FTJ-A) and I-730s for following to join family members of refugees? Is there any distinction between the processing of I-730s for asylees and refugees?

5. For those outside the US currently in T (victims of trafficking) or U (victims of severe form of crime) nonimmigrant status from the seven countries, will they be allowed re-entry? If waivers can be granted case by case, how will those requests be handled?

6. How does the EO impact TRIG exemptions?

7. What is expected of us in terms of reporting?

a. Data to be collected
b. Frequency
c. Transmission

FYI and in case you find this helpful, Pam sent me the numbers of FB/EB visas that were allocated to applicants from the applicable countries for FY-2017.

Iran	703 visa
Iraq	21 visas
Libya	47 visas
Somalia	7 visas
Sudan	9 visas
Syria	102 visas
Yemen	17 visas

I will go through all the EOs in more detail to see if there are other things that might impact us.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 12:29 PM
To: Arroyo, Susan K; Cox, Sophia; Hope, Leslie K; Hutchings, Pamela G; McCament, James W; McConnell, James E; Moran, Karla; Sabga, George M
Subject: EO Hold

At the recently concluded leadership meeting we learned that the processing hold we put in place over the weekend will be lifted. All messaging must now be cleared through the Department, so we cannot communicate this in writing to the troops. However, I wanted you to know that so we don't waste time formulating questions about the hold or working on strategies to ensure compliance. I

expect that the final guidance may be more nuanced on the processing of parole requests, but otherwise we are expecting to lift the hold on adjustments and other form types. Please do not share this further in light of the messaging restrictions. We hope to have formal cleared language later today or tomorrow.

Donald Neufeld
Associate Director
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Ave NE, Suite 2125
Washington, DC 20002

Referred to Department of Homeland Security

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Referred to Department of Homeland Security

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Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

From:	McCament, James W
To:	Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject:	RE: I-192
Date:	Tuesday, February 07, 2017 1:24:08 PM

Great, thanks Donna. Hopefully we'll know more after the court hearing tonight.

James W. McCament
Deputy Associate Director, Service Center Operations
U.S. Citizenship and Immigration Services
Department of Homeland Security
Washington, DC 20529-2150

[redacted] (b)(6)

This email (including any attachments) is intended solely for the use of the addressee(s) and may contain information that is sensitive or otherwise protected by applicable law. If you are not the intended recipient, your disclosure, copying, distribution or other use of (or reliance upon) the information contained in this email is strictly prohibited. If you are not the intended recipient, please notify the sender immediately and delete or destroy all copies. Thank You.

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 2:11 PM
To: McCament, James W; Neufeld, Donald W; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Hi all. Just talked with Julie and got the first set of responses back in. Looks like FOD agrees that the 192 is the way to go. With that said, we will start working to incorporate feedback. It sounds like a meeting may be scheduled for tomorrow morning with Lori to solidify this. I'll be sure to keep you posted as new information is available.

Thanks again.

Donna Campagnolo
HQ Service Center Operations

From: McCament, James W
Sent: Tuesday, February 07, 2017 12:38 PM
To: Neufeld, Donald W; Campagnolo, Donna P; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Thanks Don. Yes we should be meeting but its not set. But we all wholly agree with your hope-and Lori expressed the same point to DHS on yesterdays call (robustly and enthusiastically I might add).

James W. McCament
Deputy Associate Director,
Service Center Operations Directorate

U.S. Citizenship and Immigration Services
Department of Homeland Security
Washington, DC 20529-2150

[redacted] (b)(6)

This email (including any attachments) is intended solely for the use of the addressee(s) and may contain information that is sensitive or otherwise protected by applicable law. If you are not the intended recipient, your disclosure, copying, distribution or other use of (or reliance upon) the information contained in this email is strictly prohibited. If you are not the intended recipient, please notify the sender immediately and delete or destroy all copies. Thank You.

From: Neufeld, Donald W
Sent: Tuesday, February 07, 2017 12:23:17 PM
To: Campagnolo, Donna P; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Thanks Donna. I'm assuming at some point there will be a meeting with Lori and others to discuss. You all have done a great job outlining options and it will be good to get the perspective of others. Among all of us, I'm hoping it all goes no where and we dodge this bullet.

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 12:02:53 PM
To: Neufeld, Donald W; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Thanks Don. I'll take a look at that portion to ensure its all aligned with the I-192 recommendation. We have since removed the reference to VSC as well.

Donna Campagnolo
HQ Service Center Operations

From: Neufeld, Donald W
Sent: Tuesday, February 07, 2017 11:38 AM
To: Moran, Karla; Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

I guess I'm ambivalent on the E-verify piece. I think the checks we do on the beneficiaries are most important and unless we think an employer may be complicit in any intended misdeeds, I don't know that it makes a difference that Microsoft vouches for someone or a mom and pop operation without e-verify. Neither would necessarily know what's in the head of their employees.

I don't think this will be our call either way so as long as we don't have operational concerns we should just flag as a policy call.

There is a part in the doc where we say we think the I-131 is better. If we don't, we should fix that and also explain why we think the I-192 is preferable.

Again, thanks to everyone.

From: Moran, Karla
Sent: Tuesday, February 07, 2017 10:52:02 AM
To: Neufeld, Donald W; Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

We (SCOPS) voted for the I-192. It's cleaner for us to implement and CBP will not have issues if they need to ER the person. The I-192 will provide them with an I-797 that is a Transportation Letter (draft language attached). They would need to provide a valid passport and visa to enter and be inspected. On the other hand, if we issue a parole – CBP is worried that if issues arise, they may try to say they have a parole.

Also, while e-verify isn't related to admission, we added it because the Fortune 500 companies are asking to vouch for their employees (e.g. Microsoft, Amazon, Google, etc.). This would ensure that we are only accepting letters from legitimate businesses that have been vetted. We thought it would be good to leave in but completely understand if it's taken out somewhere along the process, as many are reviewing.

From: Neufeld, Donald W
Sent: Tuesday, February 07, 2017 10:46 AM
To: Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Overall the paper looks very good. Thanks to everyone for pulling it together so quickly.

The everify requirement would purely be a policy call. I don't see the nexus between e-verify use and a national interest determination related to admission so I would advocate for removing it.

I agree that adding work to VSC is problematic so if we could do I-192s elsewhere that would be better. We also need to validate the 18000 volume estimate as I don't know who provided it or how it was calculated.

If we believe the I-131 is better we should explain why.

From: Cox, Sophia
Sent: Tuesday, February 07, 2017 9:30:03 AM
To: Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D

Cc: Neufeld, Donald W
Subject: RE: I-192

Adding Ron.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted]
(b)(6)

From: Cox, Sophia
Sent: Tuesday, February 07, 2017 8:39 AM
To: Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M
Cc: Neufeld, Donald W
Subject: RE: I-192
Importance: High

Hi. Here are my concerns in the attached. Look forward to discussing.

- Why are we requiring E-Verify? Are we being told it is a requirement from the FO/Dept. or are we imposing it on ourselves? [redacted] (b)(5)

[redacted]

- If the I-192 is denied, what would be the legal basis for the removal charge be?
- I know VSC already does the I-192s for the victims relate work, but this will coincide with cap where the contractors will already be knee deep in data entry. Recommend moving this elsewhere.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted]
(b)(6)

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 7:56 AM
To: Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Good morning Pam. Thanks so much for the feedback. It's for folks inside the US. We can certainly make that more clear.

Regarding the timeframe, as I understand it from Leslie, the major piece for start up is around the system updates. Leslie- please confirm. I don't know that those can be cut down.

All- If the system update timeframe ends up being too long, does the team have any ideas on what we can do without those in place for this? Also, if not 30 days for a processing time, what would you recommend?

Thanks again.
Donna

From: Hutchings, Pamela G
Sent: Tuesday, February 07, 2017 7:49:49 AM
To: Campagnolo, Donna P; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Good morning, All,

The opening paragraph seems to imply this form/process may be used for those visa holders currently "stuck" outside the U.S., is that correct? Otherwise the process proposed is manageable for USCIS to implement – in the long term. If this is simply a short term fix, required for a small number of affected individuals during this 80 day period, then a 45 day startup and 30 day processing time doesn't seem to meet their immediate needs.

Pam

From: Campagnolo, Donna P
Sent: Monday, February 06, 2017 9:13 PM
To: Moran, Karla; McCament, James W; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Hi all and thanks so much Karla. The I-192 version looks great.

I have been working on the 131 version, and because so much of that is similar to what we note about the I-192 processing, I decided to merge both options into one document and added some

background to give some context. Take a look and let me know what you think about that approach.

Bottom line is it looks like we could implement either option in about 45 days as the system updates to notices and filing look minimal and simple web updates. Can you verify those timelines? Also, do we want to go as far as to make a recommendation on which we think is the right one to implement or simply present both?

Thanks again. Looking forward to your feedback. Have a good night and looking forward to meeting in the morning.

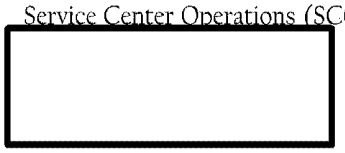
Donna Campagnolo
HQ Service Center Operations

From: Moran, Karla
Sent: Monday, February 06, 2017 5:44 PM
To: McCament, James W; Campagnolo, Donna P; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Subject: I-192

All,
This is the latest draft version, we've updated with "business" and "student" criteria. Please feel free to edit.
Donna is working on a separate draft for paroles. We will discuss in the morning as these are both due by noon tomorrow.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)



(b)(6)

Exception Order Authorization

This notice is to advise you of action taken on Form I-192. The official notice has been mailed according to the mailing preference noted on the Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. Any relevant documentation was mailed according to the specified mailing preference.

The above application for Exception to Executive Order _____ is approved.

Transportation Line: Presentation of this original document authorizes a transportation line to accept the named bearer on board for travel to the United States without liability under Section 273 of the Immigration and Nationality Act (INA). This travel authorization is issued pursuant to Section (3)(e) of Executive Order _____ dated January 27, 2017.

Recipient: This document authorizes a **SINGLE DEPARTURE** from the United States and a **SINGLE RETURN** to the United States. Upon your return to the United States and your arrival at a Port of Entry, you must present this document to Customs and Border Protection (CBP), together with your valid, unexpired non-immigrant visa, and your valid unexpired passport. Your travel must be within the validity period of this authorization and your valid non-immigrant visa.

CBP: This authorization has been issued pursuant to Section (3)(g) of Executive Order ____ following an individual case by case review and upon a determination that admission would be in the national interest. The named bearer is authorized to depart the United States temporarily, with the intent to return to the United States. Presentation of the original of this document and a valid visa allows a Customs and Border Protection (CBP) Officer at a Port of Entry to readmit the named bearer, whose photograph appears on this authorization into the United States based on Section (3)(g) of Executive Order _____.

WARNING NOTICE

Read before you travel abroad

Presentation of this Exception Order Authorization, together with a valid unexpired passport and a valid unexpired non-immigrant visa, will allow a CBP officer at a port-of entry to readmit you into the United States.

DHS can revoke or terminate your Exception Order Authorization at any time. If you are outside the United States when you are notified that DHS has revoked or terminated your Exception Order Authorization document, the revocation or termination of this travel document may leave you unable to return to the United States unless you receive a subsequent travel authorization.

Leaving the United States, even with this Exception Order Authorization, does not guarantee that you will be readmitted into the United States.

Inadmissibility in general: If you have concerns about admissibility and waivers, you should contact an immigration attorney or an immigrant assistance organization accredited by the BIA before making travel plans.

From:	Neufeld, Donald W
To:	Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject:	RE: I-192
Date:	Tuesday, February 07, 2017 9:45:58 AM
Attachments:	EO Options for Travelers.sophia.2-7-17.824 am.docx

Overall the paper looks very good. Thanks to everyone for pulling it together so quickly.

The everify requirement would purely be a policy call. I don't see the nexus between e-verify use and a national interest determination related to admission so I would advocate for removing it.

I agree that adding work to VSC is problematic so if we could do I-192s elsewhere that would be better. We also need to validate the 18000 volume estimate as I don't know who provided it or how it was calculated.

If we believe the I-131 is better we should explain why.

From: Cox, Sophia
Sent: Tuesday, February 07, 2017 9:30:03 AM
To: Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Cc: Neufeld, Donald W
Subject: RE: I-192

Adding Ron.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Cox, Sophia
Sent: Tuesday, February 07, 2017 8:39 AM
To: Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M
Cc: Neufeld, Donald W
Subject: RE: I-192
Importance: High

Hi. Here are my concerns in the attached. Look forward to discussing.

- Why are we requiring E-Verify? Are we being told it is a requirement from the FO/Dept. or are we imposing it on

ourselves? [redacted]

(b)(5) [redacted]

- If the I-192 is denied, what would be the legal basis for the removal charge be?
- I know VSC already does the I-192s for the victims relate work, but this will coincide with cap where the contractors will already be knee deep in data entry. Recommend moving this elsewhere.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 7:56 AM
To: Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Good morning Pam. Thanks so much for the feedback. It's for folks inside the US. We can certainly make that more clear.

Regarding the timeframe, as I understand it from Leslie, the major piece for start up is around the system updates. Leslie- please confirm. I don't know that those can be cut down.

All- If the system update timeframe ends up being too long, does the team have any ideas on what we can do without those in place for this? Also, if not 30 days for a processing time, what would you recommend?

Thanks again.
Donna

From: Hutchings, Pamela G
Sent: Tuesday, February 07, 2017 7:49:49 AM
To: Campagnolo, Donna P; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W

Subject: RE: I-192

Good morning, All,

[redacted] (b)(5)

Pam

From: Campagnolo, Donna P
Sent: Monday, February 06, 2017 9:13 PM
To: Moran, Karla; McCament, James W; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Hi all and thanks so much Karla. The I-192 version looks great.

I have been working on the 131 version, and because so much of that is similar to what we note about the I-192 processing, I decided to merge both options into one document and added some background to give some context. Take a look and let me know what you think about that approach.

[redacted] (b)(5)

Thanks again. Looking forward to your feedback. Have a good night and looking forward to meeting in the morning.

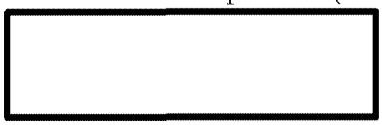
Donna Campagnolo
HQ Service Center Operations

From: Moran, Karla
Sent: Monday, February 06, 2017 5:44 PM
To: McCament, James W; Campagnolo, Donna P; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Subject: I-192

All,
This is the latest draft version, we've updated with "business" and "student" criteria. Please feel free to edit.
Donna is working on a separate draft for paroles. We will discuss in the morning as these are both due by noon tomorrow.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)



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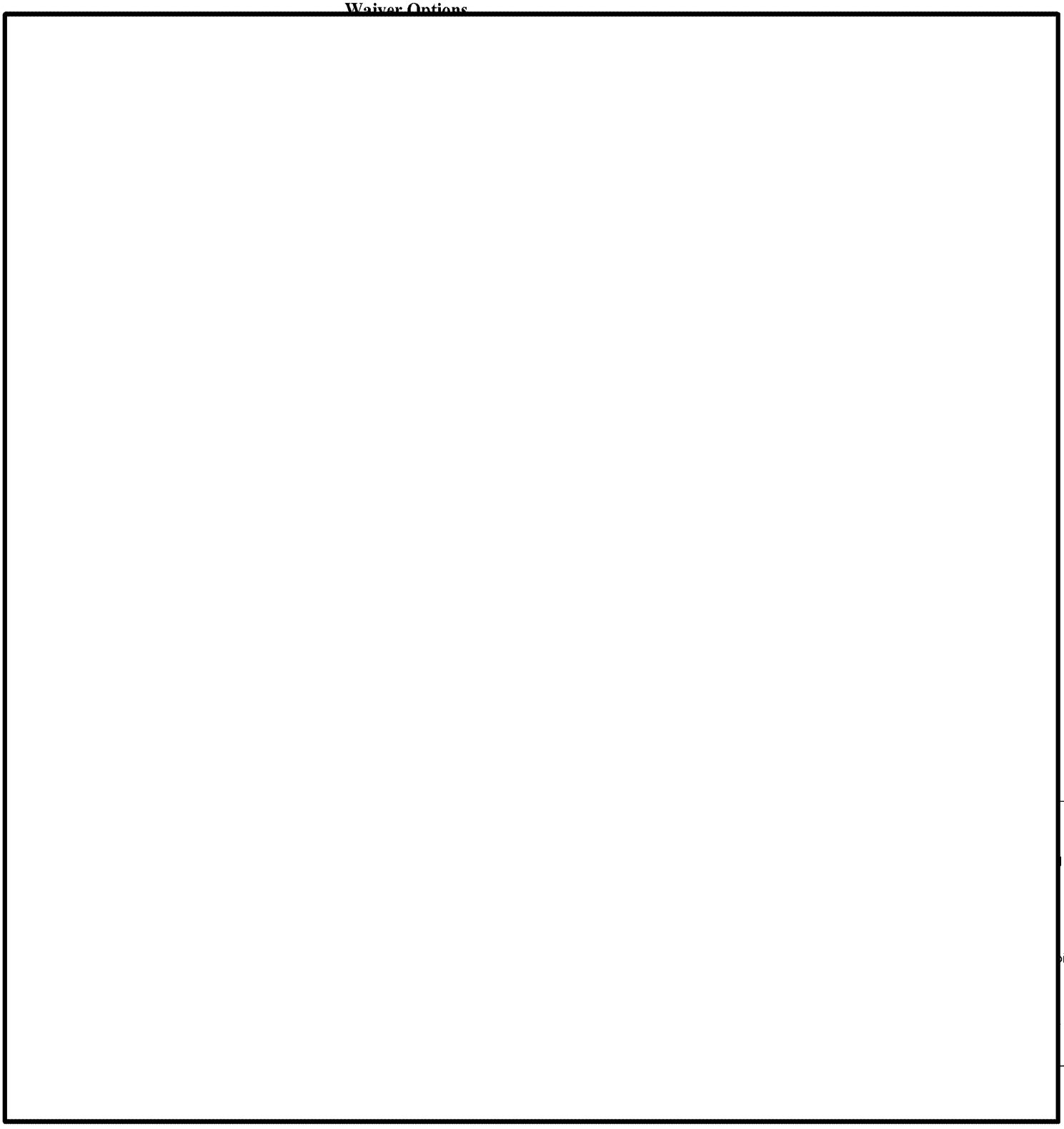

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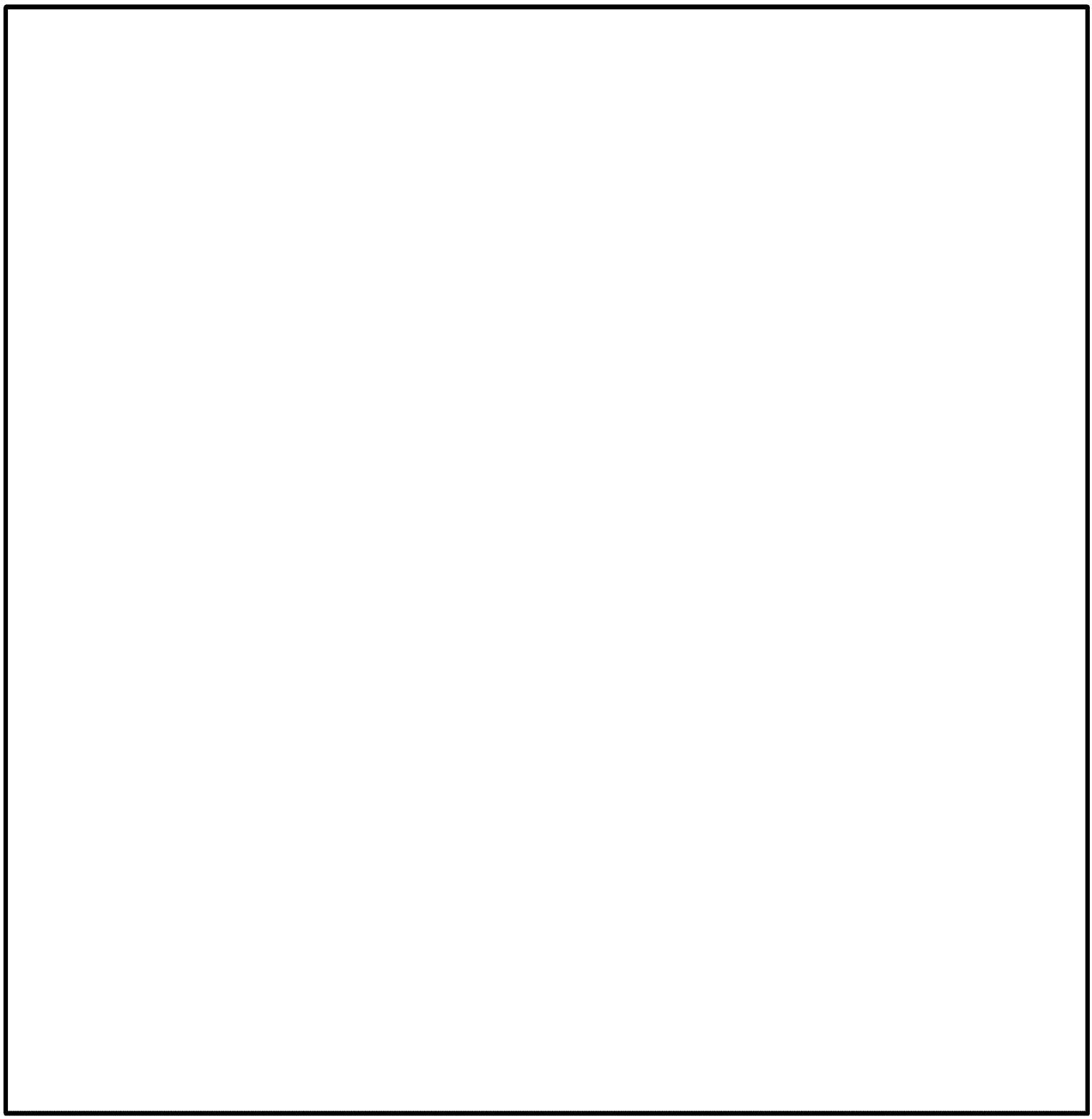

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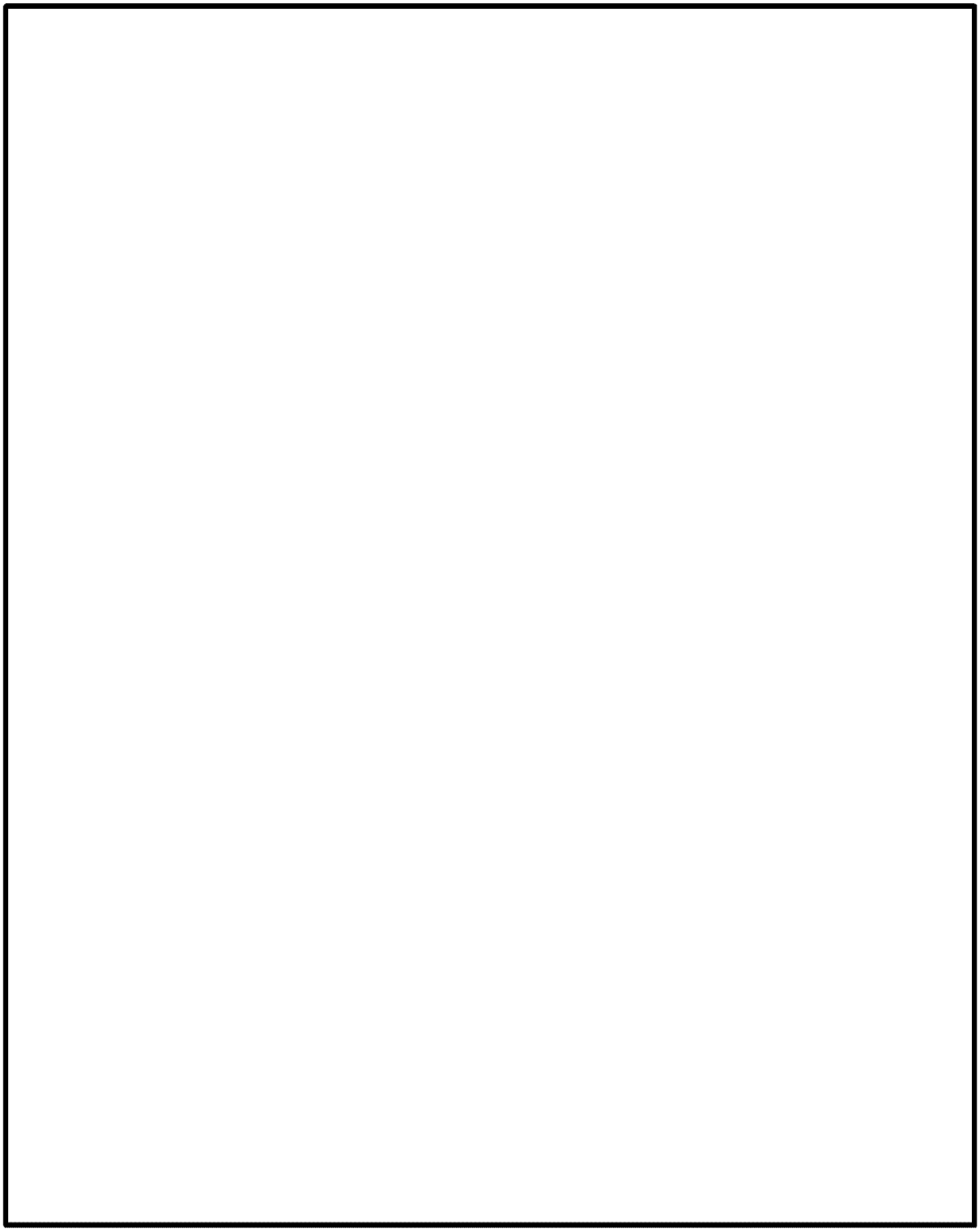

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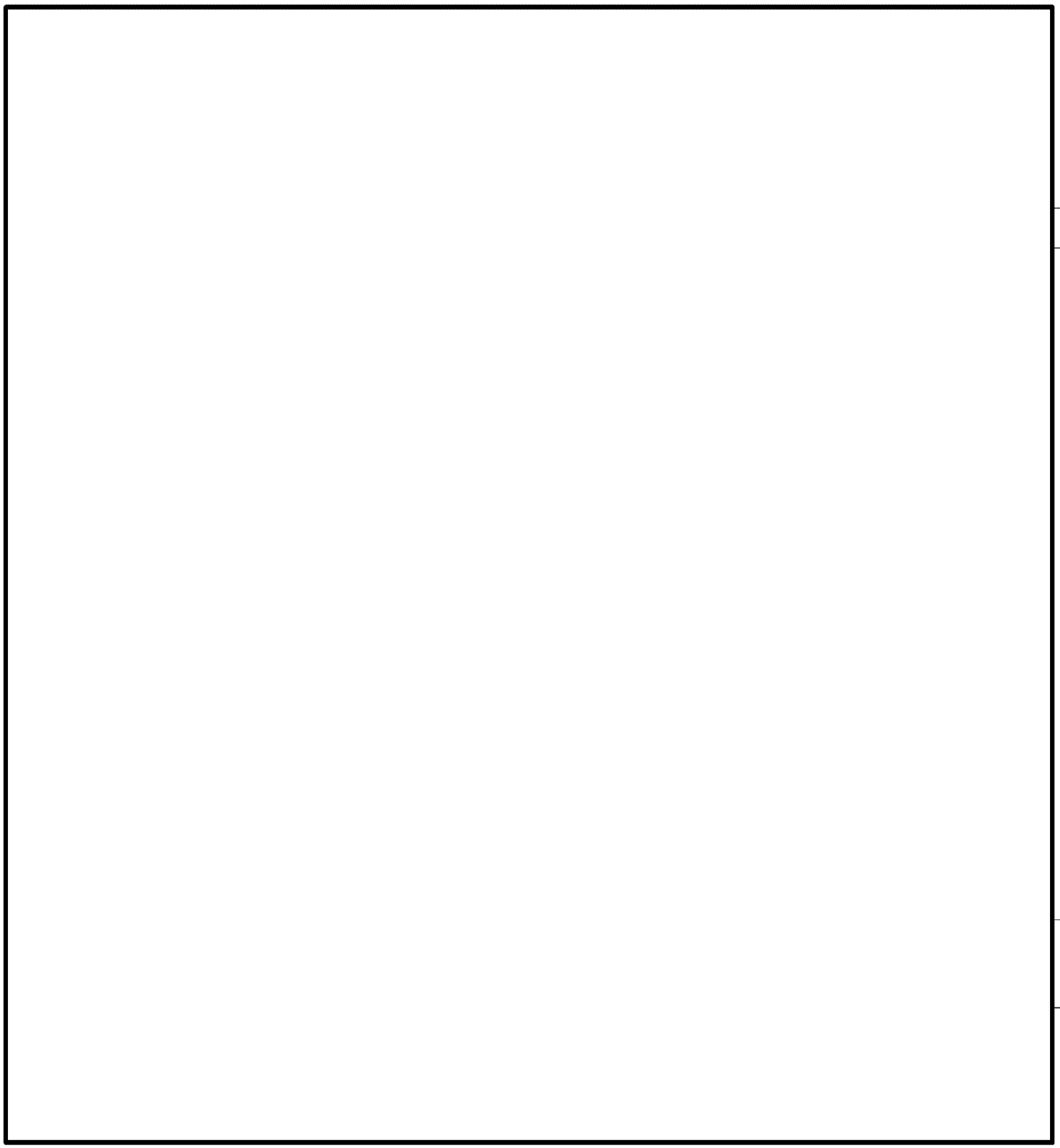

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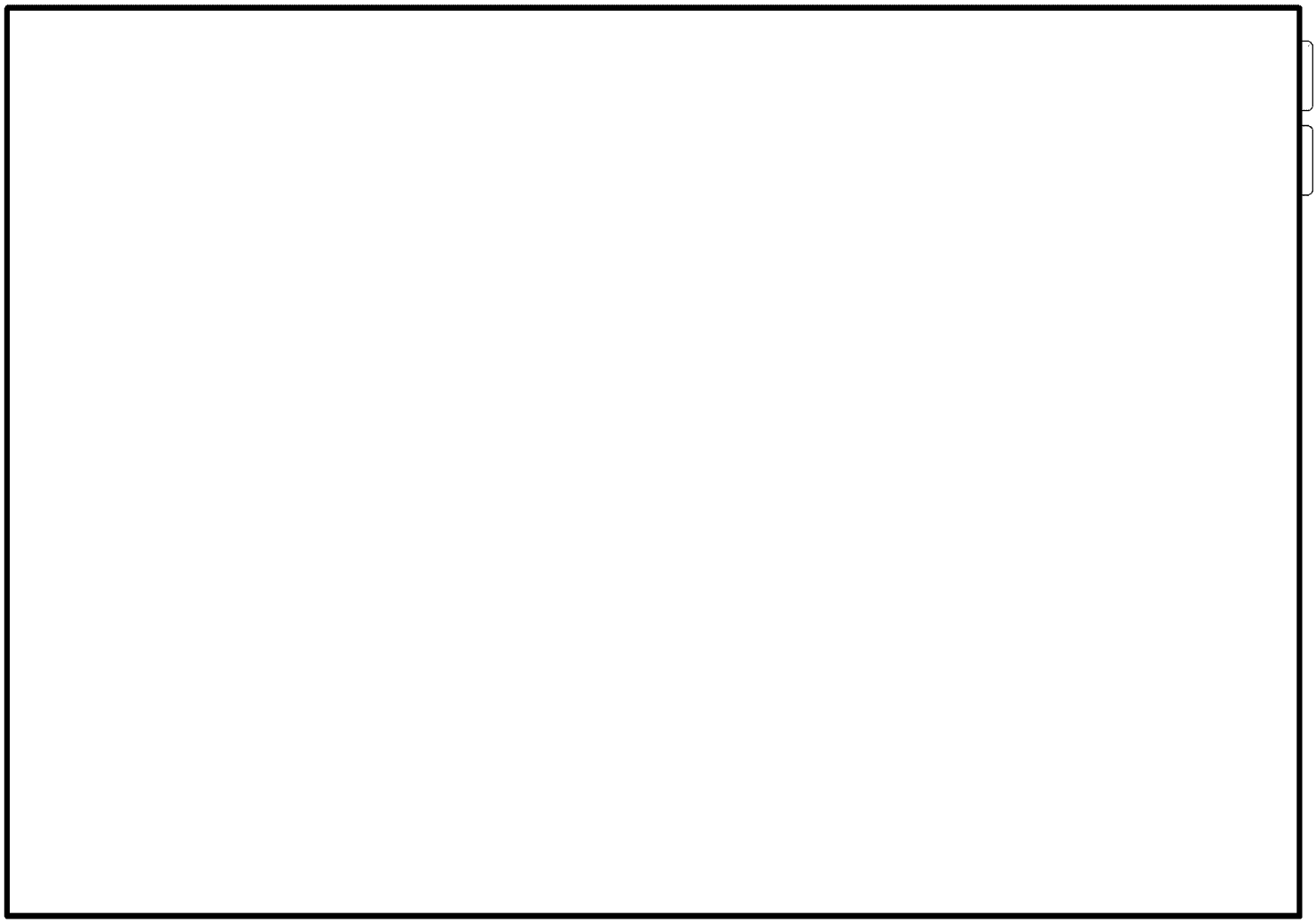

From:	Campagnolo, Donna P
To:	Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc:	Neufeld, Donald W
Subject:	RE: I-192
Date:	Tuesday, February 07, 2017 6:56:23 AM

Good morning Pam. Thanks so much for the feedback. It's for folks inside the US. We can certainly make that more clear.

Regarding the timeframe, as I understand it from Leslie, the major piece for start up is around the system updates. Leslie- please confirm. I don't know that those can be cut down.

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Sent: Tuesday, February 07, 2017 7:49:49 AM
To: Campagnolo, Donna P; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Good morning, All,

The opening paragraph seems to imply this form/process may be used for those visa holders currently "stuck" outside the U.S., is that correct? Otherwise the process proposed is manageable for USCIS to implement – in the long term. If this is simply a short term fix, required for a small number of affected individuals during this 80 day period, then a 45 day startup and 30 day processing time doesn't seem to meet their immediate needs.

Pam

From: Campagnolo, Donna P
Sent: Monday, February 06, 2017 9:13 PM
To: Moran, Karla; McCament, James W; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
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approach.

Bottom line is it looks like we could implement either option in about 45 days as the system updates to notices and filing look minimal and simple web updates. Can you verify those timelines? Also, do we want to go as far as to make a recommendation on which we think is the right one to implement or simply present both?

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HQ Service Center Operations

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Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)

[redacted] (b)(6)

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To:	Moran, Karla; McCament, James W; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc:	Neufeld, Donald W
Subject:	RE: I-192
Date:	Monday, February 06, 2017 8:13:05 PM
Attachments:	192 eo option.docx

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Subject: I-192

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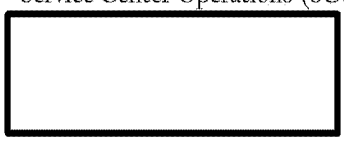
Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)



(b)(6)

Waiver Options

Background: As a result of recent Executive Orders relating to limiting travel to the United States from 7 identified countries, the Department of Homeland Security is in a challenging position to assist individuals that may be stuck in this process. The concerning population consists of individuals, currently in the United States, that came to the US on a valid visa, but as a result of the recent Orders, can no longer enter and depart the country.

This is a truly unique situation for the Agency. One that we haven't encountered to date, thus, will require something new to be implemented. Essentially, DHS needs to create a process that would allow the individuals stuck in this scenario to apply to the Department prior to leaving the country. This provisional review will ensure that, upon their return to the United States, they will be allowed reentry. The goal being that this new process will provide them with a document that they could present to CBP when they arrive to allow entry.

It is estimated that approximately 18,000 people could be in this population.

While we believe that the best option to truly stay aligned to the intent of the Order is to not allow this, we understand that the Department needs to consider and possibly create an option to assure impacted individuals a safe return to the US. USCIS currently doesn't have an existing process that allows for this, thus, a new process must be created for this sole reason. As a result, USCIS is proposing two possible options for consideration.

Option 1: Grant Exception to "Known Travelers"

I-192 Process Overview:

- USCIS shall adjudicate Form I-192, Application for Advance Permission to Enter as a Nonimmigrant. Currently, these cases are accepted at the Vermont Service Center (VSC). For ease of implementation we would look to locate this workload there as well.
    - Fees:
    - Form I-192 $930 USD
    - Biometrics $80 USD
- Approval of the I-192 will generate Form I-797 that will allow the beneficiary to board an aircraft back to the United States. CBP will inspect and determine admission based on the beneficiary's NIV.
    - A denial of Form I-192 may result in the issuance of an NTA.
- USCIS (Service Center Operations) (SCOPS) will accept the current expedite process request for Form I-192.
    - Severe financial loss to company or person;
    - Emergency situation;

- Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States;
- Department of Defense or national interest situation (These particular expedite requests must come from an official U.S. government entity and state that delay will be detrimental to the government.);
- USCIS error; or
- Compelling interest of USCIS.

- Biometrics are required for all I-192 cases. Adjudication will not occur until results are received and analyzed.

- Premium Processing is not available for Form I-192.

- USCIS Field Operations will accept emergency process request for Form I-192, when the Form I-192 is pending with USCIS (SCOPS).

- Routine processing time for I-192 requests will be 30 days.

Mandatory Criteria:

The applicant must file Form I-192 with the evidence described in "criteria" below.

1. Business Traveler Criteria
   a) Traveler must have a valid Non Immigrant Visa (H, L, O, P, R).
   b) U.S. employer must be enrolled in e-Verify.
   c) Must have an original letterhead/signed letter by CEO, Vice President, or President level, from U.S. Company indicating purpose of travel (business) and length of trip.
   d) Travel may only be for business.
   e) Travel may not be for vacation.
   f) Travel may not be to one of the seven countries indicated on Executive Order.

2. Student Traveler Criteria
a) Student must have a valid Non Immigrant Visa (F, M, J).
   b) U.S. University/School must be verified in SEVIS.
   c) Must have an original letterhead/signed letter by Vice President, or President level, from U.S. University/School indicating purpose of travel (business) and length of trip.
   d) Travel may only be for business.
   e) Travel may not be for vacation.
   f) Travel may not be to one of the seven countries indicated on Executive Order.

Option #1 - Required for Implementation:

1. Communications on new process to the public
2. Preparation at VSC for intake and customer interaction.
   a. Training on new process

3. System Updates:
    - Form I-192 – Currently, very little data is collected on the I-192 in USCIS systems. A modification to CLAIMS 3 will be required to add additional data fields. This piece is essential so that we can differentiate these cases from others and be able to run reports on this specific workload. It is estimated that this modification can be made in an estimated two weeks.

    - Form I-797 resides in the local C3 print service. Changes can be made to the notice (body) within two weeks; however, header changes may require more time. Total estimated time for changes is 30 days.

If required, USCIS could implement this portion of option #1 in 45 days. It's important to note at this stage in the proposed process that true success will be dependent on CBP also playing a role in the process as these individuals enter the United States. The CBP process overview is noted below.

CBP Process

Option #2 – Advanced Parole

I-131 Process Overview: Much of the process flow as identified in Option # 1 will also apply here in the I-131 process.

- USCIS shall adjudicate Form I-131, Application for Travel Document.
- All Service Centers and many Field Office locations currently adjudicate I-131s, Advanced Parole. For this workload, SCOPS would look to the Nebraska Service Center (NSC) to process these requests.
- The I-131 is a form that we use in support of many different benefits. As a result, this option may be a bit more challenging to segregate the population for reporting purposes. We do believe that we can find a way to do that through data analysis, just wanted to note it in the proposal as a challenge that needs to be overcome.
    - If it is identified that there is a particular need to have these cases follow a different process then the standard we could create an exception here. The Service Center could process the I-131, and USCIS could ask the individual to come into the Field Office to gather their travel document. Otherwise, the standard process is they will receive their travel document via the mail.

- With that said, advanced parole, under its definition and in looking at the Agency's past use of it, is the solution that makes the most sense and is completely aligned to the intent of parole and USCIS processing.

    - Fees:
    - Form I-131 $575 USD

- Biometrics $80 USD

- Approval of the I-131 will generate Form I-797 as well as a I-512, which is a travel document. This document will allow the beneficiary to board an aircraft back to the United States. CBP will inspect and determine admission based on the beneficiary's NIV.

  - A denial of Form I-131 may result in the issuance of an NTA.

- USCIS (Service Center Operations) (SCOPS) will accept the current expedite process request for Form I-131.
  - Severe financial loss to company or person;
  - Emergency situation;
  - Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States;
  - Department of Defense or national interest situation (These particular expedite requests must come from an official U.S. government entity and state that delay will be detrimental to the government.);
  - USCIS error; or
  - Compelling interest of USCIS.

- Biometrics are required for all I-131 cases. Adjudication will not occur until results are received and analyzed.

- Premium Processing is not available for Form I-131.

- USCIS Field Operations will accept emergency process requests for Form I-512, Request for Travel Document, when the Form I-131 is pending with USCIS (SCOPS).

- Routine processing time for I-131 requests will be 30 days.

Mandatory Criteria:

The applicant must file Form I-131 with the evidence described in "criteria" below.

3. Business Traveler Criteria
   g) Traveler must have a valid Non Immigrant Visa (H, L, O, P, R).
   h) U.S. employer must be enrolled in e-Verify.
   i) Must have an original letterhead/signed letter by CEO, Vice President, or President level, from U.S. Company indicating purpose of travel (business) and length of trip.
   j) Travel may only be for business.
   k) Travel may not be for vacation.
   l) Travel may not be to one of the seven countries indicated on Executive Order.

4. Student Traveler Criteria

g) Student must have a valid Non Immigrant Visa (F, M, J).
h) U.S. University/School must be verified in SEVIS.
i) Must have an original letterhead/signed letter by Vice President, or President level, from U.S. University/School indicating purpose of travel (business) and length of trip.
j) Travel may only be for business.
k) Travel may not be for vacation.
l) Travel may not be to one of the seven countries indicated on Executive Order.

Option #2 - Required for Implementation:

4. Communications on new process to the public
5. Preparation at NSC for intake and customer interaction.
    a. Training on new process
6. System Updates:
    - Form I-512 – USCIS would like to modify the language to the I-512 for this new process so that it is clear that these cases are the exception to the Order. Updates will take approximately 1 month.

    - Form I-797 (approval notice) for the I-131 resides in the local C3 print service. Changes can be made to the notice (body) within two weeks; however, header changes may require more time. Total estimated time for changes is 30 days.

If required, USCIS could implement this portion of option #2 in 45 days. It's important to note at this stage in the proposed process that true success will be dependent on CBP also playing a role in the process as these individuals enter the United States. The same process that CBP outlined in Option #1 would apply here in Option #2 as well.

From:	Moran, Karla
To:	Tamanaha, Emisa T
Cc:	McCament, James W; Campagnolo, Donna P; Baran, Kathy A
Subject:	RE: 6 Cases
Date:	Monday, February 06, 2017 3:44:41 PM

I'm updated but I'll update again.

From: Tamanaha, Emisa T
Sent: Monday, February 06, 2017 4:40:28 PM
To: Moran, Karla
Cc: McCament, James W; Campagnolo, Donna P; Baran, Kathy A
Subject: RE: 6 Cases

Hi Karla,

I am with the IT personnel trying to send you the attachments via PKI, but it is telling me that you may have missing or invalid certificate. You may need to publish your PKI certificate to GAL in order for me to send you this via PKI. I have the copies whenever you are ready to receive them.

Thank you,
Emisa

From: Moran, Karla
Sent: Monday, February 06, 2017 1:32 PM
To: Tamanaha, Emisa T
Cc: Campagnolo, Donna P; McCament, James W; Baran, Kathy A
Subject: RE: 6 Cases

Great. That info is enough for us to answer the inquiry. But, the copies may be needed later.

Thanks so much, Emisa
Karla

From: Tamanaha, Emisa T
Sent: Monday, February 06, 2017 4:20:06 PM
To: Moran, Karla
Cc: Campagnolo, Donna P; McCament, James W; Baran, Kathy A
Subject: RE: 6 Cases

No, the 3 cases (H-1Bs) are automatic revocations based on petitioner's withdrawal request. The other two are I-129 and I-539 COS from L to E2 where the final decision has not been made yet as we will need to issue NOID. They are not adverse decision based on DOS NIV revocation. I will forward you the auto revocation notices as soon as PKI is fixed.

From: Moran, Karla
Sent: Monday, February 06, 2017 1:14 PM

From:	Neufeld, Donald W
To:	Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc:	McCament, James W; Cox, Sophia
Subject:	RE: Friday"s EO
Date:	Saturday, January 28, 2017 9:12:45 AM

One more thing, the suspension does not apply to This suspension of entry does not apply to those foreign nationals traveling on A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2 or diplomatic type visas, or to issuance of visas in those categories. Do we adjudicate anything related to those visa categories at the centers?

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:07 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: Friday's EO

Sorry to bother you over the weekend. The President signed an executive order on Friday titled "Protecting the Nation from Foreign Terrorist Entry into the United States". Among other things, it prevents the entry of citizens or nationals from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for a 90 day period. I am working with Dan, Andrew, Tracy and Lori on a message to send out this weekend that would suspend certain adjudications while we seek guidance/clarity on how this will specifically apply to our workloads.

Most likely, on Monday we will want to identify any potentially impacted cases in C3 and ELIS. I assume it will be possible to run reports identifying cases with applicants, requestors or beneficiaries from these countries sorted by form type. Does anyone know if we could somehow flag them for hold? Ideally we'd be able to prevent accidental approval, but even if we can't stop approval it would be good to flag them for adjudicators. Also, this isn't an indefinite hold so whatever we do it needs to allow normal processing to proceed fairly easily at some point in the future.

At this point, I'm just looking for thoughts and ideas on how to identify what will be a changing universe of cases and flag them for possible special handling. I'd prefer to keep this among ourselves for now so please check with me before sharing with anyone. Any thoughts or concerns are appreciated.

Thanks,

Don

From:	Hutchings, Pamela G
To:	Campagnolo, Donna P; Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc:	McCament, James W
Subject:	RE: Friday"s EO
Date:	Saturday, January 28, 2017 4:35:28 PM

My comments and questions:

There is a large population of I-730s from the effected countries and smaller population of I-130s. Adjudication of these petitions does not admit a person, therefore if the Bene is overseas the EO would apply to the visa issuance at our office or DOS not our SCs. However, if the bene is in the US and adjusting stateside would that be seen as an entry? FOD would handle these cases.

Will this EO prevent USCIS from adjudicating EOS and/or COS requests filed by nationals from the effected countries?

Would 765s be effected? Would there be an instance where CBP would accept an EAD doc as evidence for admission? Canadian and Mexicans perhaps?

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 9:57:03 PM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Perfect. Thanks so much Sophia. Greatly appreciate it.

Donna

From: Cox, Sophia
Sent: Saturday, January 28, 2017 2:08:28 PM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

No worries , Donna. I will be home in about 90 min and can pull a quick write up together. I also have several questions that I can send for consideration.

--Sophia

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 1:18:26 PM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W

Subject: RE: Friday's EO

Hi Sophia. I think you may be right about the As and Gs. I'll check and confirm.

Thanks all.

Donna

From: Cox, Sophia
Sent: Saturday, January 28, 2017 11:29:44 AM
To: Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W
Subject: RE: Friday's EO

I think the A and Gs might be done at the Washington district office but I am not 100% sure. Donna might remember?? There might be some 765 related to their dependents who are students. I'll check the 765 instructions.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:12:43 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

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Thanks,

Don

(b)(6

Referred to Department of Homeland Security

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From:	Cox, Sophia
To:	Hutchings, Pamela G; Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc:	McCament, James W
Subject:	RE: Friday"s EO
Date:	Monday, January 30, 2017 6:53:49 AM

Hi. One of the questions I flagged is whether/how the EO impacts the 180-day auto extension under AC21 for timely filed renewal applications under the eligible categories, which includes those admitted as refugees, granted asylum, and pending asylum, among others, which could impact folks from affected countries. We had been working with Magteld and her team all last week to resolve the plain language issues and also fine tune and I believe the web page is with the FO. I also believe that the ETA from OCOMM for posting was today or tomorrow. Until we have a better handle on the EO and how it affects us, would you like to me to reach out to OCOMM or ask Magteld to reach out to OCOMM to put a hold on that web page?

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Cox, Sophia
Sent: Sunday, January 29, 2017 7:53 PM
To: Hutchings, Pamela G; Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi. It ended up being more questions than what I initially thought. Since I had a number of questions, I put them in the attached Word document so they can be more easily be combined with Pam's questions and questions anyone else may have. There is a potential AC21 impact regarding renewals filed under the eligible categories. I am also attaching a list of those categories so you have it handy as you read through the document.

Let me know if you have any questions.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Cox, Sophia
Sent: Saturday, January 28, 2017 9:03 PM
To: Hutchings, Pamela G; Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi. I came up with a few questions, which I will send you in the am

--Sophia

From: Hutchings, Pamela G
Sent: Saturday, January 28, 2017 5:35 PM
To: Campagnolo, Donna P; Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

My comments and questions:

There is a large population of I-730s from the effected countries and smaller population of I-130s. Adjudication of these petitions does not admit a person, therefore if the Bene is overseas the EO would apply to the visa issuance at our office or DOS not our SCs. However, if the bene is in the US and adjusting stateside would that be seen as an entry? FOD would handle these cases.

Will this EO prevent USCIS from adjudicating EOS and/or COS requests filed by nationals from the effected countries?

Would 765s be effected? Would there be an instance where CBP would accept an EAD doc as evidence for admission? Canadian and Mexicans perhaps?

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 9:57:03 PM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Perfect. Thanks so much Sophia. Greatly appreciate it.

Donna

From: Cox, Sophia
Sent: Saturday, January 28, 2017 2:08:28 PM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

No worries , Donna. I will be home in about 90 min and can pull a quick write up together. I also have several questions that I can send for consideration.

--Sophia

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 1:18:26 PM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi Sophia. I think you may be right about the As and Gs. I'll check and confirm.

Thanks all.

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Sent: Saturday, January 28, 2017 11:29:44 AM
To: Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W
Subject: RE: Friday's EO

I think the A and Gs might be done at the Washington district office but I am not 100% sure. Donna might remember?? There might be some 765 related to their dependents who are students. I'll check the 765 instructions.

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To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

One more thing, the suspension does not apply to This suspension of entry does not apply to those foreign nationals traveling on A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2 or diplomatic type visas, or to issuance of visas in those categories. Do we adjudicate anything related to those visa categories at the centers?

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Sent: Saturday, January 28, 2017 10:07 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: Friday's EO

Sorry to bother you over the weekend. The President signed an executive order on Friday titled "Protecting the Nation from Foreign Terrorist Entry into the United States". Among other things, it prevents the entry of citizens or nationals from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for a 90 day period. I am working with Dan, Andrew, Tracy and Lori on a message to send out this weekend that would suspend certain adjudications while we seek guidance/clarity on how this will specifically apply to our workloads.

Most likely, on Monday we will want to identify any potentially impacted cases in C3 and ELIS. I assume it will be possible to run reports identifying cases with applicants, requestors or beneficiaries from these countries sorted by form type. Does anyone know if we could somehow flag them for hold? Ideally we'd be able to prevent accidental approval, but even if we can't stop approval it would be good to flag them for adjudicators. Also, this isn't an indefinite hold so whatever we do it needs to allow normal processing to proceed fairly easily at some point in the future.

At this point, I'm just looking for thoughts and ideas on how to identify what will be a changing universe of cases and flag them for possible special handling. I'd prefer to keep this among ourselves for now so please check with me before sharing with anyone. Any thoughts or concerns are appreciated.

Thanks,

Don

From:	Campagnolo, Donna P
To:	Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc:	McCament, James W
Subject:	RE: Friday"s EO
Date:	Monday, January 30, 2017 8:53:54 AM

Good morning Sophia. Can you please take a look at the premium reg for us? Discussion this morning was if we have premium cases that will go beyond 15 days because they are part of this hold, do we refund? Looks like some of the centers already have some cases that are getting close to this situation between the 140s and 129s. It isn't that we can't adjudicate them in the timeframe, it's that we have an EO that may not allow for this…

Thanks in advance.
Donna Campagnolo
HQ Service Center Operations

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Sent: Saturday, January 28, 2017 9:01 PM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
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Subject: RE: Friday's EO

Hi. I just finished reading the whole EO. Section 3c, which suspends the immigrant and nonimmigrant entry, refers to those described in INA 217(a)(2). As far as I can tell, only Iraq and Syria are mentioned in this statutory provision. Are other countries affected or just Iraq and Syria? I couldn't find reference to any other countries anywhere else, so wanted to be sure I wasn't missing anything.

Regarding EAD categories that would include those in INA 217(a)(2), we have:

- (c)(1) For the dependents of A-1 and A-2 government officials.
  - These are adjudicated at the NSC.
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  - DOS sends only the favorably endorsed applications to NSC.
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Don

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Cc:	McCament, James W
Subject:	RE: Friday"s EO
Date:	Monday, January 30, 2017 9:41:27 AM

I believe there is an exception where a matter is under investigation – I don't think that will apply here but it would be good to track down and review the language just in case.

From: Cox, Sophia
Sent: Monday, January 30, 2017 10:36 AM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Sure thing. I am pretty sure we have to refund if we do not take action in 15 days. The PP regs are at 8 CFR 103.7(e). It's 15 calendar days. Per 103.7(e)(2)(i) the 15 day processing period begins when USCIS receives the request for PP accompanied by an eligible employment-based immigration benefit request. Per 103.7(e)(2)(ii), if USCIS cannot reach a final decision on the request for which PP was requested, as evidenced by an approval, denial, NOID, or RFE, we will refund the PP fee but continue to process the case. I don't see anything in the PP regs that provide for any type of exception. Hope this helps. Let me know if you need anything else.

--Sophia

Sophia Cox
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Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted]
(b)(6)

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Don

From:	Neufeld, Donald W
To:	Arroyo, Susan K; Cox, Sophia; Hope, Leslie K; Hutchings, Pamela G; McCament, James W; McConnell, James E; Moran, Karla; Sabga, George M
Subject:	EO Hold
Date:	Monday, January 30, 2017 11:29:17 AM

At the recently concluded leadership meeting we learned that the processing hold we put in place over the weekend will be lifted. All messaging must now be cleared through the Department, so we cannot communicate this in writing to the troops. However, I wanted you to know that so we don't waste time formulating questions about the hold or working on strategies to ensure compliance. I expect that the final guidance may be more nuanced on the processing of parole requests, but otherwise we are expecting to lift the hold on adjustments and other form types. Please do not share this further in light of the messaging restrictions. We hope to have formal cleared language later today or tomorrow.

Donald Neufeld
Associate Director
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Ave NE, Suite 2125
Washington, DC 20002

From:	La Bella, Magteld H
To:	Moran, Karla
Subject:	FW: Executive Action Hot Topic
Date:	Monday, January 30, 2017 3:54:53 PM
Attachments:	Hot Topic on EO and Litigation 01302017.doc

Karla,

Do you know if OCC has already come up with language for SRMTs or other inquiries that the SCs may get regarding the travel ban EO? Or should I initiate that language from OCC? I attached the CSPED language. Can I send the QAs you emailed this morning to the CSs?

What do you think?
Magteld

From: Ellis, Rachel H
Sent: Monday, January 30, 2017 4:49 PM
To: Bohorquez, Lila Y; Saldana, Diana X; Herres, Janelle M; Jenkins, Karmin R
Cc: La Bella, Magteld H
Subject: Executive Action Hot Topic

Hi everyone,

Please see attached the cleared hot topic for the call centers on the executive action. Please note that this is for internal dissemination only for the use of verbally answering public inquiries. This is what the call centers will be using, but we will of course defer to SCOPS in terms of how to respond to inquiries from service center stakeholders.

In addition, the final fact sheet has been posted on the DHS website: https://www.dhs.gov/news/2017/01/29/protecting-nation-foreign-terrorist-entry-united-states.

Thanks,
Rachel

USCIS-CSPED
Information Update
CMO-120
01/30/2017

U.S. Citizenship and Immigration Services

Executive Order: Protecting the Nation from Foreign Terrorist Entry

Release Date to Call Centers: 01/30/2017

Discard Date: 03/01/2017

For Internal Use Only

The executive order signed on January 27, 2017, allows for the proper review and establishment of standards to prevent terrorist or criminal infiltration by foreign nationals. In order to ensure that the United States government can conduct a thorough and comprehensive analysis of the national security risks posed from our immigration system, it imposes a 90-day suspension on entry to the United States of nationals of certain designated countries.

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

Lawful permanent residents of the United States traveling on a valid I-551(green card) will be allowed to board U.S. bound aircraft and will be assessed for exceptions at arrival ports of entry, as appropriate. The entry of these individuals, subject to national security checks, is in the national interest. Therefore, we expect swift entry for these individuals.

DHS and the Department of State have the authority, on a case-by-case basis, to issue visas or allow the entry of nationals of these countries into the United States when it serves the national interest.

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

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

Questions and Answers: Protecting the Nation from Foreign Terrorist Entry into the United States

Q1: How is the president legally allowed to issue this kind of executive order?
A: Congress provided the President with the authority under section 212(f) of the Immigration and Nationality Act to suspend the entry of any class of aliens he deems detrimental to the interests of the United States. This authority has been exercised by Presidents for decades, and has been a component of our immigration laws since the Immigration and Nationality Act of 1952.

Q2: Does this Executive Order apply to green card holders from one of the seven countries listed?
A: Green card holders are eligible for national interest waivers consistent with the provisions of the Executive Order. The Secretary has determined that, absent significant derogatory information about an individual, it is in the national interest to allow entry for green card holders. The Executive Order does not affect lawful permanent residents who are currently in the country.

Q3: So far, how many Lawful Permanent Residents have not been allowed to enter pursuant to the Exception to the Executive Order?
A: Two. One, who was entered into proceedings based on a criminal record. Another individual chose to return to Canada and withdrew his request for entry.

Q4: So far, how many aliens with special immigrant visas have been denied entry?
A: None

Q5: Does this Executive Order apply to dual nationals of the seven countries who want to enter the U.S.? If they apply for entry based on their citizenship from one of the countries NOT on the list, will they be allowed entry?
A: Yes, but travelers are being treated according to the travel document they present. For example, if they present a Canadian passport, that is how they are processed for entry.

Q6: What happened to the two men being held at JFK who were released?
A: While DHS does not generally comment on individual cases, CBP is granting waivers, as outlined in the Executive Order, to individuals whose admission into the country is in the national interest, and who does not pose a national security threat.

Q7: What do the two exemptions in the Executive Order mean? How are they applied to individual cases?
A: DHS and State can review individual cases and grant waivers on a case-by-case basis if that individual's admission to the United States is deemed to be in the national interest and if they do not pose a national security threat.

Q8: How will the EO affect college students from the barred countries, such as F1/J1/M1 visa holders? Are they included in the ban? What kind of guidance is being given to foreign students from these countries legally in the US?
A: F1/J1/M1 visas are currently temporarily suspended due to the executive order. Individuals who were in the U.S. at the time of the signing of the executive order are not affected by the order. However, individuals who were out of the country at the time of the signing, or who travel out of the country and attempt to return will not be allowed to return for this temporary period. The Department is evaluating whether those who are precluded from returning as a result of the Executive Order will be considered to have maintained their status as F1 or M1 students.

Q9: Is it correct that DHS workers were instructed to implement at 4:30 pm on Friday, Jan 27?
A: The Executive Order and the instructions therein were effective at the time of the order's signing. Guidance was provided to DHS field personnel shortly thereafter.

Q12: Can USCIS continue refugee interviews of religious minorities and for countries with which we have an agreement?
A: DHS and DOS continue to review the Executive Order and will conduct interviews as appropriate and consistent with the Executive Order.

Q13: Will the U.S. accept emergency requests to process a refugee who will then travel?
A: DHS and DOS will coordinate the processing of individual refugee cases which may be appropriate for travel consistent with the Executive Order.

Q14: Can the exception for refugee admission be used in I-730 cases (family members following to join) for the petition of refugee/asylee relatives?
A: These cases will be evaluated on a case-by-case basis.

Q15: Does "from one of the seven countries" mean citizen, national or born in?
A: Travelers are being treated according to the travel document they present.

Q16: Does the Executive Order apply to those currently being adjudicated for naturalization?
A: No. USCIS will continue to adjudicate N-400 applications for naturalization and administer the oath of citizenship consistent with prior practices.

Q17: How does the lawsuit/stay affect DHS operations in implementing this executive order?
A: Upon issuance of the court orders yesterday, U.S. Customs and Border Protection (CBP) immediately began taking steps to comply with the orders. Concurrently, the Department of Homeland Security continues to work with our partners in the Departments of Justice and State to implement President Trump's executive order on protecting the nation from foreign terrorist entry into the United States.

We are committed to ensuring that all individuals affected by the executive orders, including those affected by the court orders, are being provided all rights afforded under the law. We are also working closely with airline partners to prevent travelers who would not be granted entry under the executive orders from boarding international flights to the U.S. Therefore, we do not anticipate that further individuals traveling by air to the United States will be affected.

As Secretary Kelly previously stated, in applying the provisions of the president's Executive Order, the entry of lawful permanent residents is in the national interest. Accordingly, absent 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.

Q18: Does DHS have a comment on the protests happening at airports around the country?
A: The Department of Homeland Security fully respects the rights of all people to voice their opinion within the confines of the law.

Q19: What about refugees who are considered to be "in transit?"
A: There are currently 872 refugees who are considered to be in transit who are scheduled to arrive in the United States this week. The Secretaries of State and DHS have coordinated and will process the 872 individuals consistent with the terms of the Executive Order, which we've operationalized by assessing each traveler on a case-by-case basis.

From:	Farnam, Julie E
To:	Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	EO Guidance
Date:	Thursday, February 02, 2017 4:13:31 PM
Attachments:	implementation guidance 127 - signed LLS.PDF

Attached please find the EO implementation guidance. OCOMM will also be sending this out to a larger audience and I will post it on the ECN.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

(b)(6) [redacted]

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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba Lori Scialabba
Acting Director

SUBJECT: Guidance Concerning Executive Order on Immigration

On January 27, President Trump signed an Executive Order entitled "Protecting The Nation From Foreign Terrorist Entry Into The United States." This memorandum provides guidance from the Department of Homeland Security (DHS) regarding the impact of this Executive Order on various immigration benefit requests.

All USCIS employees should be aware of current guidance from DHS, specifically:

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality. Section 3(c) also does not affect applications and petitions by lawful permanent residents outside the United States, or applications and petitions for individuals outside the United States whose approval does not directly confer travel authorization (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated in the Executive Order.

3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.

5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

From:	Ruppel, Joanna
To:	Groom, Molly M; Nicholson, Maura J; Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 7:39:37 AM

And please note that under our current guidance staff can continue to process the I-730s for asylee following to join who are not in the 7 counties. We will of course be reviewing that process just as we review the process for all other benefits as directed under the order, while we continue to process.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
Joanna.Ruppel@uscis.dhs.gov
[redacted]
(b)(6)

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Sent: Friday, February 03, 2017 5:34:33 AM
To: Nicholson, Maura J; Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
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Subject: RE: EO Guidance (b)(6)

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Field Operations Directorate
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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 8:32:26 AM

To be clear, we are only holding up where the bene is from one of the 7 and is overseas. We are holding whether they are asylee or refugee follow to joins. As I understand it, we aren't actually approving them but are rather "provisionally" approving them subject to final approval after interview. We should get clarification if the provisional approvals are subject to the hold as well, or if they can continue. Also, I would think denials could proceed but we'll hold all pending further guidance.

From: Groom, Molly M
Sent: Friday, February 03, 2017 8:35 AM
To: Nicholson, Maura J; Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
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Field Operations Directorate
U.S. Citizenship and Immigration Services

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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 9:26:52 AM

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Sent: Friday, February 03, 2017 10:26 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
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Subject: EO Guidance (b)(6)

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Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 9:28:39 AM

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(b)(6)

Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
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Field Operations Directorate
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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 10:01:00 AM

Shouldn't we be providing some kind of notice to those of the 7 nationalities who may have an I-131 approved that they may not be able to get back into the U.S.? I worry about giving a signal that by approving the request, they won't have a problem returning. CBP has guidance that they would need a waiver to get back in.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

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To: Groom, Molly M; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
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To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [redacted] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: EO Guidance (b)(6)

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Julie Farnam
Senior Advisor
Field Operations Directorate
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[redacted] (b)(6)

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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 10:05:29 AM

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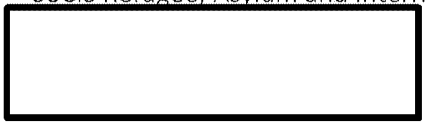

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Subject: RE: EO Guidance (b)(6)

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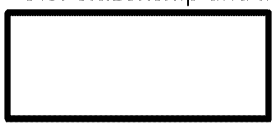

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Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 10:10:01 AM

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From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:13 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [redacted] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: EO Guidance

Attached please find the EO implementation guidance. OCOMM will also be sending this out to a larger audience and I will post it on the ECN.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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From:	Neufeld, Donald W
To:	#HQSCO-BranchChiefs; Arroyo, Susan K; Cox, Sophia; Hope, Leslie K; Hutchings, Pamela G; McCament, James W; McConnell, James E; Moran, Karla; Sabga, George M
Subject:	FW: Updated EO Guidance
Date:	Friday, February 03, 2017 2:02:20 PM
Attachments:	EO 1-27 implementation guidance signed and dated.pdf

Adding the Branch Chiefs. As discussed this morning, our understanding of this guidance is that the hold I implemented last Saturday is now released for nearly everything we adjudicate in SCOPS. The notable exceptions are I-730s where the beneficiary is abroad and I-131s for Refugee Travel Documents where the applicant is abroad. These applications and petitions should continue to be held in abeyance pursuant to the EO and attached guidance pending further clarification.

From: Campagnolo, Donna P
Sent: Thursday, February 02, 2017 5:59 PM
To: Cox, Sophia; Moran, Karla; McConnell, James E; Thomas, Ronnie D; Hutchings, Pamela G; Hope, Leslie K
Cc: Neufeld, Donald W; McCament, James W
Subject: Updated EO Guidance

SCOPS Team: Attached is further guidance on the last Executive Order that went out over this past weekend. I will also send this out to the Centers this evening. We hope that this answers many of the outstanding questions that you have. That said, if there is still something that you feel needs to addressed, please let us know as soon as possible.

Have a good night and thanks again for all of your help and support.

Donna Campagnolo
HQ Service Center Operations

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

FEB 2 2017

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba Lori Scialabba
Acting Director

SUBJECT: Guidance Concerning Executive Order on Immigration

On January 27, President Trump signed an Executive Order entitled "Protecting The Nation From Foreign Terrorist Entry Into The United States." This memorandum provides guidance from the Department of Homeland Security (DHS) regarding the impact of this Executive Order on various immigration benefit requests.

All USCIS employees should be aware of current guidance from DHS, specifically:

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality. Section 3(c) also does not affect applications and petitions by lawful permanent residents outside the United States, or applications and petitions for individuals outside the United States whose approval does not directly confer travel authorization (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated in the Executive Order.

3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.

5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

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Referred to Department of Homeland Security

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Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to U.S. Customs and Border Protection

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Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

Referred to Department of Homeland Security

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Referred to Department of Homeland Security

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From:	Moran, Karla
To:	McCament, James W; Campagnolo, Donna P; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject:	Form I-192
Date:	Monday, February 06, 2017 1:09:03 PM
Attachments:	Known Traveler.EO Exception.docx

Okay, first draft. Please edit as needed.
Remember we only have until 3pm EST.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

Process to Grant Exception to "Known Travelers"

Summary

U.S. Corporations are requesting that DHS create a process to grant exceptions to the suspension of entry of Foreign Nationals from specified countries as responsible Known Travelers with pressing needs sponsored by U.S. companies. USCIS will adjudicate Form I-192, Application for Advance Permission to Enter as a Nonimmigrant and upon approval issue a Form I-797 that will allow the beneficiary to board an aircraft back to the United States.

USCIS will accept the current expedite process request for Form I-192, with SCOPS. FOD may accept "emergency" Form I-192, after the fee and Form is filed with SCOPS.

Process

Beneficiary will file Form I-192 and the evidence described in "criteria" below.

Criteria

a) Must have a valid Non Immigrant Visa
b) Must have an original letterhead/signed letter from U.S. Company indicating purpose of travel (business) and length of trip.
c) Travel may only be for business
d) Travel may not be to one of the seven countries indicated on Executive Order

Fees

$930 USD

Where to File

Because the filing address is ONLINE we can change this to any Service Center. Currently, the VSC is accepting Form I-192 for T's and U's; however, any of our Centers may accept it.

Expedite Criteria

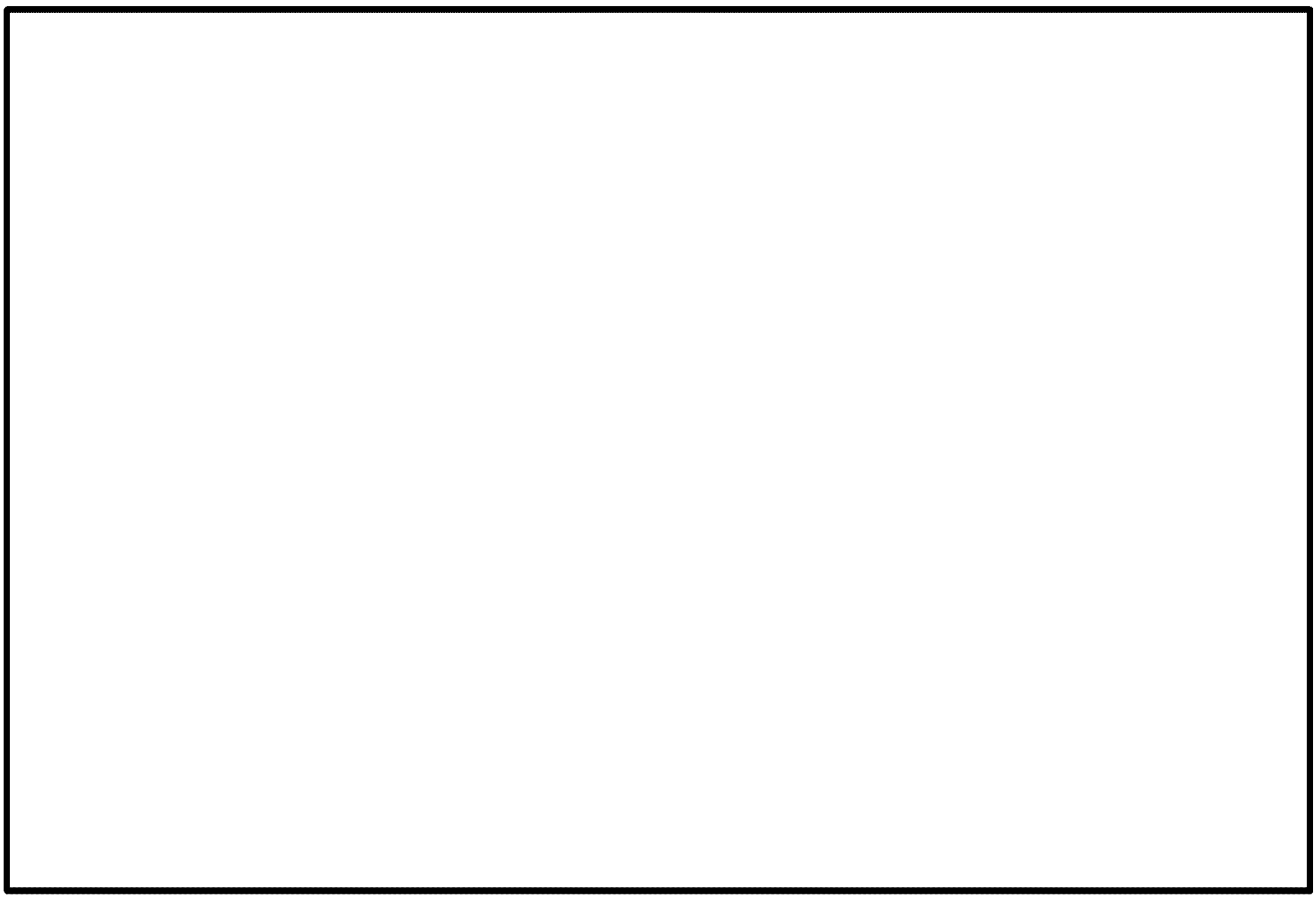
USCIS reviews expedite requests on a case-by-case basis and requests are granted at the discretion of the office leadership. The burden is on the applicant or petitioner to demonstrate that one or more of the expedite criteria have been met.

USCIS may expedite a petition or application if it meets one or more of the following criteria:

- Severe financial loss to company or person;
- Emergency situation;
- Humanitarian reasons;
- Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States;
- Department of Defense or national interest situation (These particular expedite requests must come from an official U.S. government entity and state that delay will be detrimental to the government.);

- USCIS error; or
- Compelling interest of USCIS.

Emergency Criteria (b)(5)



From:	Moran, Karla
To:	Hutchings, Pamela G; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject:	RE: Form I-192
Date:	Monday, February 06, 2017 1:55:43 PM

[redacted] (b)(5)

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

From: Hutchings, Pamela G
Sent: Monday, February 06, 2017 2:41 PM
To: Moran, Karla; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: RE: Form I-192

Karla,

[redacted] (b)(5)

Pam

From: Moran, Karla
Sent: Monday, February 06, 2017 2:09 PM
To: McCament, James W; Campagnolo, Donna P; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: Form I-192

Okay, first draft. Please edit as needed.
Remember we only have until 3pm EST.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

From:	Cox, Sophia
To:	Moran, Karla; Hutchings, Pamela G; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Arroyo, Susan K
Subject:	RE: Form I-192
Date:	Monday, February 06, 2017 1:56:43 PM

Looks great! In the expedite criteria it says can be granted at discretion of leadership. Do we want to consider changing this to Service Center Director/Field Office/District director so that folks don't get the impression these would be coming to HQ leadership?

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Moran, Karla
Sent: Monday, February 06, 2017 2:50 PM
To: Hutchings, Pamela G; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: RE: Form I-192

Agreed, it's changed to "business only." If the FO wants to add personal trips – that's up to them. But, this makes it much cleaner. (new version attached)

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

From: Hutchings, Pamela G
Sent: Monday, February 06, 2017 2:41 PM
To: Moran, Karla; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: RE: Form I-192

Karla,

(b)(5)

[redacted]

Pam

From: Moran, Karla
Sent: Monday, February 06, 2017 2:09 PM
To: McCament, James W; Campagnolo, Donna P; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: Form I-192

Okay, first draft. Please edit as needed.
Remember we only have until 3pm EST.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted]
(b)(6)

From: Cox, Sophia
To: Moran, Karla; Hutchings, Pamela G; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Arroyo, Susan K
Subject: RE: Form I-192
Date: Monday, February 06, 2017 2:01:09 PM

Personally, I would say no unless they tell us that has to be a criterion. (b)(5)
I say this because [redacted]
[redacted] but I will defer to the majority.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Moran, Karla
Sent: Monday, February 06, 2017 2:56 PM
To: Hutchings, Pamela G; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: RE: Form I-192

[redacted] (b)(5)

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

From: Hutchings, Pamela G
Sent: Monday, February 06, 2017 2:41 PM
To: Moran, Karla; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K

Subject: RE: Form I-192

Karla,

(b)(5)

[redacted]

Pam

From: Moran, Karla
Sent: Monday, February 06, 2017 2:09 PM
To: McCament, James W; Campagnolo, Donna P; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: Form I-192

Okay, first draft. Please edit as needed.
Remember we only have until 3pm EST.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)

[redacted]

(b)(6)

From:	Moran, Karla
To:	McCament, James W; Campagnolo, Donna P; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Subject:	I-192
Date:	Monday, February 06, 2017 4:44:29 PM
Attachments:	Known Traveler.EO Exception.docx

All,
This is the latest draft version, we've updated with "business" and "student" criteria. Please feel free to edit.
Donna is working on a separate draft for paroles. We will discuss in the morning as these are both due by noon tomorrow.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

Process to Grant Exception to "Known Travelers"

Summary

DHS requests that USCIS create a process to grant exceptions to the suspension of entry of foreign nationals from specified countries as responsible Known Travelers with pressing needs sponsored by U.S. companies or U.S. Universities/Schools. USCIS shall adjudicate Form I-192, Application for Advance Permission to Enter as a Nonimmigrant and upon approval issue a Form I-797 that will allow the beneficiary to board an aircraft back to the United States. CBP will inspect and determine admission based on the beneficiary's NIV.

USCIS (SCOPS) will accept the current expedite process request for Form I-192. Premium Processing is not available for Form I-192. Biometrics are required prior to adjudication of Form I-192. USCIS (FOD) will accept emergency process request for Form I-192, when the Form I-192 is pending with USCIS (SCOPS).

A denial of Form I-192 may result in the issuance of an NTA.

USCIS Process

Applicant will be scheduled for a Biometrics Appointment. The Form I-192 will not be adjudicated if the applicant has not completed a Biometrics Appointment.
Applicant must file Form I-192 with the evidence described in "criteria" below.

Criteria

Business Traveler Criteria

a) Traveler must have a valid Non Immigrant Visa (H, L, O, P, R).
b) U.S. employer must be enrolled in e-Verify.
c) Must have an original letterhead/signed letter by CEO, Vice President, or President level, from U.S. Company indicating purpose of travel (business) and length of trip.
d) Travel may only be for business.
e) Travel may not be for vacation.
f) Travel may not be to one of the seven countries indicated on Executive Order.

Student Traveler Criteria

a) Student must have a valid Non Immigrant Visa (F, M, J).
b) U.S. University/School must be verified in SEVIS.
c) Must have an original letterhead/signed letter by Vice President, or President level, from U.S. University/School indicating purpose of travel (business) and length of trip.
d) Travel may only be for business.
e) Travel may not be for vacation.
f) Travel may not be to one of the seven countries indicated on Executive Order.

Application
Form I-192 - A change to collect this data can be made within approximately two weeks.

Form I-797 resides in the local C3 print service. Changes can be made to the notice (body) within two weeks; however, header changes may require more time.

Fees

Form I-192	$930 USD
Biometrics	$80 USD

Where to File
Because the filing address is ONLINE we can change this to CSC, VSC, TSC or NSC. Currently, the VSC is accepting Form I-192 for T's and U's.

Expedite Criteria
USCIS reviews expedite requests on a case-by-case basis and requests are granted at the discretion of the office leadership. The burden is on the applicant or petitioner to demonstrate that one or more of the expedite criteria have been met.

USCIS may expedite a petition or application if it meets one or more of the following criteria:

- Severe financial loss to company or person;
- Emergency situation;
- Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States;
- Department of Defense or national interest situation (These particular expedite requests must come from an official U.S. government entity and state that delay will be detrimental to the government.);
- USCIS error; or
- Compelling interest of USCIS.

CBP Process

From:	Campagnolo, Donna P
To:	Moran, Karla; McCament, James W; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc:	Neufeld, Donald W
Subject:	RE: I-192
Date:	Monday, February 06, 2017 8:13:04 PM
Attachments:	192 eo option.docx

Hi all and thanks so much Karla. The I-192 version looks great.

I have been working on the 131 version, and because so much of that is similar to what we note about the I-192 processing, I decided to merge both options into one document and added some background to give some context. Take a look and let me know what you think about that approach.

Bottom line is it looks like we could implement either option in about 45 days as the system updates to notices and filing look minimal and simple web updates. Can you verify those timelines? Also, do we want to go as far as to make a recommendation on which we think is the right one to implement or simply present both?

Thanks again. Looking forward to your feedback. Have a good night and looking forward to meeting in the morning.

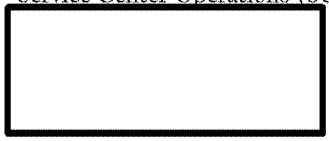
Donna Campagnolo
HQ Service Center Operations

From: Moran, Karla
Sent: Monday, February 06, 2017 5:44 PM
To: McCament, James W; Campagnolo, Donna P; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Subject: I-192

All,
This is the latest draft version, we've updated with "business" and "student" criteria. Please feel free to edit.
Donna is working on a separate draft for paroles. We will discuss in the morning as these are both due by noon tomorrow.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)



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Waiver Options

Background: As a result of recent Executive Orders relating to limiting travel to the United States from 7 identified countries, the Department of Homeland Security is in a challenging position to assist individuals that may be stuck in this process. The concerning population consists of individuals, currently in the United States, that came to the US on a valid visa, but as a result of the recent Orders, can no longer enter and depart the country.

This is a truly unique situation for the Agency. One that we haven't encountered to date, thus, will require something new to be implemented. Essentially, DHS needs to create a process that would allow the individuals stuck in this scenario to apply to the Department prior to leaving the country. This provisional review will ensure that, upon their return to the United States, they will be allowed reentry. The goal being that this new process will provide them with a document that they could present to CBP when they arrive to allow entry.

It is estimated that approximately 18,000 people could be in this population.

While we believe that the best option to truly stay aligned to the intent of the Order is to not allow this, we understand that the Department needs to consider and possibly create an option to assure impacted individuals a safe return to the US. USCIS currently doesn't have an existing process that allows for this, thus, a new process must be created for this sole reason. As a result, USCIS is proposing two possible options for consideration.

Option 1: Grant Exception to "Known Travelers"

I-192 Process Overview:

- USCIS shall adjudicate Form I-192, Application for Advance Permission to Enter as a Nonimmigrant. Currently, these cases are accepted at the Vermont Service Center (VSC). For ease of implementation we would look to locate this workload there as well.
    - Fees:
    - Form I-192 $930 USD
    - Biometrics $80 USD
- Approval of the I-192 will generate Form I-797 that will allow the beneficiary to board an aircraft back to the United States. CBP will inspect and determine admission based on the beneficiary's NIV.
    - A denial of Form I-192 may result in the issuance of an NTA.
- USCIS (Service Center Operations) (SCOPS) will accept the current expedite process request for Form I-192.
    - Severe financial loss to company or person;
    - Emergency situation;

- Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States;
- Department of Defense or national interest situation (These particular expedite requests must come from an official U.S. government entity and state that delay will be detrimental to the government.);
- USCIS error; or
- Compelling interest of USCIS.

- Biometrics are required for all I-192 cases. Adjudication will not occur until results are received and analyzed.

- Premium Processing is not available for Form I-192.

- USCIS Field Operations will accept emergency process request for Form I-192, when the Form I-192 is pending with USCIS (SCOPS).

- Routine processing time for I-192 requests will be 30 days.

Mandatory Criteria:

The applicant must file Form I-192 with the evidence described in "criteria" below.

1. Business Traveler Criteria
   a) Traveler must have a valid Non Immigrant Visa (H, L, O, P, R).
   b) U.S. employer must be enrolled in e-Verify.
   c) Must have an original letterhead/signed letter by CEO, Vice President, or President level, from U.S. Company indicating purpose of travel (business) and length of trip.
   d) Travel may only be for business.
   e) Travel may not be for vacation.
   f) Travel may not be to one of the seven countries indicated on Executive Order.

2. Student Traveler Criteria
a) Student must have a valid Non Immigrant Visa (F, M, J).
   b) U.S. University/School must be verified in SEVIS.
   c) Must have an original letterhead/signed letter by Vice President, or President level, from U.S. University/School indicating purpose of travel (business) and length of trip.
   d) Travel may only be for business.
   e) Travel may not be for vacation.
   f) Travel may not be to one of the seven countries indicated on Executive Order.

Option #1 - Required for Implementation:

1. Communications on new process to the public
2. Preparation at VSC for intake and customer interaction.
   a. Training on new process

3. System Updates:
    - Form I-192 – Currently, very little data is collected on the I-192 in USCIS systems. A modification to CLAIMS 3 will be required to add additional data fields. This piece is essential so that we can differentiate these cases from others and be able to run reports on this specific workload. It is estimated that this modification can be made in an estimated two weeks.

    - Form I-797 resides in the local C3 print service. Changes can be made to the notice (body) within two weeks; however, header changes may require more time. Total estimated time for changes is 30 days.

If required, USCIS could implement this portion of option #1 in 45 days. It's important to note at this stage in the proposed process that true success will be dependent on CBP also playing a role in the process as these individuals enter the United States. The CBP process overview is noted below.

CBP Process

Option #2 – Advanced Parole

I-131 Process Overview: Much of the process flow as identified in Option # 1 will also apply here in the I-131 process.

- USCIS shall adjudicate Form I-131, Application for Travel Document.
- All Service Centers and many Field Office locations currently adjudicate I-131s, Advanced Parole. For this workload, SCOPS would look to the Nebraska Service Center (NSC) to process these requests.
- The I-131 is a form that we use in support of many different benefits. As a result, this option may be a bit more challenging to segregate the population for reporting purposes. We do believe that we can find a way to do that through data analysis, just wanted to note it in the proposal as a challenge that needs to be overcome.
    - If it is identified that there is a particular need to have these cases follow a different process then the standard we could create an exception here. The Service Center could process the I-131, and USCIS could ask the individual to come into the Field Office to gather their travel document. Otherwise, the standard process is they will receive their travel document via the mail.

- With that said, advanced parole, under its definition and in looking at the Agency's past use of it, is the solution that makes the most sense and is completely aligned to the intent of parole and USCIS processing.

    - Fees:
    - Form I-131 $575 USD

- Biometrics $80 USD

- Approval of the I-131 will generate Form I-797 as well as a I-512, which is a travel document. This document will allow the beneficiary to board an aircraft back to the United States. CBP will inspect and determine admission based on the beneficiary's NIV.

  - A denial of Form I-131 may result in the issuance of an NTA.

- USCIS (Service Center Operations) (SCOPS) will accept the current expedite process request for Form I-131.
  - Severe financial loss to company or person;
  - Emergency situation;
  - Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States;
  - Department of Defense or national interest situation (These particular expedite requests must come from an official U.S. government entity and state that delay will be detrimental to the government.);
  - USCIS error; or
  - Compelling interest of USCIS.

- Biometrics are required for all I-131 cases. Adjudication will not occur until results are received and analyzed.

- Premium Processing is not available for Form I-131.

- USCIS Field Operations will accept emergency process requests for Form I-512, Request for Travel Document, when the Form I-131 is pending with USCIS (SCOPS).

- Routine processing time for I-131 requests will be 30 days.

Mandatory Criteria:

The applicant must file Form I-131 with the evidence described in "criteria" below.

3. Business Traveler Criteria
   g) Traveler must have a valid Non Immigrant Visa (H, L, O, P, R).
   h) U.S. employer must be enrolled in e-Verify.
   i) Must have an original letterhead/signed letter by CEO, Vice President, or President level, from U.S. Company indicating purpose of travel (business) and length of trip.
   j) Travel may only be for business.
   k) Travel may not be for vacation.
   l) Travel may not be to one of the seven countries indicated on Executive Order.

4. Student Traveler Criteria

g) Student must have a valid Non Immigrant Visa (F, M, J).
h) U.S. University/School must be verified in SEVIS.
i) Must have an original letterhead/signed letter by Vice President, or President level, from U.S. University/School indicating purpose of travel (business) and length of trip.
j) Travel may only be for business.
k) Travel may not be for vacation.
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Option #2 - Required for Implementation:

4. Communications on new process to the public
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    a. Training on new process
6. System Updates:
    - Form I-512 – USCIS would like to modify the language to the I-512 for this new process so that it is clear that these cases are the exception to the Order. Updates will take approximately 1 month.

    - Form I-797 (approval notice) for the I-131 resides in the local C3 print service. Changes can be made to the notice (body) within two weeks; however, header changes may require more time. Total estimated time for changes is 30 days.

If required, USCIS could implement this portion of option #2 in 45 days. It's important to note at this stage in the proposed process that true success will be dependent on CBP also playing a role in the process as these individuals enter the United States. The same process that CBP outlined in Option #1 would apply here in Option #2 as well.

From:	Hutchings, Pamela G
To:	Campagnolo, Donna P; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc:	Neufeld, Donald W
Subject:	RE: I-192
Date:	Tuesday, February 07, 2017 6:49:50 AM

Good morning, All,

The opening paragraph seems to imply this form/process may be used for those visa holders currently "stuck" outside the U.S., is that correct? Otherwise the process proposed is manageable for USCIS to implement – in the long term. If this is simply a short term fix, required for a small number of affected individuals during this 80 day period, then a 45 day startup and 30 day processing time doesn't seem to meet their immediate needs.

Pam

From: Campagnolo, Donna P
Sent: Monday, February 06, 2017 9:13 PM
To: Moran, Karla; McCament, James W; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Hi all and thanks so much Karla. The I-192 version looks great.

I have been working on the 131 version, and because so much of that is similar to what we note about the I-192 processing, I decided to merge both options into one document and added some background to give some context. Take a look and let me know what you think about that approach.

Bottom line is it looks like we could implement either option in about 45 days as the system updates to notices and filing look minimal and simple web updates. Can you verify those timelines? Also, do we want to go as far as to make a recommendation on which we think is the right one to implement or simply present both?

Thanks again. Looking forward to your feedback. Have a good night and looking forward to meeting in the morning.

Donna Campagnolo
HQ Service Center Operations

From: Moran, Karla
Sent: Monday, February 06, 2017 5:44 PM
To: McCament, James W; Campagnolo, Donna P; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Subject: I-192

All,
This is the latest draft version, we've updated with "business" and "student" criteria. Please feel

free to edit.
Donna is working on a separate draft for paroles. We will discuss in the morning as these are both due by noon tomorrow.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

From:	Campagnolo, Donna P
To:	Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc:	Neufeld, Donald W
Subject:	RE: I-192
Date:	Tuesday, February 07, 2017 6:56:23 AM

Good morning Pam. Thanks so much for the feedback. It's for folks inside the US. We can certainly make that more clear.

Regarding the timeframe, as I understand it from Leslie, the major piece for start up is around the system updates. Leslie- please confirm. I don't know that those can be cut down.

All- If the system update timeframe ends up being too long, does the team have any ideas on what we can do without those in place for this? Also, if not 30 days for a processing time, what would you recommend?

Thanks again.
Donna

From: Hutchings, Pamela G
Sent: Tuesday, February 07, 2017 7:49:49 AM
To: Campagnolo, Donna P; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

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Sent: Monday, February 06, 2017 9:13 PM
To: Moran, Karla; McCament, James W; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
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approach.

Bottom line is it looks like we could implement either option in about 45 days as the system updates to notices and filing look minimal and simple web updates. Can you verify those timelines? Also, do we want to go as far as to make a recommendation on which we think is the right one to implement or simply present both?

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HQ Service Center Operations

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Donna is working on a separate draft for paroles. We will discuss in the morning as these are both due by noon tomorrow.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)

[redacted] (b)(6)

From:	Moran, Karla on behalf of Scheduler SCOPS Front Office
To:	McCament, James W; Campagnolo, Donna P; Moran, Karla; Arroyo, Susan K; Cox, Sophia; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject:	EO Options for Traveler
Attachments:	EO Options for Travelers.docx

866-541-1097
Code: 80027560

Directly after the Staff Meeting we will move to Don's Office to review the options document.

Waiver Options

Background: As a result of recent Executive Orders relating to limiting travel to the United States from 7 identified countries, the Department of Homeland Security is in a challenging position to assist individuals that may be stuck in this process. The concerning population consists of individuals, currently in the United States, that came to the US on a valid visa, but as a result of the recent Orders, can no longer enter and depart the country.

This is a truly unique situation for the Agency. One that we haven't encountered to date, thus, will require something new to be implemented. Essentially, DHS needs to create a process that would allow the individuals stuck in this scenario to apply to the Department prior to leaving the country. This provisional review will ensure that, upon their return to the United States, they will be allowed reentry. The goal being that this new process will provide them with a document that they could present to CBP when they arrive to allow entry.

It is estimated that approximately 18,000 people could be in this population.

While we believe that the best option to truly stay aligned to the intent of the Order is to not allow this, we understand that the Department needs to consider and possibly create an option to assure impacted individuals a safe return to the US. USCIS currently doesn't have an existing process that allows for this, thus, a new process must be created for this sole reason. As a result, USCIS is proposing two possible options for consideration.

Option 1: Grant Exception to "Known Travelers"

I-192 Process Overview:

- USCIS shall adjudicate Form I-192, Application for Advance Permission to Enter as a Nonimmigrant. Currently, these cases are accepted at the Vermont Service Center (VSC). For ease of implementation we would look to locate this workload there as well.
    - Fees:
    - Form I-192 $930 USD
    - Biometrics $80 USD
- Approval of the I-192 will generate Form I-797 that will allow the beneficiary to board an aircraft back to the United States. CBP will inspect and determine admission based on the beneficiary's NIV.
    - A denial of Form I-192 may result in the issuance of an NTA.
- USCIS (Service Center Operations) (SCOPS) will accept the current expedite process request for Form I-192.
    - Severe financial loss to company or person;
    - Emergency situation;

- Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States;
- Department of Defense or national interest situation (These particular expedite requests must come from an official U.S. government entity and state that delay will be detrimental to the government.);
- USCIS error; or
- Compelling interest of USCIS.

- Biometrics are required for all I-192 cases. Adjudication will not occur until results are received and analyzed.

- Premium Processing is not available for Form I-192.

- USCIS Field Operations will accept emergency process request for Form I-192, when the Form I-192 is pending with USCIS (SCOPS).

- Routine processing time for I-192 requests will be 30 days.

Mandatory Criteria:

The applicant must file Form I-192 with the evidence described in "criteria" below.

1. Business Traveler Criteria
   a) Traveler must have a valid Non Immigrant Visa (H, L, O, P, R).
   b) U.S. employer must be enrolled in e-Verify.
   c) Must have an original letterhead/signed letter by CEO, Vice President, or President level, from U.S. Company indicating purpose of travel (business) and length of trip.
   d) Travel may only be for business.
   e) Travel may not be for vacation.
   f) Travel may not be to one of the seven countries indicated on Executive Order.

2. Student Traveler Criteria

a) Student must have a valid Non Immigrant Visa (F, M, J).
   b) U.S. University/School must be verified in SEVIS.
   c) Must have an original letterhead/signed letter by Vice President, or President level, from U.S. University/School indicating purpose of travel (business) and length of trip.
   d) Travel may only be for business.
   e) Travel may not be for vacation.
   f) Travel may not be to one of the seven countries indicated on Executive Order.

Option #1 - Required for Implementation:

1. Communications on new process to the public
2. Preparation at VSC for intake and customer interaction.
   a. Training on new process

3. System Updates:
    - Form I-192 – Currently, very little data is collected on the I-192 in USCIS systems. A modification to CLAIMS 3 will be required to add additional data fields. This piece is essential so that we can differentiate these cases from others and be able to run reports on this specific workload. It is estimated that this modification can be made in an estimated two weeks.

    - Form I-797 resides in the local C3 print service. Changes can be made to the notice (body) within two weeks; however, header changes may require more time. Total estimated time for changes is 30 days.

If required, USCIS could implement this portion of option #1 in 45 days. It's important to note at this stage in the proposed process that true success will be dependent on CBP also playing a role in the process as these individuals enter the United States. The CBP process overview is noted below.

CBP Process

Option #2 – Advanced Parole

I-131 Process Overview: Much of the process flow as identified in Option # 1 will also apply here in the I-131 process.

- USCIS shall adjudicate Form I-131, Application for Travel Document.
- All Service Centers and many Field Office locations currently adjudicate I-131s, Advanced Parole. For this workload, SCOPS would look to the Nebraska Service Center (NSC) to process these requests.
- The I-131 is a form that we use in support of many different benefits. As a result, this option may be a bit more challenging to segregate the population for reporting purposes. We do believe that we can find a way to do that through data analysis, just wanted to note it in the proposal as a challenge that needs to be overcome.
    - If it is identified that there is a particular need to have these cases follow a different process then the standard we could create an exception here. The Service Center could process the I-131, and USCIS could ask the individual to come into the Field Office to gather their travel document. Otherwise, the standard process is they will receive their travel document via the mail.

- With that said, advanced parole, under its definition and in looking at the Agency's past use of it, is the solution that makes the most sense and is completely aligned to the intent of parole and USCIS processing.

    - Fees:
    - Form I-131 $575 USD

- Biometrics $80 USD

- Approval of the I-131 will generate Form I-797 as well as a I-512, which is a travel document. This document will allow the beneficiary to board an aircraft back to the United States. CBP will inspect and determine admission based on the beneficiary's NIV.

  - A denial of Form I-131 may result in the issuance of an NTA.

- USCIS (Service Center Operations) (SCOPS) will accept the current expedite process request for Form I-131.
  - Severe financial loss to company or person;
  - Emergency situation;
  - Nonprofit organization whose request is in furtherance of the cultural and social interests of the United States;
  - Department of Defense or national interest situation (These particular expedite requests must come from an official U.S. government entity and state that delay will be detrimental to the government.);
  - USCIS error; or
  - Compelling interest of USCIS.

- Biometrics are required for all I-131 cases. Adjudication will not occur until results are received and analyzed.

- Premium Processing is not available for Form I-131.

- USCIS Field Operations will accept emergency process requests for Form I-512, Request for Travel Document, when the Form I-131 is pending with USCIS (SCOPS).

- Routine processing time for I-131 requests will be 30 days.

Mandatory Criteria:

The applicant must file Form I-131 with the evidence described in "criteria" below.

3. Business Traveler Criteria
   g) Traveler must have a valid Non Immigrant Visa (H, L, O, P, R).
   h) U.S. employer must be enrolled in e-Verify.
   i) Must have an original letterhead/signed letter by CEO, Vice President, or President level, from U.S. Company indicating purpose of travel (business) and length of trip.
   j) Travel may only be for business.
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g) Student must have a valid Non Immigrant Visa (F, M, J).
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If required, USCIS could implement this portion of option #2 in 45 days. It's important to note at this stage in the proposed process that true success will be dependent on CBP also playing a role in the process as these individuals enter the United States. The same process that CBP outlined in Option #1 would apply here in Option #2 as well.

From:	Moran, Karla
To:	Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject:	Exception Document
Date:	Tuesday, February 07, 2017 9:34:12 AM
Attachments:	I797language.Exception Order Authorization.docx

Donna,

Here is the draft language for the I-797 we will issue if the I-192 is approved.

I'm sure it will look quite different after OCC and OP&S.

All,

Please edit as needed.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

Exception Order Authorization

This notice is to advise you of action taken on Form I-192. The official notice has been mailed according to the mailing preference noted on the Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative. Any relevant documentation was mailed according to the specified mailing preference.

The above application for Exception to Executive Order _____ is approved.

Transportation Line: Presentation of this original document authorizes a transportation line to accept the named bearer on board for travel to the United States without liability under Section 273 of the Immigration and Nationality Act (INA). This travel authorization is issued pursuant to Section (3)(e) of Executive Order _____ dated January 27, 2017.

Recipient: This document authorizes a **SINGLE DEPARTURE** from the United States and a **SINGLE RETURN** to the United States. Upon your return to the United States and your arrival at a Port of Entry, you must present this document to Customs and Border Protection (CBP), together with your valid, unexpired non-immigrant visa, and your valid unexpired passport. Your travel must be within the validity period of this authorization and your valid non-immigrant visa.

CBP: This authorization has been issued pursuant to Section (3)(g) of Executive Order ____ following an individual case by case review and upon a determination that admission would be in the national interest. The named bearer is authorized to depart the United States temporarily, with the intent to return to the United States. Presentation of the original of this document and a valid visa allows a Customs and Border Protection (CBP) Officer at a Port of Entry to readmit the named bearer, whose photograph appears on this authorization into the United States based on Section (3)(g) of Executive Order _____.

WARNING NOTICE

Read before you travel abroad

Presentation of this Exception Order Authorization, together with a valid unexpired passport and a valid unexpired non-immigrant visa, will allow a CBP officer at a port-of entry to readmit you into the United States.

DHS can revoke or terminate your Exception Order Authorization at any time. If you are outside the United States when you are notified that DHS has revoked or terminated your Exception Order Authorization document, the revocation or termination of this travel document may leave you unable to return to the United States unless you receive a subsequent travel authorization.

Leaving the United States, even with this Exception Order Authorization, does not guarantee that you will be readmitted into the United States.

Inadmissibility in general: If you have concerns about admissibility and waivers, you should contact an immigration attorney or an immigrant assistance organization accredited by the BIA before making travel plans.

From:	Campagnolo, Donna P
To:	McCament, James W; Neufeld, Donald W; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject:	RE: I-192
Date:	Tuesday, February 07, 2017 1:10:48 PM

Hi all. Just talked with Julie and got the first set of responses back in. Looks like FOD agrees that the 192 is the way to go. With that said, we will start working to incorporate feedback. It sounds like a meeting may be scheduled for tomorrow morning with Lori to solidify this. I'll be sure to keep you posted as new information is available.

Thanks again.

Donna Campagnolo
HQ Service Center Operations

From: McCament, James W
Sent: Tuesday, February 07, 2017 12:38 PM
To: Neufeld, Donald W; Campagnolo, Donna P; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Thanks Don. Yes we should be meeting but its not set. But we all wholly agree with your hope-and Lori expressed the same point to DHS on yesterdays call (robustly and enthusiastically I might add).

James W. McCament
Deputy Associate Director,
Service Center Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security
Washington, DC 20529-2150

[redacted] (b)(6)

This email (including any attachments) is intended solely for the use of the addressee(s) and may contain information that is sensitive or otherwise protected by applicable law. If you are not the intended recipient, your disclosure, copying, distribution or other use of (or reliance upon) the information contained in this email is strictly prohibited. If you are not the intended recipient, please notify the sender immediately and delete or destroy all copies. Thank You.

From: Neufeld, Donald W
Sent: Tuesday, February 07, 2017 12:23:17 PM
To: Campagnolo, Donna P; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Thanks Donna. I'm assuming at some point there will be a meeting with Lori and others to

discuss. You all have done a great job outlining options and it will be good to get the perspective of others. Among all of us, I'm hoping it all goes no where and we dodge this bullet.

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 12:02:53 PM
To: Neufeld, Donald W; Moran, Karla; Cox, Sophia; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Thanks Don. I'll take a look at that portion to ensure its all aligned with the I-192 recommendation. We have since removed the reference to VSC as well.

Donna Campagnolo
HQ Service Center Operations

From: Neufeld, Donald W
Sent: Tuesday, February 07, 2017 11:38 AM
To: Moran, Karla; Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

I guess I'm ambivalent on the E-verify piece. I think the checks we do on the beneficiaries are most important and unless we think an employer may be complicit in any intended misdeeds, I don't know that it makes a difference that Microsoft vouches for someone or a mom and pop operation without e-verify. Neither would necessarily know what's in the head of their employees.

I don't think this will be our call either way so as long as we don't have operational concerns we should just flag as a policy call.

There is a part in the doc where we say we think the I-131 is better. If we don't, we should fix that and also explain why we think the I-192 is preferable.

Again, thanks to everyone.

From: Moran, Karla
Sent: Tuesday, February 07, 2017 10:52:02 AM
To: Neufeld, Donald W; Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

We (SCOPS) voted for the I-192. It's cleaner for us to implement and CBP will not have issues if they need to ER the person. The I-192 will provide them with an I-797 that is a Transportation Letter (draft language attached). They would need to provide a valid passport and visa to enter and be inspected. On the other hand, if we issue a parole – CBP is worried that if issues arise, they may try to say they have a parole.

Also, while e-verify isn't related to admission, we added it because the Fortune 500 companies are asking to vouch for their employees (e.g. Microsoft, Amazon, Google, etc.). This would ensure that we are only accepting letters from legitimate businesses that have been vetted. We thought it would be good to leave in but completely understand if it's taken out somewhere along the process, as many are reviewing.

From: Neufeld, Donald W
Sent: Tuesday, February 07, 2017 10:46 AM
To: Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Overall the paper looks very good. Thanks to everyone for pulling it together so quickly.

The everify requirement would purely be a policy call. I don't see the nexus between e-verify use and a national interest determination related to admission so I would advocate for removing it.

I agree that adding work to VSC is problematic so if we could do I-192s elsewhere that would be better. We also need to validate the 18000 volume estimate as I don't know who provided it or how it was calculated.

If we believe the I-131 is better we should explain why.

From: Cox, Sophia
Sent: Tuesday, February 07, 2017 9:30:03 AM
To: Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Cc: Neufeld, Donald W
Subject: RE: I-192

Adding Ron.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Cox, Sophia
Sent: Tuesday, February 07, 2017 8:39 AM
To: Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M
Cc: Neufeld, Donald W
Subject: RE: I-192
Importance: High

Hi. Here are my concerns in the attached. Look forward to discussing.

- Why are we requiring E-Verify? Are we being told it is a requirement from the FO/Dept. or are we imposing it on ourselves? [redacted]

(b)(5) [redacted]

- If the I-192 is denied, what would be the legal basis for the removal charge be?
- I know VSC already does the I-192s for the victims relate work, but this will coincide with cap where the contractors will already be knee deep in data entry. Recommend moving this elsewhere.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 7:56 AM
To: Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Good morning Pam. Thanks so much for the feedback. It's for folks inside the US. We can certainly make that more clear.

Regarding the timeframe, as I understand it from Leslie, the major piece for start up is around the system updates. Leslie- please confirm. I don't know that those can be cut down.

All- If the system update timeframe ends up being too long, does the team have any ideas on what we can do without those in place for this? Also, if not 30 days for a processing time, what would you recommend?

Thanks again.
Donna

From: Hutchings, Pamela G
Sent: Tuesday, February 07, 2017 7:49:49 AM
To: Campagnolo, Donna P; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
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Subject: RE: I-192

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Thanks again. Looking forward to your feedback. Have a good night and looking forward to meeting in the morning.

Donna Campagnolo
HQ Service Center Operations

From: Moran, Karla
Sent: Monday, February 06, 2017 5:44 PM
To: McCament, James W; Campagnolo, Donna P; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Subject: I-192

All,

This is the latest draft version, we've updated with "business" and "student" criteria. Please feel free to edit.
Donna is working on a separate draft for paroles. We will discuss in the morning as these are both due by noon tomorrow.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

From:	Cox, Sophia
To:	Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc:	McCament, James W
Subject:	RE: Friday"s EO
Date:	Saturday, January 28, 2017 8:00:00 PM

Hi. I just finished reading the whole EO. Section 3c, which suspends the immigrant and nonimmigrant entry, refers to those described in INA 217(a)(2). As far as I can tell, only Iraq and Syria are mentioned in this statutory provision. Are other countries affected or just Iraq and Syria? I couldn't find reference to any other countries anywhere else, so wanted to be sure I wasn't missing anything.

Regarding EAD categories that would include those in INA 217(a)(2), we have:

- (c)(1) For the dependents of A-1 and A-2 government officials.
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement;
  - DOS sends only the favorably endorsed applications to NSC.
- (c)(4) For the dependents of G-1, G-3, or G-4 (I think this includes NATO and at the US Mission to the UN, too).
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement.
  - DOS sends only the favorably endorsed applications to NSC.

There are some special immigrant categories applicable to As, Gs, and NATO. The I-360 is filed with Dallas and Phoenix LB and the I-485 is filed with Phoenix LB. I am thinking that NSC adjudicates these, but it would be best to confirm.

- I Special Immigrants (INA 101(a)(27)(I) who meet certain residence and physical presence requirements. Includes:
  - Unmarried sons/daughters of an officer or employee, or a former officer or employee of an international organization described in INA 101(a)(15)(G)(i).
  - Surviving spouses of deceased officers or employees of international organizations described in INA

101(a)(15)(G)(i).
    - Retired officers and employees of international organizations.
    - Following to join/accompanying spouse of a retired officer or employee who was granted special immigrant status as a retired officer or employee of an international organization.
- L Special Immigrants (INA 101(a)(27)(L) who meet certain residence and physical presence requirements. Looks like this covers NATO and the same categories of persons described in 101(a)(27)(I).

This is all I can think of for now. If I come up with anything else, I will send it forward.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 1:18 PM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi Sophia. I think you may be right about the As and Gs. I'll check and confirm.

Thanks all.

Donna

From: Cox, Sophia
Sent: Saturday, January 28, 2017 11:29:44 AM
To: Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W
Subject: RE: Friday's EO

I think the A and Gs might be done at the Washington district office but I am not 100% sure.

Donna might remember?? There might be some 765 related to their dependents who are students. I'll check the 765 instructions.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:12:43 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

One more thing, the suspension does not apply to This suspension of entry does not apply to those foreign nationals traveling on A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2 or diplomatic type visas, or to issuance of visas in those categories. Do we adjudicate anything related to those visa categories at the centers?

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:07 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: Friday's EO

Sorry to bother you over the weekend. The President signed an executive order on Friday titled "Protecting the Nation from Foreign Terrorist Entry into the United States". Among other things, it prevents the entry of citizens or nationals from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for a 90 day period. I am working with Dan, Andrew, Tracy and Lori on a message to send out this weekend that would suspend certain adjudications while we seek guidance/clarity on how this will specifically apply to our workloads.

Most likely, on Monday we will want to identify any potentially impacted cases in C3 and ELIS. I assume it will be possible to run reports identifying cases with applicants, requestors or beneficiaries from these countries sorted by form type. Does anyone know if we could somehow flag them for hold? Ideally we'd be able to prevent accidental approval, but even if we can't stop approval it would be good to flag them for adjudicators. Also, this isn't an indefinite hold so whatever we do it needs to allow normal processing to proceed fairly easily at some point in the future.

At this point, I'm just looking for thoughts and ideas on how to identify what will be a changing universe of cases and flag them for possible special handling. I'd prefer to keep this among ourselves for now so please check with me before sharing with anyone. Any thoughts or concerns are appreciated.

Thanks,

Don

From: Neufeld, Donald W
To: Cox, Sophia; Moran, Karla
Subject: FW: Executive Order
Date: Monday, January 30, 2017 10:10:47 AM

FYI

From: Levine, Laurence D
Sent: Monday, January 30, 2017 7:31 AM
To: Groom, Molly M; Slattery, Shannon E; Renaud, Daniel M; Neufeld, Donald W; Walters, Jessica S; Busch, Philip B; Kleczek, Marguerite P (Ania)
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E; Elder, Phillip D; Tynan, Natalie S; Rather, Michael B; Deshommes, Samantha L
Subject: RE: Executive Order

+ Natalie, Mike and Sam

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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From: Groom, Molly M
Sent: Monday, January 30, 2017 7:28 AM
To: Slattery, Shannon E; Levine, Laurence D; Renaud, Daniel M; Neufeld, Donald W; Walters, Jessica S; Busch, Philip B; Kleczek, Marguerite P (Ania)
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E; Elder, Phillip D
Subject: RE: Executive Order

Plus Phil, Ania and Philip

From: Slattery, Shannon E
Sent: Sunday, January 29, 2017 11:24:08 PM
To: Levine, Laurence D; Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E
Subject: RE: Executive Order

+ Lisette Kvortek and Julie Farnam

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

Office [redacted] (b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:52 PM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

All – I asked the regs team to give us an idea of the tie frames for doing and re-doing forms as well as regs:

For forms , if, for instance, we have to add new vetting questions, OMB approval can be accomplished relatively quickly as an emergency action (compared to the normal process).
Steps and qualifications for emergency OMB approval:
1) OP&S division, operational directorates, OCC, and RCD collaborate on the amended form and/or instructions.
2) RCD prepares the relevant PRA supporting documents (Supporting Statement, etc.) working with OIDP and Office of Privacy
3) Draft a memo justifying the emergent need (e.g., the EO), signed by USCIS CIO and DHS CIO.
4) RCD submits the package to OMB. OMB approval under emergency will only be valid for 6 months. To extend the validity of the OMB approval beyond 6 months, RCD would need to publish the 60- and 30-day Notices as normal and then resubmit the package to OMB.
As a side note, the interior enforcement EO took away the Privacy Act protections that the USG had extended to non-citizens (by policy I believe). This change may significantly impact how the Privacy Act is interpreted w/r/t USCIS forms and systems, and may or may not cause changes to our Privacy Threshold Analyses which support the PRA process. We need to get a legal opinion on whether our PTAs, etc. will change because of this, and if we can update the relevant PRA supporting documents as they come up in the queue (i.e. as RCD starts work upon expiration) or if this needs to be implemented immediately (which would be a significant workload).

For regs, the time it took to get the EA rules out from the Nov. 20, 2014 memo are good barometers of the average timeline when there is WH support and it's moving as an emergency action:
- Average of 12-16 months for drafting and publishing an NPRM (but note that there was already some work done on EA before the 11/2014 announcement)
- Average of 6-8 months to review public comments, draft final rule, and publish the final rule.

Caveats: 1) The above assumes a relatively hands-off approach of OGC staff-level attorneys and economists prior to moving to OGC FO, S1 FO, and OMB. Also assumes that the timelines for S1 FO review will be similarly expedited (i.e. a matter of hours wherein the Assistant General Counsel briefs S1 and obtains signature). 2) The "effective date" will largely depend on the speed that our computer systems can be stood up. 3) Also, of course, depends on the number and complexity of public comments received and the continued availability of monetary resources to fund contractor support of our regulatory projects (comment analysis).

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:42 AM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Ok - thanks

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6) [redacted]

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services

Department of Homeland Security
[redacted]
(b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief

Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M

Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
(b)(6) [redacted]

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
(b)(6) [redacted]

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order
To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?

3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order
Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
(b)(6) [redacted]

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
(b)(6) [redacted]

(b)(6) [redacted]

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order
I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM

To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order
I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

FYI. I think Andrew might be right in terms of what is meant bu [redacted] (b)(5)

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries

of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] (b)(5) We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

From: Hutchings, Pamela G
To: Cox, Sophia
Cc: Hutchings, Pamela G
Subject: Questions
Date: Monday, January 30, 2017 12:14:47 PM

Hi Sophia,

ADJ DIVISION questions – edit at will:

Mainly concerning definitions:

Sec 4 states as part of the uniform screening standard "Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent" Does this mean all form types will need to be revised or standardized? (Note – many of the forms have already be revised to include the inadmissibility questions)

Sec 4 states as part of the uniform screening standard "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" Is this a discretionary call or will there be defined areas with a point system?

Sec 8 (b)(iv) states information is to be collected on "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" What is the definition of "major offenses" as it relates to this section?

Operational Questions:

For COS/EOS requests, how do we go about adjudicating those? Of particular concern are the cases already included in our existing backlog. Is there a distinction between cases filed in the past versus now or in the future?

For Cap cases, do we reject cases with beneficiaries from the listed countries or do accept the cases and hold them?

- Are FTJ-A cases affected (i730) in the same way FTJ-R cases are affected by the pause in refugee processing? FTJ-A cases would be admitted as asylees.

- For those outside the US currently in T or U nonimmigrant status from the seven countries, will they be allowed re-entry?

- Don said in the email chain below "One more thing, the suspension does not apply to those foreign nationals traveling on A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2 or diplomatic

type visas, or to issuance of visas in those categories. Do we adjudicate anything related to those visa categories at the centers?"

Based on the exception mentioned above, are the Centers allowed to adjudicate an I-485 from applicants from these countries who used one of these diplomatic visas in their last entry or are they on hold with the rest?

Just as an FYI.
Below are the numbers of FB/EB visas that were allocated to applicants from these countries for FY-2017.

Iran	703 visa
Iraq	21 visas
Libya	47 visas
Somalia	7 visas
Sudan	9 visas
Syria	102 visas
Yemen	17 visas

Pamela Hutchings
Division Chief, Adjudication
Service Center Operations Directorate
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, NW, suite 2008
Washington, DC 20529

[redacted] (b)(6)

From:	Campagnolo, Donna P
To:	Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc:	McCament, James W
Subject:	RE: Friday"s EO
Date:	Monday, January 30, 2017 12:28:31 PM

Thanks so much Sophia for the quick research and clarification on this. We really appreciate it.

Donna Campagnolo
HQ Service Center Operations

From: Cox, Sophia
Sent: Monday, January 30, 2017 11:13 AM
To: Neufeld, Donald W; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

No it wouldn't. That is the only exception I could find in the regulations so the EO would not give us coverage from refund.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 11:09 AM
To: Cox, Sophia; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Thanks, but that clearly wouldn't apply here.

From: Cox, Sophia
Sent: Monday, January 30, 2017 11:07 AM
To: Neufeld, Donald W; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Yes. In my eagerness to respond quickly, I neglected to mention 8 CFR 103.7(e)(2)(ii). USCIS may retain the PP fee and not reach a conclusion on the request within 15 days, and not notify the person who

filed the request, if USCIS opens an investigation for fraud or misrepresentation relating the to benefit request. So we do get to keep the fee if we go beyond 15 days if we are investigating for fraud or misrep.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted]
(b)(6)

From: Neufeld, Donald W
Sent: Monday, January 30, 2017 10:41 AM
To: Cox, Sophia; Campagnolo, Donna P; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

I believe there is an exception where a matter is under investigation – I don't think that will apply here but it would be good to track down and review the language just in case.

From: Cox, Sophia
Sent: Monday, January 30, 2017 10:36 AM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Sure thing. I am pretty sure we have to refund if we do not take action in 15 days. The PP regs are at 8 CFR 103.7(e). It's 15 calendar days. Per 103.7(e)(2)(i) the 15 day processing period begins when USCIS receives the request for PP accompanied by an eligible employment-based immigration benefit request. Also per 103.7(e)(2)(i), if USCIS cannot reach a final decision on the request for which PP was requested, as evidenced by an approval, denial, NOID, or RFE, we will refund the PP fee but continue to process the case. I don't see anything in the PP regs that provide for any type of exception. Hope this helps. Let me know if you need anything else.

--Sophia

Sophia Cox
Senior Advisor, Policy

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[redacted] (b)(6)

From: Campagnolo, Donna P
Sent: Monday, January 30, 2017 9:54 AM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Good morning Sophia. Can you please take a look at the premium reg for us? Discussion this morning was if we have premium cases that will go beyond 15 days because they are part of this hold, do we refund? Looks like some of the centers already have some cases that are getting close to this situation between the 140s and 129s. It isn't that we can't adjudicate them in the timeframe, it's that we have an EO that may not allow for this…

Thanks in advance.
Donna Campagnolo
HQ Service Center Operations

From: Cox, Sophia
Sent: Saturday, January 28, 2017 9:01 PM
To: Campagnolo, Donna P; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi. I just finished reading the whole EO. Section 3c, which suspends the immigrant and nonimmigrant entry, refers to those described in INA 217(a)(2). As far as I can tell, only Iraq and Syria are mentioned in this statutory provision. Are other countries affected or just Iraq and Syria? I couldn't find reference to any other countries anywhere else, so wanted to be sure I wasn't missing anything.

Regarding EAD categories that would include those in INA 217(a)(2), we have:

- (c)(1) For the dependents of A-1 and A-2 government officials.
  - These are adjudicated at the NSC.
  - Requires favorable DOS endorsement;
  - DOS sends only the favorably endorsed applications to NSC.
- (c)(4) For the dependents of G-1, G-3, or G-4 (I think this includes

NATO and at the US Mission to the UN, too).

- These are adjudicated at the NSC.
- Requires favorable DOS endorsement.
- DOS sends only the favorably endorsed applications to NSC.

There are some special immigrant categories applicable to As, Gs, and NATO. The I-360 is filed with Dallas and Phoenix LB and the I-485 is filed with Phoenix LB. I am thinking that NSC adjudicates these, but it would be best to confirm.

- I Special Immigrants (INA 101(a)(27)(I) who meet certain residence and physical presence requirements. Includes:
  - Unmarried sons/daughters of an officer or employee, or a former officer or employee of an international organization described in INA 101(a)(15)(G)(i).
  - Surviving spouses of deceased officers or employees of international organizations described in INA 101(a)(15)(G)(i).
  - Retired officers and employees of international organizations.
  - Following to join/accompanying spouse of a retired officer or employee who was granted special immigrant status as a retired officer or employee of an international organization.
- L Special Immigrants (INA 101(a)(27)(L) who meet certain residence and physical presence requirements. Looks like this covers NATO and the same categories of persons described in 101(a)(27)(I).

This is all I can think of for now. If I come up with anything else, I will send it forward.

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted]
(b)(6)

From: Campagnolo, Donna P
Sent: Saturday, January 28, 2017 1:18 PM
To: Cox, Sophia; Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D
Cc: McCament, James W
Subject: RE: Friday's EO

Hi Sophia. I think you may be right about the As and Gs. I'll check and confirm.

Thanks all.

Donna

From: Cox, Sophia
Sent: Saturday, January 28, 2017 11:29:44 AM
To: Neufeld, Donald W; Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W
Subject: RE: Friday's EO

I think the A and Gs might be done at the Washington district office but I am not 100% sure. Donna might remember?? There might be some 765 related to their dependents who are students. I'll check the 765 instructions.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:12:43 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: RE: Friday's EO

One more thing, the suspension does not apply to This suspension of entry does not apply to those foreign nationals traveling on A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2 or diplomatic type visas, or to issuance of visas in those categories. Do we adjudicate anything related to those visa categories at the centers?

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:07 AM
To: Moran, Karla; McConnell, James E; Hope, Leslie K; Hutchings, Pamela G; Thomas, Ronnie D; Campagnolo, Donna P
Cc: McCament, James W; Cox, Sophia
Subject: Friday's EO

Sorry to bother you over the weekend. The President signed an executive order on Friday titled "Protecting the Nation from Foreign Terrorist Entry into the United States". Among other things, it prevents the entry of citizens or nationals from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for a 90 day period. I am working with Dan, Andrew, Tracy and Lori on a message to send out this weekend that would suspend certain adjudications while we seek guidance/clarity on how this will

specifically apply to our workloads.

Most likely, on Monday we will want to identify any potentially impacted cases in C3 and ELIS. I assume it will be possible to run reports identifying cases with applicants, requestors or beneficiaries from these countries sorted by form type. Does anyone know if we could somehow flag them for hold? Ideally we'd be able to prevent accidental approval, but even if we can't stop approval it would be good to flag them for adjudicators. Also, this isn't an indefinite hold so whatever we do it needs to allow normal processing to proceed fairly easily at some point in the future.

At this point, I'm just looking for thoughts and ideas on how to identify what will be a changing universe of cases and flag them for possible special handling. I'd prefer to keep this among ourselves for now so please check with me before sharing with anyone. Any thoughts or concerns are appreciated.

Thanks,

Don

From:	Groom, Molly M
To:	Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 6:24:00 AM

I think that is generally right for SCOPS. RAIO, especially IO, would have additional things to hold.

From: Neufeld, Donald W
Sent: Friday, February 03, 2017 7:18:52 AM
To: Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

I read this to mean the only thing we should continue to hold in SCOPS would be I-730s for beneficiaries outside the United States. Is that accurate?

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:32:13 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

Signed and dated copy attached. Have a good evening!

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:20 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M;

Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [redacted]; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: RE: EO Guidance

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Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: EO Guidance

Attached please find the EO implementation guidance. OCOMM will also be sending this out to a larger audience and I will post it on the ECN.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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From:	Nicholson, Maura J
To:	Groom, Molly M; Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 7:21:34 AM

I think the issue we still need clarification on is whether that hold for I-730 beneficiaries outside the US would only be for refugee follow-to-joins (all nationalities) and asylee follow-to-joins who are nationals or duals of one of the 7 countries.

From: Groom, Molly M
Sent: Friday, February 03, 2017 7:23:57 AM
To: Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
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Subject: RE: EO Guidance (b)(6)

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Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 7:34:35 AM

I think that is all the EO provides for but I know Lori is working with DHS on clarifying issues.

From: Nicholson, Maura J
Sent: Friday, February 03, 2017 8:21:31 AM
To: Groom, Molly M; Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
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Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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To:	Groom, Molly M; Nicholson, Maura J; Neufeld, Donald W; Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 7:39:37 AM

And please note that under our current guidance staff can continue to process the I-730s for asylee following to join who are not in the 7 counties. We will of course be reviewing that process just as we review the process for all other benefits as directed under the order, while we continue to process.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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Sent: Friday, February 03, 2017 5:34:33 AM
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Field Operations Directorate
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Date:	Friday, February 03, 2017 8:32:27 AM

To be clear, we are only holding up where the bene is from one of the 7 and is overseas. We are holding whether they are asylee or refugee follow to joins. As I understand it, we aren't actually approving them but are rather "provisionally" approving them subject to final approval after interview. We should get clarification if the provisional approvals are subject to the hold as well, or if they can continue. Also, I would think denials could proceed but we'll hold all pending further guidance.

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U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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To:	Farnam, Julie E; Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 9:25:54 AM

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Subject: RE: EO Guidance (b)(6)

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Subject: EO Guidance (b)(6)

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Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 9:26:52 AM

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Sent: Friday, February 03, 2017 10:26 AM
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Cc:	Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject:	RE: EO Guidance
Date:	Friday, February 03, 2017 9:28:39 AM

They have to be in the U.S. to apply, but it's possible they may travel before approval and a family member may send it to them. I assume we don't worry about that.

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From:	Neufeld, Donald W
To:	#HQSCO-BranchChiefs; Arroyo, Susan K; Cox, Sophia; Hope, Leslie K; Hutchings, Pamela G; McCament, James W; McConnell, James E; Moran, Karla; Sabga, George M
Subject:	FW: Updated EO Guidance
Date:	Friday, February 03, 2017 2:02:21 PM
Attachments:	EO 1-27 implementation guidance signed and dated.pdf

Adding the Branch Chiefs. As discussed this morning, our understanding of this guidance is that the hold I implemented last Saturday is now released for nearly everything we adjudicate in SCOPS. The notable exceptions are I-730s where the beneficiary is abroad and I-131s for Refugee Travel Documents where the applicant is abroad. These applications and petitions should continue to be held in abeyance pursuant to the EO and attached guidance pending further clarification.

From: Campagnolo, Donna P
Sent: Thursday, February 02, 2017 5:59 PM
To: Cox, Sophia; Moran, Karla; McConnell, James E; Thomas, Ronnie D; Hutchings, Pamela G; Hope, Leslie K
Cc: Neufeld, Donald W; McCament, James W
Subject: Updated EO Guidance

SCOPS Team: Attached is further guidance on the last Executive Order that went out over this past weekend. I will also send this out to the Centers this evening. We hope that this answers many of the outstanding questions that you have. That said, if there is still something that you feel needs to addressed, please let us know as soon as possible.

Have a good night and thanks again for all of your help and support.

Donna Campagnolo
HQ Service Center Operations

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

FEB 2 2017

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba Lori Scialabba
Acting Director

SUBJECT: Guidance Concerning Executive Order on Immigration

On January 27, President Trump signed an Executive Order entitled "Protecting The Nation From Foreign Terrorist Entry Into The United States." This memorandum provides guidance from the Department of Homeland Security (DHS) regarding the impact of this Executive Order on various immigration benefit requests.

All USCIS employees should be aware of current guidance from DHS, specifically:

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality. Section 3(c) also does not affect applications and petitions by lawful permanent residents outside the United States, or applications and petitions for individuals outside the United States whose approval does not directly confer travel authorization (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated in the Executive Order.

3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.

5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

From:	Kvortek, Lisette E
To:	Wilson, Lynn M; Carter, Pea Meng; Lauver, Tinnina M (Tina); Cox, Sophia; Thomas, Ronnie D; Padilla, April Y; Levine, Laurence D
Cc:	Akinjiola, Folukemi O (Kemi)
Subject:	Deliverable Due noon 2/14--Sec. 4a EO: Protecting the Nation from Foreign Terrorist Entry into the United States
Date:	Friday, February 03, 2017 4:38:37 PM
Importance:	High

Greetings:

FOD was designated to co-lead with FDNS the **interview portion** of Section 4 (a) Implementing Uniform Screening Standards for All Immigration Programs. The relevant interview portions of Section 4(a) are as follows:

1. The development of a uniform screening standard and procedure, such as in-person interviews;
2. A mechanism to ensure that the applicant is who the applicant claims to be;
3. 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;
4. Amended application forms that include questions aimed at identifying fraudulent answers and malicious intent; and
5. A mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States.

For action: Provide recommendations on how the interview process has been and/or can be enhanced (best practices, new policies, new tools/systems, resources, and/or additional questions) to ensure we are using our interviews in the best way to inform our eligibility, credibility and national security/public safety determinations.

I will serve as the FOD coordinator and will work with HQ FDNS (Kemi Akinjiola) to organize the responses. Please identify a SME within your respective branch or office to provide feedback on this task. The final deliverable will be a proposal paper consisting of preliminary recommendations. A brief teleconference will be held early next week to go over the task, expectations, and answer questions.

Please submit responses to both Kemi and me by noon on **Tuesday, Feb 14th 2017.**

Thank you!

Lisette Kvortek| Senior Advisor
DHS|USCIS| Field Operations Directorate|
[redacted] (b)(6)

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain

information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies. Thank you.

(b)(6

Referred to Immigration and Customs Enforcement

(b)(6

Referred to Immigration and Customs Enforcement

From:	Moran, Karla
To:	McCament, James W; Campagnolo, Donna P; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject:	Form I-192
Date:	Monday, February 06, 2017 1:09:04 PM
Attachments:	Known Traveler.EO Exception.docx

Okay, first draft. Please edit as needed.
Remember we only have until 3pm EST.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)

[redacted] (b)(6)

Process to Grant Exception to "Known Travelers"

Summary

U.S. Corporations are requesting that DHS create a process to grant exceptions to the suspension of entry of Foreign Nationals from specified countries as responsible Known Travelers with pressing needs sponsored by U.S. companies. USCIS will adjudicate Form I-192, Application for Advance Permission to Enter as a Nonimmigrant and upon approval issue a Form I-797 that will allow the beneficiary to board an aircraft back to the United States.

USCIS will accept the current expedite process request for Form I-192, with SCOPS. FOD may accept "emergency" Form I-192, after the fee and Form is filed with SCOPS.

Process

Beneficiary will file Form I-192 and the evidence described in "criteria" below.

(b)(5)

Criteria

Fees

$930 USD

Where to File

Because the filing address is ONLINE we can change this to any Service Center. Currently, the VSC is accepting Form I-192 for T's and U's; however, any of our Centers may accept it.

Expedite Criteria

USCIS reviews expedite requests on a case-by-case basis and requests are granted at the discretion of the office leadership. The burden is on the applicant or petitioner to demonstrate that one or more of the expedite criteria have been met.

USCIS may expedite a petition or application if it meets one or more of the following criteria:

(b)(5)

(b)(5)

Emergency Criteria

From:	Cox, Sophia
To:	Moran, Karla; McCament, James W; Campagnolo, Donna P; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Arroyo, Susan K
Subject:	RE: Form I-192
Date:	Monday, February 06, 2017 1:27:00 PM
Attachments:	Known Traveler.EO Exception.sophia.2-6-17.222 pm.docx

Looks good. some comments/questions from me on the attached. Whatever criteria we come up with, I would suggest we simply list them as the criteria and not bifurcate them into expedite criteria and emergency criteria. This will make it easier for officers and for the public. Also, this would avoid confusion with the expedite criteria, which we use to determine whether to put a case in the front of the line and expedite the adjudication.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted]
(b)(6)

From: Moran, Karla
Sent: Monday, February 06, 2017 2:09 PM
To: McCament, James W; Campagnolo, Donna P; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: Form I-192

Okay, first draft. Please edit as needed.
Remember we only have until 3pm EST.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted]
(b)(6)

Process to Grant Exception to "Known Travelers"

Summary

U.S. Corporations are requesting that DHS create a process to grant exceptions to the suspension of entry of Foreign Nationals from specified countries as responsible Known Travelers with pressing needs sponsored by U.S. companies. USCIS will adjudicate Form I-192, Application for Advance Permission to Enter as a Nonimmigrant and upon approval issue a Form I-797 that will allow the beneficiary to board an aircraft back to the United States.

USCIS will accept the current expedite process request for Form I-192, with SCOPS. FOD may accept "emergency" Form I-192, after the fee and Form is filed with SCOPS.

Process

Beneficiary will file Form I-192 and the evidence described in "criteria" below.

Criteria

(b)(5)

Fees

$930 USD

Where to File

Because the filing address is ONLINE we can change this to any Service Center. Currently, the VSC is accepting Form I-192 for T's and U's; however, any of our Centers may accept it.

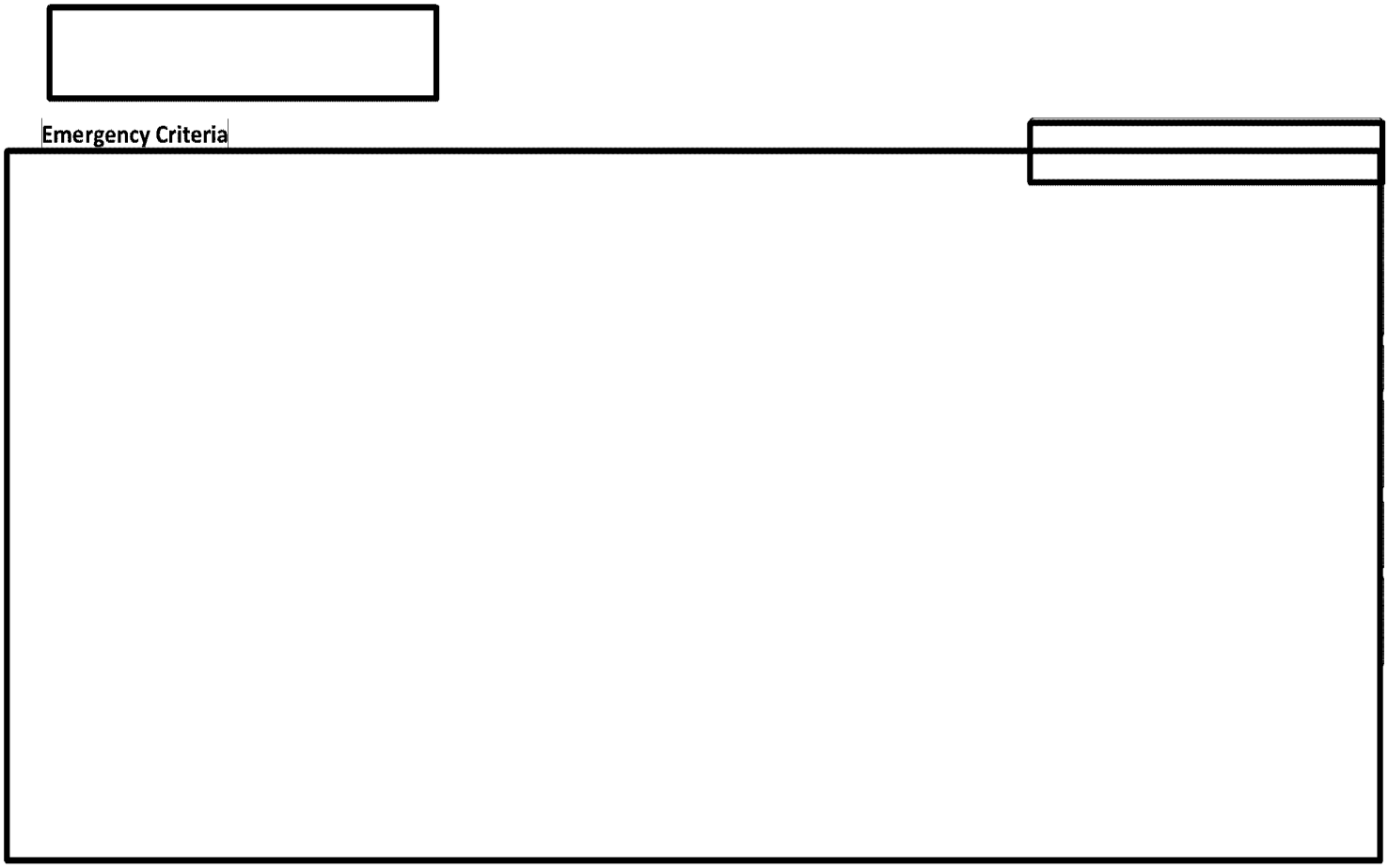
Expedite Criteria

USCIS reviews expedite requests on a case-by-case basis and requests are granted at the discretion of the office leadership. The burden is on the applicant or petitioner to demonstrate that one or more of the expedite criteria have been met.

USCIS may expedite a petition or application if it meets one or more of the following criteria:

(b)(5)

(b)(5)



(b)(5)

From: Hutchings, Pamela G
To: Moran, Karla; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: RE: Form I-192
Date: Monday, February 06, 2017 1:40:56 PM

Karla,

[redacted] (b)(5)

Pam

From: Moran, Karla
Sent: Monday, February 06, 2017 2:09 PM
To: McCament, James W; Campagnolo, Donna P; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: Form I-192

Okay, first draft. Please edit as needed.
Remember we only have until 3pm EST.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

From:	Moran, Karla
To:	Hutchings, Pamela G; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject:	RE: Form I-192
Date:	Monday, February 06, 2017 1:49:34 PM
Attachments:	Known Traveler.EO Exception.docx

Agreed, it's changed to [redacted] (b)(5)
But, this makes it much cleaner. (new version attached)

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

From: Hutchings, Pamela G
Sent: Monday, February 06, 2017 2:41 PM
To: Moran, Karla; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: RE: Form I-192

Karla,

Should the expedite criteria be modified as our stated criteria to file is for business ONLY travel? Suggest keeping only bullets one (edit out person) five, six and seven. In addition, edit Emergency Criteria to fit criteria to file (business related ONLY).

Pam

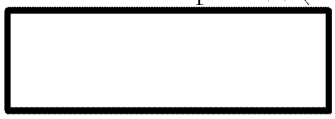
From: Moran, Karla
Sent: Monday, February 06, 2017 2:09 PM
To: McCament, James W; Campagnolo, Donna P; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: Form I-192

Okay, first draft. Please edit as needed.
Remember we only have until 3pm EST.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security

Citizenship & Immigration Services
Service Center Operations (SCOPS)



(b)(6)

Process to Grant Exception to "Known Travelers"

Summary

DHS requests that USCIS create a process to grant exceptions to the suspension of entry of Foreign Nationals from specified countries as responsible Known Travelers with pressing needs sponsored by U.S. companies. USCIS will adjudicate Form I-192, Application for Advance Permission to Enter as a Nonimmigrant and upon approval issue a Form I-797 that will allow the beneficiary to board an aircraft back to the United States.

USCIS (SCOPS) will accept the current expedite process request for Form I-192. USCIS (FOD) may accept "emergency" Form I-192, after the fee and Form is filed with SCOPS.

USCIS will issue a Form I-797 to beneficiary, if Form I-192 is approved. (language on Form I-797 to be determined)

Process

Beneficiary will file Form I-192 and the evidence described in "criteria" below.

Criteria (b)(5)

Fees

$930 USD

Where to File

Because the filing address is ONLINE we can change this to CSC, VSC, TSC or NSC. Currently, the VSC is accepting Form I-192 for T's and U's.

Expedite Criteria

USCIS reviews expedite requests on a case-by-case basis and requests are granted at the discretion of the office leadership. The burden is on the applicant or petitioner to demonstrate that one or more of the expedite criteria have been met.

USCIS may expedite a petition or application if it meets one or more of the following criteria:

(b)(5)

From: Moran, Karla
To: Hutchings, Pamela G; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: RE: Form I-192
Date: Monday, February 06, 2017 1:55:43 PM

Should we add that [redacted] (b)(5)

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

From: Hutchings, Pamela G
Sent: Monday, February 06, 2017 2:41 PM
To: Moran, Karla; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: RE: Form I-192

Karla,

[redacted] (b)(5)

Pam

From: Moran, Karla
Sent: Monday, February 06, 2017 2:09 PM
To: McCament, James W; Campagnolo, Donna P; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: Form I-192

Okay, first draft. Please edit as needed.
Remember we only have until 3pm EST.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

From: Moran, Karla
To: Cox, Sophia
Subject: RE: Form I-192
Date: Monday, February 06, 2017 1:59:41 PM

Good point. I'll change that.

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

From: Cox, Sophia
Sent: Monday, February 06, 2017 2:57 PM
To: Moran, Karla; Hutchings, Pamela G; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Arroyo, Susan K
Subject: RE: Form I-192

Looks great! In the expedite criteria it says can be granted at discretion of leadership. Do we want to consider changing this to Service Center Director/Field Office/District director so that folks don't get the impression these would be coming to HQ leadership?

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Moran, Karla
Sent: Monday, February 06, 2017 2:50 PM
To: Hutchings, Pamela G; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: RE: Form I-192

Agreed, it's changed to "business only." If the FO wants to add personal trips – that's up to them. But, this makes it much cleaner. (new version attached)

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

From: Hutchings, Pamela G
Sent: Monday, February 06, 2017 2:41 PM
To: Moran, Karla; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: RE: Form I-192

Karla,

Should the expedite criteria be modified as our stated criteria to file is for business ONLY travel? Suggest keeping only bullets one (edit out person) five, six and seven. In addition, edit Emergency Criteria to fit criteria to file (business related ONLY).

Pam

From: Moran, Karla
Sent: Monday, February 06, 2017 2:09 PM
To: McCament, James W; Campagnolo, Donna P; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: Form I-192

Okay, first draft. Please edit as needed.
Remember we only have until 3pm EST.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

From: Cox, Sophia
To: Moran, Karla; Hutchings, Pamela G; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Arroyo, Susan K
Subject: RE: Form I-192
Date: Monday, February 06, 2017 2:01:00 PM

Personally, I would say [redacted] (b)(5)

[redacted]

--Sophia

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Moran, Karla
Sent: Monday, February 06, 2017 2:56 PM
To: Hutchings, Pamela G; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: RE: Form I-192

Should we add [redacted] (b)(5)

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

From: Hutchings, Pamela G
Sent: Monday, February 06, 2017 2:41 PM
To: Moran, Karla; McCament, James W; Campagnolo, Donna P; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K

Subject: RE: Form I-192

Karla,

(b)(5)

[redacted]

Pam

From: Moran, Karla
Sent: Monday, February 06, 2017 2:09 PM
To: McCament, James W; Campagnolo, Donna P; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia; Arroyo, Susan K
Subject: Form I-192

Okay, first draft. Please edit as needed.
Remember we only have until 3pm EST.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)

[redacted]

(b)(6)

From:	Moran, Karla
To:	McCament, James W; Campagnolo, Donna P; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Subject:	I-192
Date:	Monday, February 06, 2017 4:44:29 PM
Attachments:	Known Traveler.EO Exception.docx

All, (b)(5)

This is the latest draft version, we've updated with [redacted] Please feel free to edit.

Donna is working on a separate draft for paroles. We will discuss in the morning as these are both due by noon tomorrow.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

Process to Grant Exception to "Known Travelers"

Summary

DHS requests that USCIS create a process to grant exceptions to the suspension of entry of foreign nationals from specified countries as responsible Known Travelers with pressing needs sponsored by U.S. companies or U.S. Universities/Schools. USCIS shall adjudicate Form I-192, Application for Advance Permission to Enter as a Nonimmigrant and upon approval issue a Form I-797 that will allow the beneficiary to board an aircraft back to the United States. CBP will inspect and determine admission based on the beneficiary's NIV.

USCIS (SCOPS) will accept the current expedite process request for Form I-192. Premium Processing is not available for Form I-192. Biometrics are required prior to adjudication of Form I-192. USCIS (FOD) will accept emergency process request for Form I-192, when the Form I-192 is pending with USCIS (SCOPS).

A denial of Form I-192 may result in the issuance of an NTA.

USCIS Process

Applicant will be scheduled for a Biometrics Appointment. The Form I-192 will not be adjudicated if the applicant has not completed a Biometrics Appointment.
Applicant must file Form I-192 with the evidence described in "criteria" below.

(b)(5)

Criteria

Application
Form I-192 - A change to collect this data can be made within approximately two weeks.

Form I-797 resides in the local C3 print service. Changes can be made to the notice (body) within two weeks; however, header changes may require more time.

Fees
Form I-192 $930 USD
Biometrics $80 USD

Where to File
Because the filing address is ONLINE we can change this to CSC, VSC, TSC or NSC. Currently, the VSC is accepting Form I-192 for T's and U's.

Expedite Criteria
USCIS reviews expedite requests on a case-by-case basis and requests are granted at the discretion of the office leadership. The burden is on the applicant or petitioner to demonstrate that one or more of the expedite criteria have been met.

(b)(5)

USCIS may expedite a petition or application if it meets one or more of the following criteria:

CBP Process

From:	Cox, Sophia
To:	Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M
Cc:	Neufeld, Donald W
Subject:	RE: I-192
Date:	Tuesday, February 07, 2017 7:39:00 AM
Attachments:	EO Options for Travelers.sophia.2-7-17.824 am.docx
Importance:	High

Hi. Here are my concerns in the attached. Look forward to discussing.

- Why are we requiring E-Verify? Are we being told it is a requirement from the FO/Dept. or are we imposing it on ourselves? [redacted] (b)(5)
- If the I-192 is denied, what would be the legal basis for the removal charge be?
- I know VSC already does the I-192s for the victims relate work, but this will coincide with cap where the contractors will already be knee deep in data entry. Recommend moving this elsewhere.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 7:56 AM
To: Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Good morning Pam. Thanks so much for the feedback. It's for folks inside the US. We can certainly make that more clear.

Regarding the timeframe, as I understand it from Leslie, the major piece for start up is around the system updates. Leslie- please confirm. I don't know that those can be cut down.

All- If the system update timeframe ends up being too long, does the team have any ideas on

what we can do without those in place for this? Also, if not 30 days for a processing time, what would you recommend?

Thanks again.
Donna

From: Hutchings, Pamela G
Sent: Tuesday, February 07, 2017 7:49:49 AM
To: Campagnolo, Donna P; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Good morning, All,

The opening paragraph seems to imply this form/process may be used for those visa holders currently "stuck" outside the U.S., is that correct? Otherwise the process proposed is manageable for USCIS to implement – in the long term. If this is simply a short term fix, required for a small number of affected individuals during this 80 day period, then a 45 day startup and 30 day processing time doesn't seem to meet their immediate needs.

Pam

From: Campagnolo, Donna P
Sent: Monday, February 06, 2017 9:13 PM
To: Moran, Karla; McCament, James W; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Hi all and thanks so much Karla. The I-192 version looks great.

I have been working on the 131 version, and because so much of that is similar to what we note about the I-192 processing, I decided to merge both options into one document and added some background to give some context. Take a look and let me know what you think about that approach.

Bottom line is it looks like we could implement either option in about 45 days as the system updates to notices and filing look minimal and simple web updates. Can you verify those timelines? Also, do we want to go as far as to make a recommendation on which we think is the right one to implement or simply present both?

Thanks again. Looking forward to your feedback. Have a good night and looking forward to meeting in the morning.

Donna Campagnolo
HQ Service Center Operations

From: Moran, Karla

Sent: Monday, February 06, 2017 5:44 PM
To: McCament, James W; Campagnolo, Donna P; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Subject: I-192

All,
This is the latest draft version, we've updated with "business" and "student" criteria. Please feel free to edit.
Donna is working on a separate draft for paroles. We will discuss in the morning as these are both due by noon tomorrow.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

(b)(5)

Waiver Options

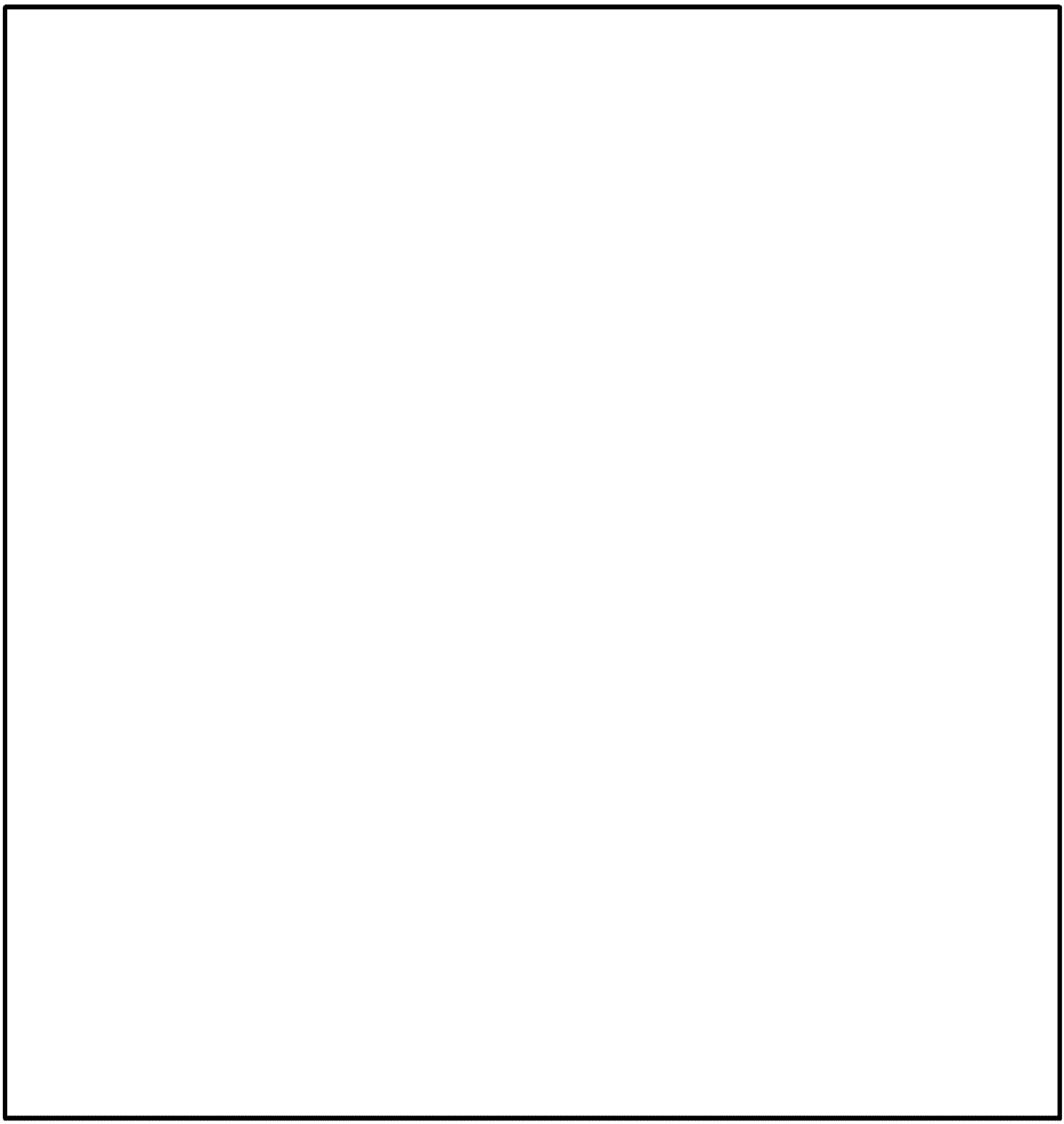
Background: As a result of recent Executive Orders relating to limiting travel to the United States from 7 identified countries, the Department of Homeland Security is in a challenging position to assist individuals that may be stuck in this process. The concerning population consists of individuals, currently in the United States, that came to the US on a valid visa, but as a result of the recent Orders, can no longer enter and depart the country.

This is a truly unique situation for the Agency. One that we haven't encountered to date, thus, will require something new to be implemented. Essentially, DHS needs to create a process that would allow the individuals stuck in this scenario to apply to the Department prior to leaving the country. This provisional review will ensure that, upon their return to the United States, they will be allowed reentry. The goal being that this new process will provide them with a document that they could present to CBP when they arrive to allow entry.

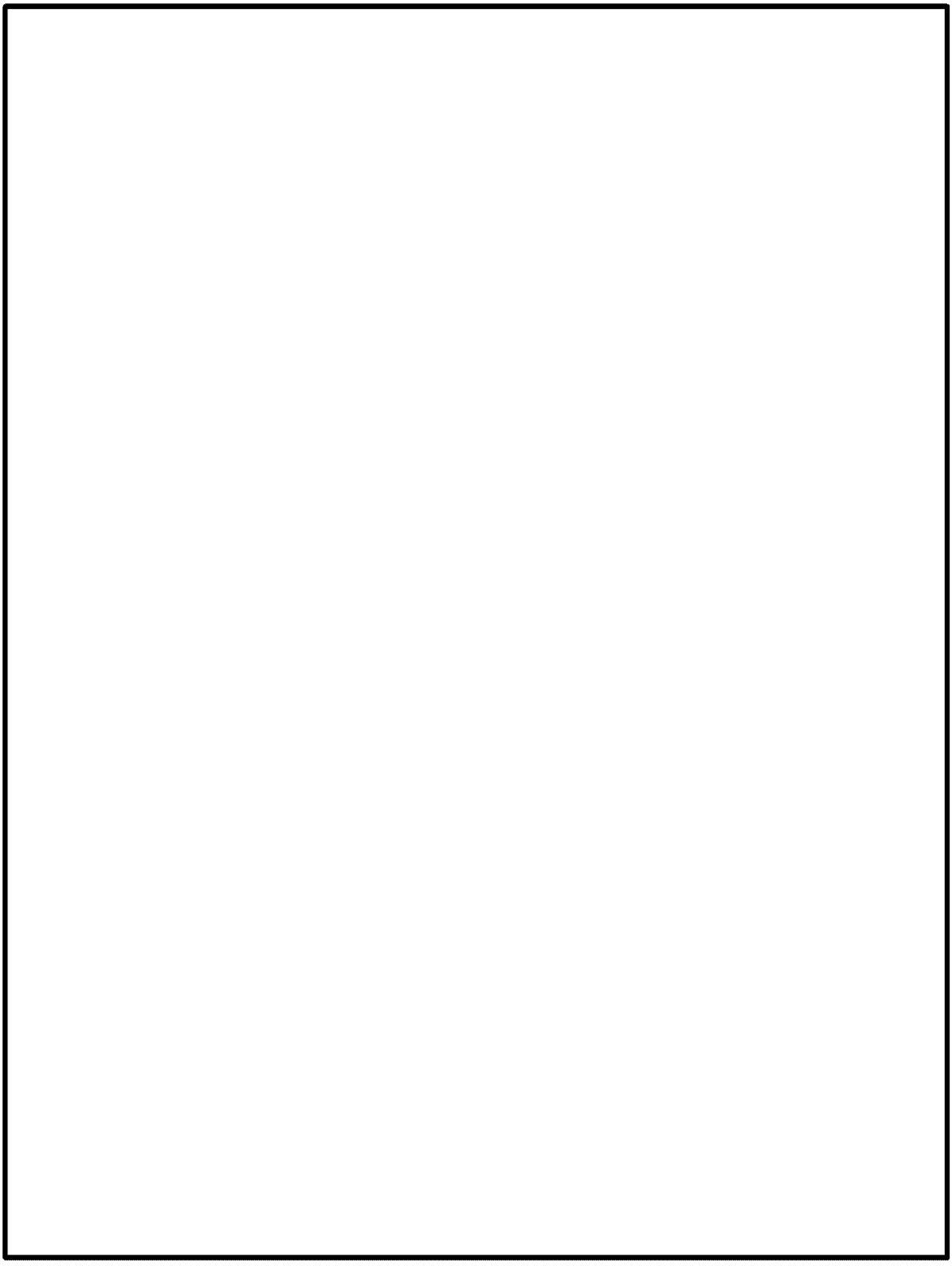
It is estimated that approximately 18,000 people could be in this population.

While we believe that the best option to truly stay aligned to the intent of the Order is to not allow this, we understand that the Department needs to consider and possibly create an option to assure impacted individuals a safe return to the US. USCIS currently doesn't have an existing process that allows for this, thus, a new process must be created for this sole reason. As a result, USCIS is proposing two possible options for consideration.

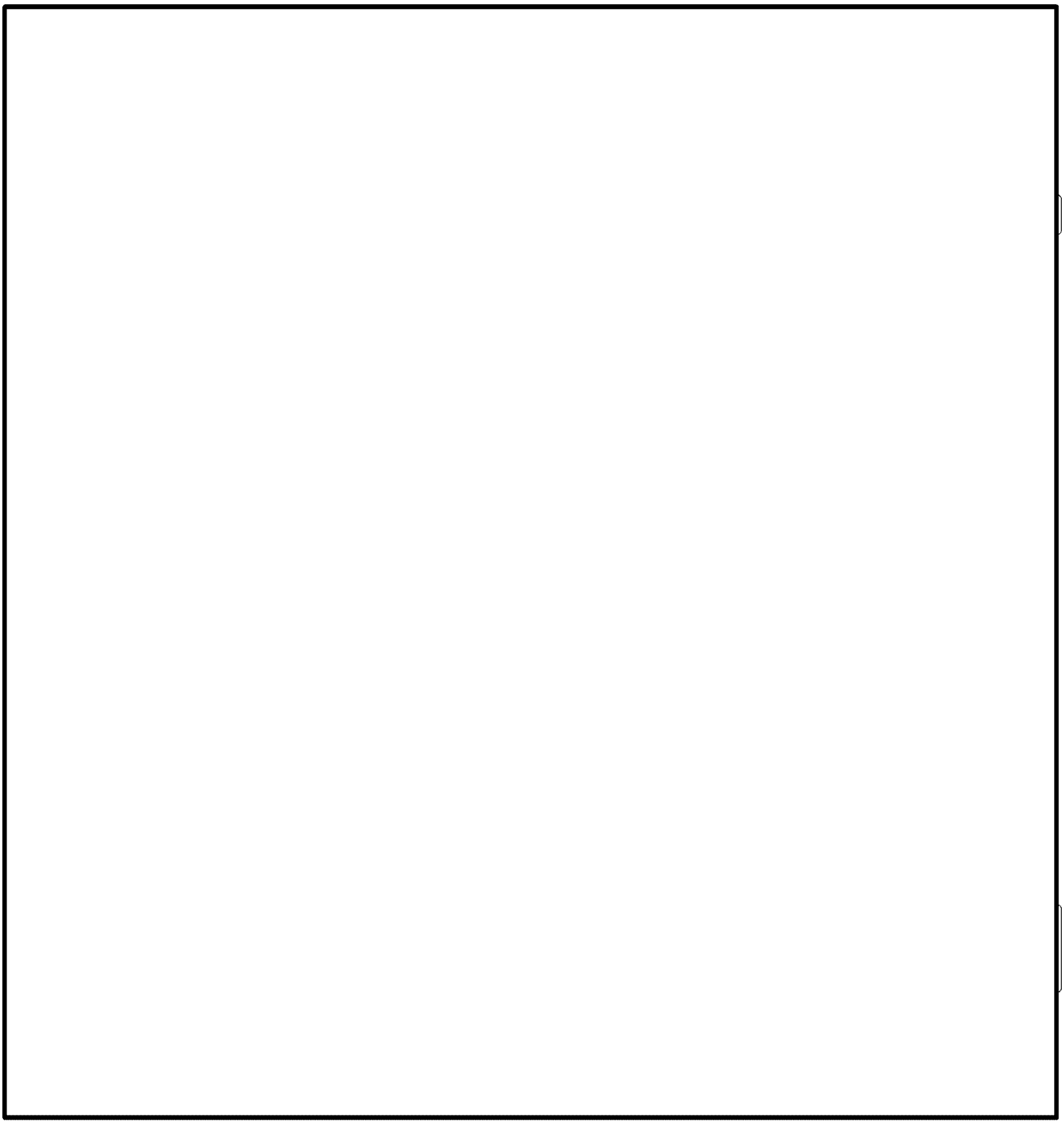
(b)(5)



(b)(5)



(b)(5)



(b)(5)

From:	Moran, Karla
To:	Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject:	Exception Document
Date:	Tuesday, February 07, 2017 9:34:12 AM
Attachments:	I797language.Exception Order Authorization.docx

Donna,

Here is the draft language for the I-797 we will issue if the I-192 is approved.

I'm sure it will look quite different after OCC and OP&S.

All,

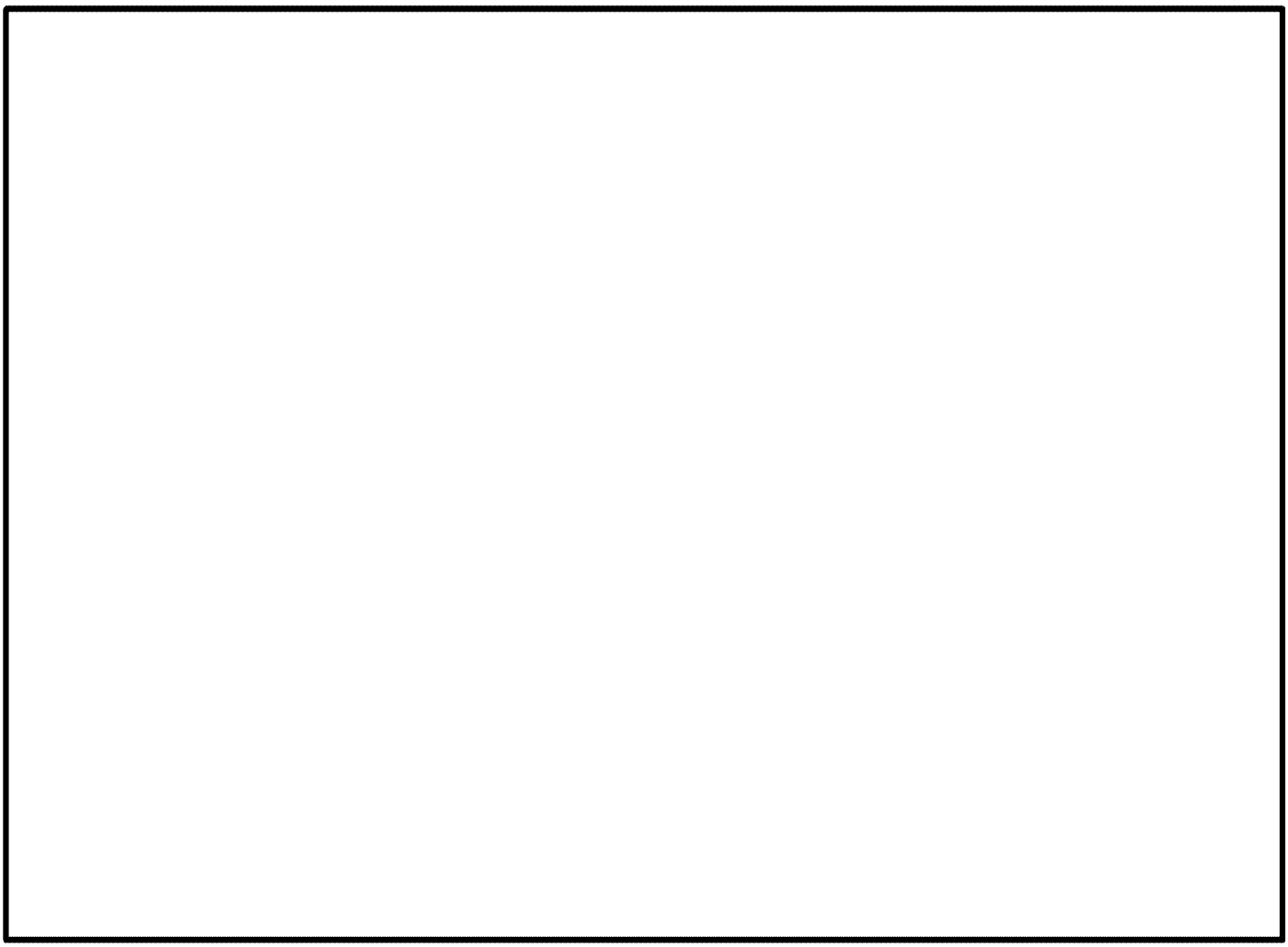
Please edit as needed.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

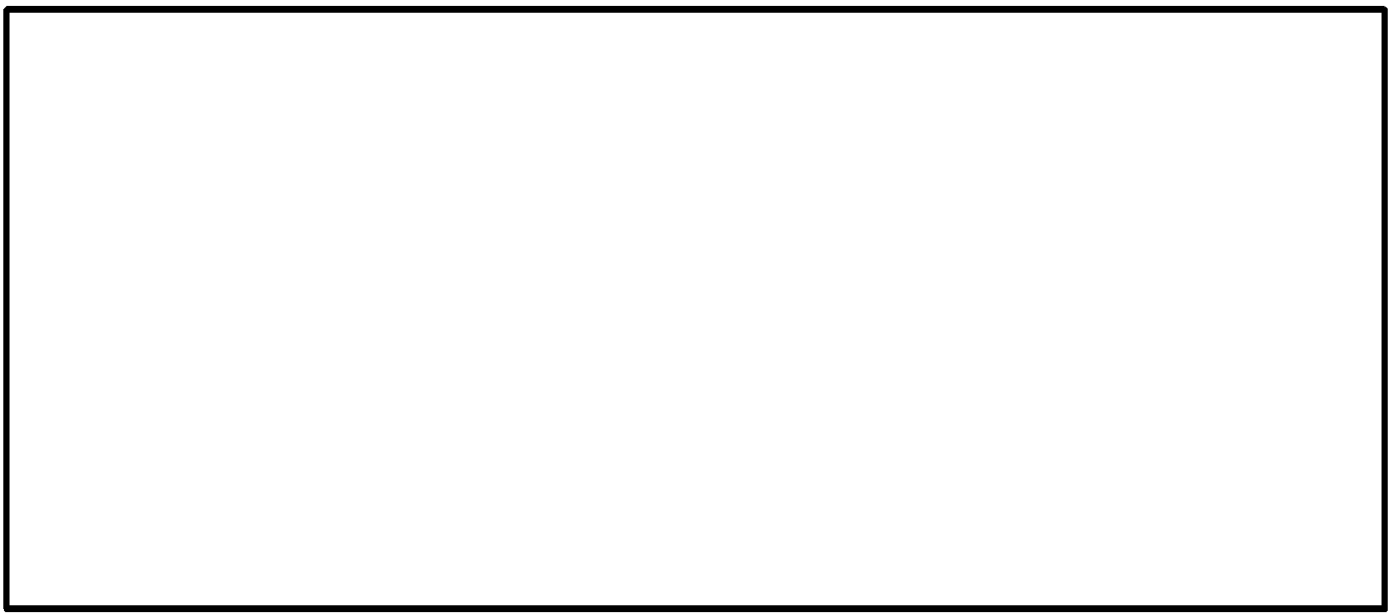
(b)(5)

Exception Order Authorization



WARNING NOTICE

Read before you travel abroad (b)(5)



From:	Neufeld, Donald W
To:	Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject:	RE: I-192
Date:	Tuesday, February 07, 2017 9:45:58 AM
Attachments:	EO Options for Travelers.sophia.2-7-17.824 am.docx

Overall the paper looks very good. Thanks to everyone for pulling it together so quickly.

The everify requirement would purely be a policy call. [redacted] (b)(5)

[redacted]

I agree that adding work to VSC is problematic so if we could do I-192s elsewhere that would be better. We also need to validate the 18000 volume estimate as I don't know who provided it or how it was calculated.

If we believe the I-131 is better we should explain why.

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Sent: Tuesday, February 07, 2017 9:30:03 AM
To: Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Cc: Neufeld, Donald W
Subject: RE: I-192

Adding Ron.

Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W. Room 2132
Washington, D.C. 20529
[redacted] (b)(6)

From: Cox, Sophia
Sent: Tuesday, February 07, 2017 8:39 AM
To: Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M
Cc: Neufeld, Donald W
Subject: RE: I-192
Importance: High

Hi. Here are my concerns in the attached. Look forward to discussing.

- Why are we requiring E-Verify? Are we being told it is a requirement from the FO/Dept. or are we imposing it on

(b)(5)

ourselves? [redacted]

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- I know VSC already does the I-192s for the victims relate work, but this will coincide with cap where the contractors will already be knee deep in data entry. Recommend moving this elsewhere.

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Service Center Operations
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[redacted] (b)(6)

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Cc: Neufeld, Donald W
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Good morning Pam. Thanks so much for the feedback. It's for folks inside the US. We can certainly make that more clear.

Regarding the timeframe, as I understand it from Leslie, the major piece for start up is around the system updates. Leslie- please confirm. I don't know that those can be cut down.

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Thanks again.
Donna

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Sent: Tuesday, February 07, 2017 7:49:49 AM
To: Campagnolo, Donna P; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W

Subject: RE: I-192

Good morning, All,

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Pam

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Sent: Monday, February 06, 2017 9:13 PM
To: Moran, Karla; McCament, James W; Arroyo, Susan K; Hutchings, Pamela G; Hope, Leslie K; McConnell, James E; Sabga, George M; Cox, Sophia
Cc: Neufeld, Donald W
Subject: RE: I-192

Hi all and thanks so much Karla. The I-192 version looks great.

I have been working on the 131 version, and because so much of that is similar to what we note about the I-192 processing, I decided to merge both options into one document and added some background to give some context. Take a look and let me know what you think about that approach.

Bottom line is it looks like we could implement either option in about 45 days as the system updates to notices and filing look minimal and simple web updates. Can you verify those timelines? Also, do we want to go as far as to make a recommendation on which we think is the right one to implement or simply present both?

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Donna Campagnolo
HQ Service Center Operations

From: Moran, Karla
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Subject: I-192

All,
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Donna is working on a separate draft for paroles. We will discuss in the morning as these are both due by noon tomorrow.

Thanks,

Karla Moran
Senior Advisor for Operations
Department of Homeland Security
Citizenship & Immigration Services
Service Center Operations (SCOPS)
[redacted] (b)(6)

Waiver Options

Background: As a result of recent Executive Orders relating to limiting travel to the United States from 7 identified countries, the Department of Homeland Security is in a challenging position to assist individuals that may be stuck in this process. The concerning population consists of individuals, currently in the United States, that came to the US on a valid visa, but as a result of the recent Orders, can no longer enter and depart the country.

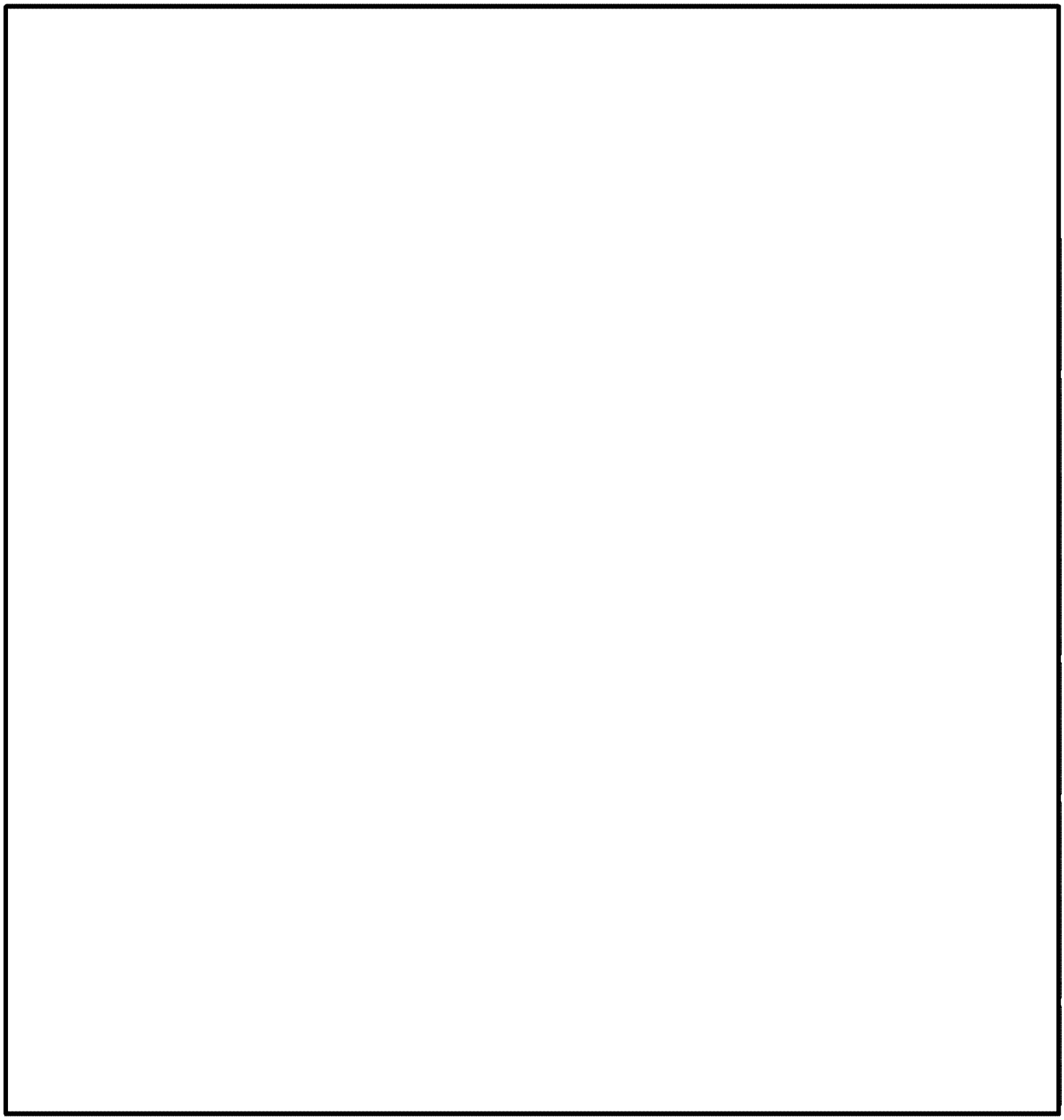
This is a truly unique situation for the Agency. One that we haven't encountered to date, thus, will require something new to be implemented. Essentially, DHS needs to create a process that would allow the individuals stuck in this scenario to apply to the Department prior to leaving the country. This provisional review will ensure that, upon their return to the United States, they will be allowed reentry. The goal being that this new process will provide them with a document that they could present to CBP when they arrive to allow entry.

(b)(5)

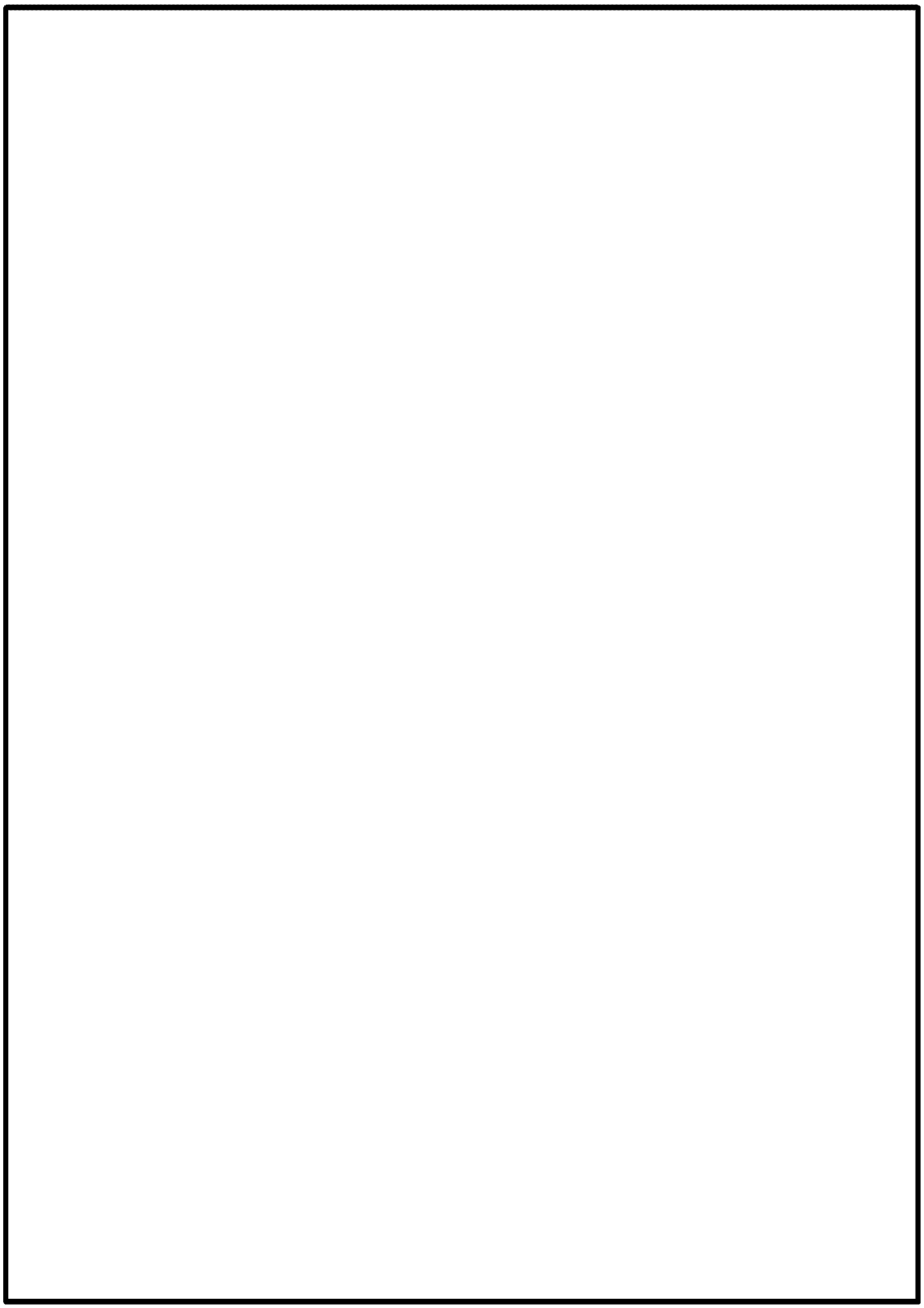
It is estimated that approximately 18,000 people could be in this population.

While we believe that the best option to truly stay aligned to the intent of the Order is to not allow this, we understand that the Department needs to consider and possibly create an option to assure impacted individuals a safe return to the US. USCIS currently doesn't have an existing process that allows for this, thus, a new process must be created for this sole reason. As a result, USCIS is proposing two possible options for consideration.

(b)(5)



(b)(5)



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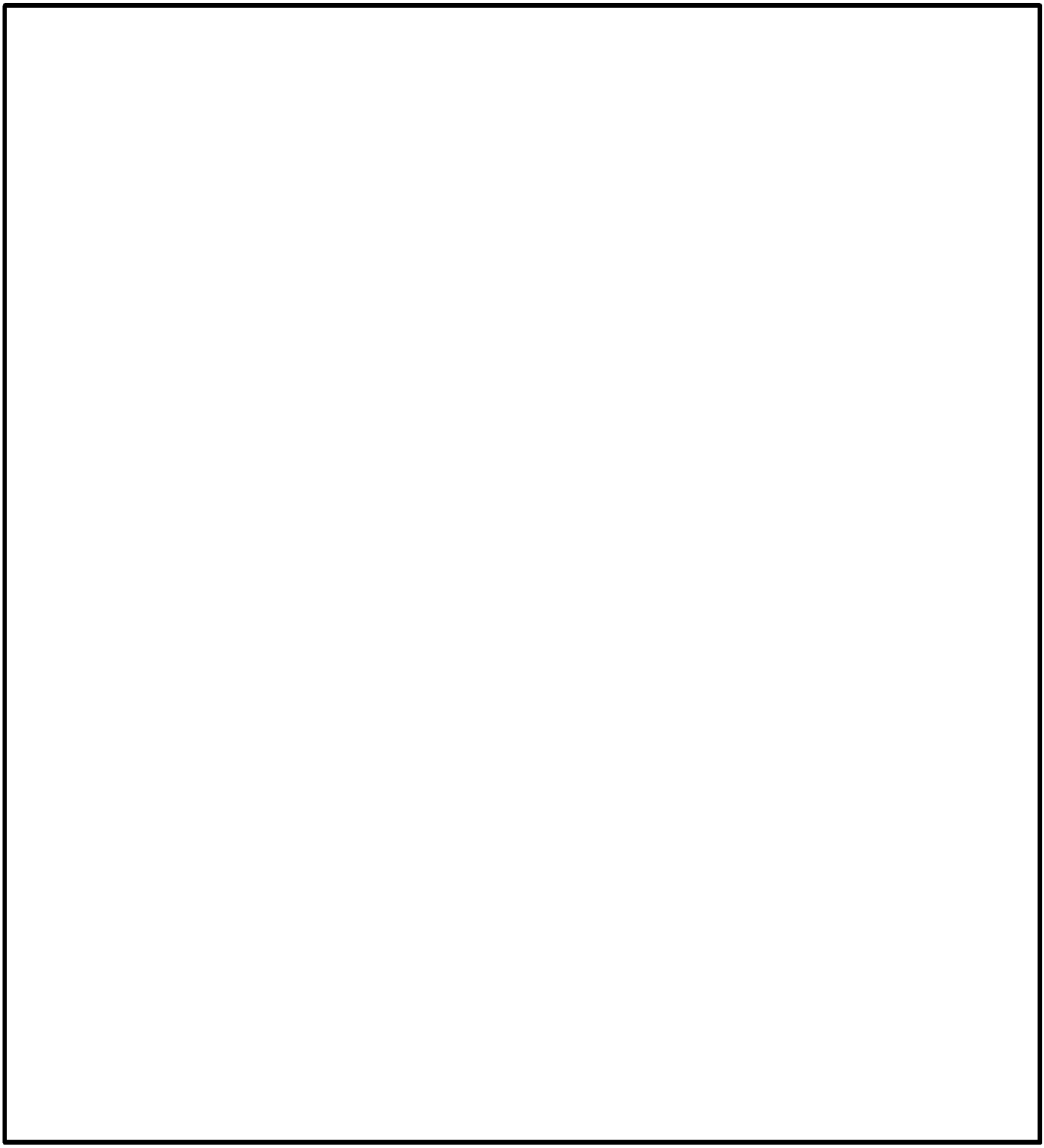

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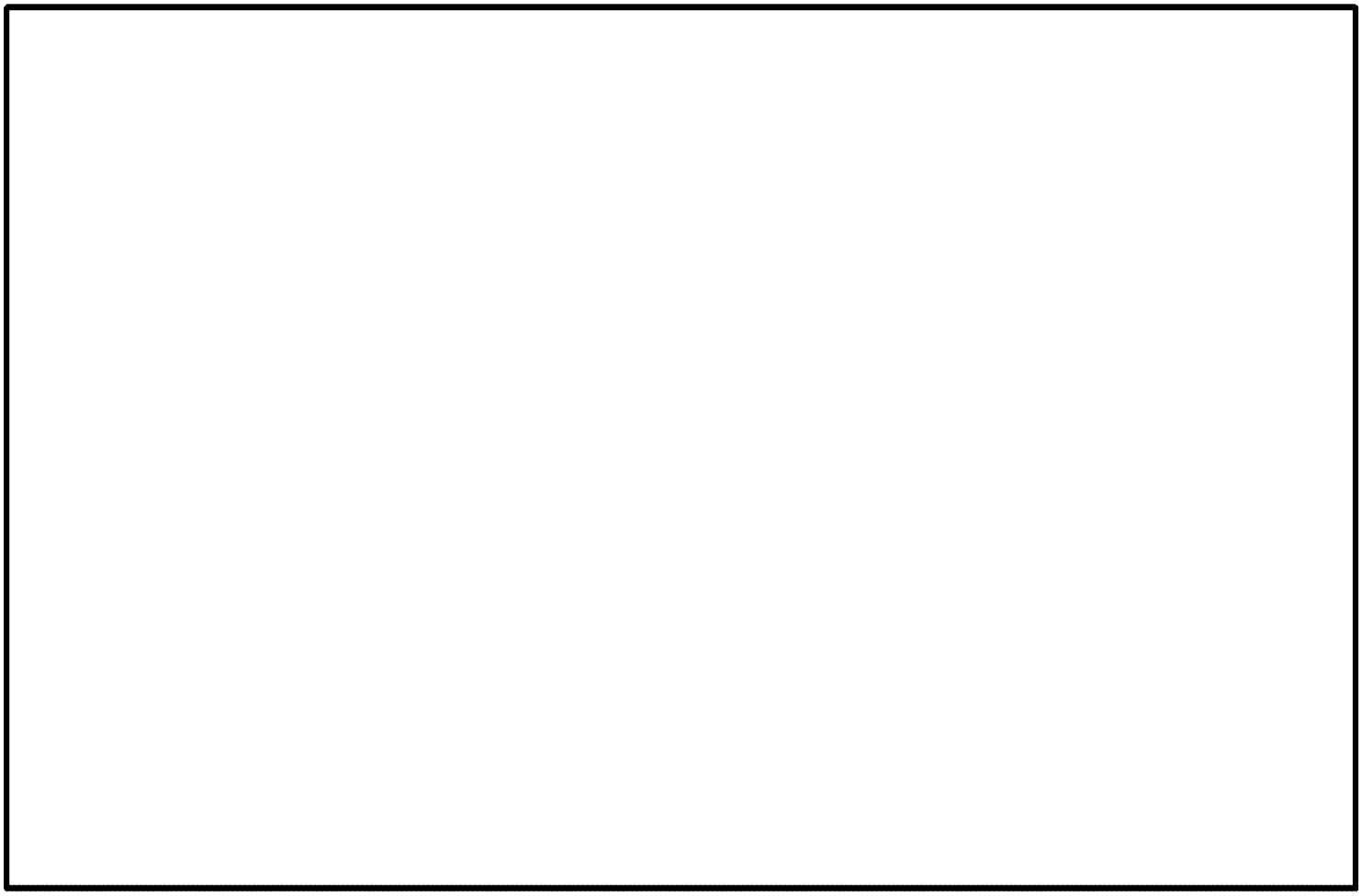

From: Neufeld, Donald W
To: Moran, Karla; Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192
Date: Tuesday, February 07, 2017 10:37:40 AM

I guess I'm ambivalent on the E-verify piece. [redacted] (b)(5)

[redacted]

I don't think this will be our call either way so as long as we don't have operational concerns we should just flag as a policy call.

There is a part in the doc where we say we think the I-131 is better. If we don't, we should fix that and also explain why we think the I-192 is preferable.

Again, thanks to everyone.

From: Moran, Karla
Sent: Tuesday, February 07, 2017 10:52:02 AM
To: Neufeld, Donald W; Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

We (SCOPS) voted for the I-192. It's cleaner for us to implement and CBP will not have issues if they need to ER the person. The I-192 will provide them with an I-797 that is a Transportation Letter (draft language attached). They would need to provide a valid passport and visa to enter and be inspected. On the other hand, if we issue a parole – CBP is worried that if issues arise, they may try to say they have a parole.

Also, while e-verify isn't related to admission, we added it because the Fortune 500 companies are asking to vouch for their employees (e.g. Microsoft, Amazon, Google, etc.). This would ensure that we are only accepting letters from legitimate businesses that have been vetted. We thought it would be good to leave in but completely understand if it's taken out somewhere along the process, as many are reviewing.

From: Neufeld, Donald W
Sent: Tuesday, February 07, 2017 10:46 AM
To: Cox, Sophia; Campagnolo, Donna P; Hutchings, Pamela G; Moran, Karla; McCament, James W; Arroyo, Susan K; Hope, Leslie K; McConnell, James E; Sabga, George M; Thomas, Ronnie D
Subject: RE: I-192

Overall the paper looks very good. Thanks to everyone for pulling it together so quickly.

The everify requirement would purely be a policy call. [redacted] (b)(5)

[redacted]

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Sophia Cox
Senior Advisor, Policy
Service Center Operations
U.S. Citizenship and Immigration Services
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Gillispie, Anna E

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 12:53 PM
To: Walters, Jessica S
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

How many ways can I say "send questions to Jess"?

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 1:49:57 PM
To: Scialabba, Lori L; Renaud, Tracy L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna
Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

So now the question comes do we stop issuing I-751 receipt notices since they provide interim extension of evidence of LPR status that can be used for employment and travel. I have said no unless I hear otherwise.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:37:07 AM
To: Scialabba, Lori L; Renaud, Tracy L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna
Cc: McCament, James W
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

I just sent this to the centers.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:35 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

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Gillispie, Anna E

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No, not yet. Giving them the document that extends their status (to include travel) doesn't necessarily mean they will travel so we shouldn't withhold that document from people who need it as proof of status. If we confirm that travel while a Conditional Resident might pose a problem we can tweak the notice language in similar fashion to what we do for those who get advance parole and might be subject to the 3/10-year bar when they attempt reentry. And clearly we will be doing as much communication as possible once we understand the facts.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 2:03:25 PM
To: Renaud, Tracy L; Scialabba, Lori L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna
Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Ok. Sorry I thought I had included her. Just to be clear though we are not providing that instruction now, right?

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 2:02:26 PM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna
Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

I forwarded this to Jess to add to the list of questions.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

Department of Homeland Security

(b)(6)

From: Neufeld, Donald W
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Thanks,

Don

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Sent: Saturday, January 28, 2017 1:20 PM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna; Walters, Jessica S
Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

I'm not saying that you shouldn't put them on a temp hold like you are other categories of adjudication, I'm saying we shouldn't jump to suppressing notices or changing language. If you've given the order to pause adjudication leave it as is until we get some clarity.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 2:11:45 PM
To: Renaud, Tracy L; Scialabba, Lori L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna; Walters, Jessica S
Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Ok. I just don't get the difference between that and I-90s. But clarity is better than understanding at this point.

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Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

No, not yet. Giving them the document that extends their status (to include travel) doesn't necessarily mean they will travel so we shouldn't withhold that document from people who need it as proof of status. If we confirm that travel while a Conditional Resident might pose a problem we can tweak the notice language in similar fashion to what we do for those who get advance parole and might be subject to the 3/10-year bar when they attempt reentry. And clearly we will be doing as much communication as possible once we understand the facts.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 2:03:25 PM
To: Renaud, Tracy L; Scialabba, Lori L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna
Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Ok. Sorry I thought I had included her. Just to be clear though we are not providing that instruction now, right?

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Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

I forwarded this to Jess to add to the list of questions.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 1:49:57 PM
To: Scialabba, Lori L; Renaud, Tracy L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna
Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

So now the question comes do we stop issuing I-751 receipt notices since they provide interim extension of evidence of LPR status that can be used for employment and travel. I have said no unless I hear otherwise.

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Sent: Saturday, January 28, 2017 11:37:07 AM
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Cc: McCament, James W
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

I just sent this to the centers.

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Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

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While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Gillispie, Anna E

From: Strack, Barbara L
Sent: Saturday, January 28, 2017 1:21 PM
To: Walters, Jessica S
Subject: FW: Executive Order - Vienna on Monday

Jess - I wanted to be sure that you had this message to add to the master list of questions that I understand you're compiling.

From: Strack, Barbara L
Sent: Saturday, January 28, 2017 10:01:10 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Ruppel, Joanna; Nicholson, Maura J; Stone, Mary M; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: Executive Order - Vienna on Monday

Lori and Tracy - I have 2 operational questions.

Most time-sensitive: We currently have one officer overseas in Vienna who is scheduled to resume interviews on Monday. In light of the "notwithstanding" language at Sec. 5(e), we propose that he continue w/interviews as planned.

In particular, that section says that the USRAP can use discretion to admit refugees during the 120-day suspension "when admitting the person would enable the United States to conform its conduct to a preexisting international agreement..." We have such an agreement w/Austria. What I am proposing is not actually ADMISSIONS, however, but continuing w/RAD interviews, which seems in keeping with the intent and spirit of this provision. Since these applicants are Iranian religious minorities, I believe that their future admission would need to be assessed under the 90-day rule in Sec. 3.

Would you let me know if you concur w/this plan of action?

One caveat is that the RSC in Vienna is anticipating that there may be a protest at the office on Monday by the refugee applicants who now perceive that they are "stuck" there. PRM is notifying the embassy, and we would of course modify our operations if the RSO advises.

Second question: The other processing location that falls under the "preexisting international agreement" provision is the USG agreement w/Australia concerning Nauru. We had a team scheduled to depart for Nauru on Feb. 5-6, which we suspended Wed. in light of the anticipated EO. Are you comfortable if we start to work on Monday to resume this circuit ride? State believes that having visible evidence of progress is important to both the Australian gov't and to the refugees, whose hopelessness has led to violence, self-harm, non-compliance, etc.

Thanks,
Barbara

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 8:27:51 AM

To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

Yes of course.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

Gillispie, Anna E

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 1:37 PM
To: Renaud, Tracy L; Scialabba, Lori L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna; Walters, Jessica S
Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Yes, we have paused all adjudications involving the 7 countries of origin without exception. We will continue to issue receipt notices for everything.

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 2:19:54 PM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna; Walters, Jessica S
Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

I'm not saying that you shouldn't put them on a temp hold like you are other categories of adjudication, I'm saying we shouldn't jump to suppressing notices or changing language. If you've given the order to pause adjudication leave it as is until we get some clarity.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 2:11:45 PM
To: Renaud, Tracy L; Scialabba, Lori L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna; Walters, Jessica S
Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Ok. I just don't get the difference between that and I-90s. But clarity is better than understanding at this point.

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 2:07:07 PM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna; Walters, Jessica S

Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

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Thanks,

Don

Referred to Department of Homeland Security

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Gillispie, Anna E

From: Lafferty, John L
Sent: Saturday, January 28, 2017 4:02 PM
To: RAIO - Asylum Field Office Managers
Cc: Kim, Ted H; Mura, Elizabeth E; Caudill-Mirillo, Ashley B; Kirkland, Brooke A; Roberts, Rhonda J; Pilotti, David A; Potts-Hansen, Stephanie N; Tanner, Rebecca S
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Field leadership,

Just wanted to give you a heads-up on instructions you may need to begin implementing on Monday. In light of the language in Friday's Executive Order, we may need to put a hold on decision-making for asylum cases from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. We may also be asked to postpone any scheduled interviews.

On Monday morning, you should plan on preventing any decision document from being issued in person or by mail to a national of any of the above countries unless or until you are instructed otherwise.

You should also review you list of upcoming interviews and be preparing to cancel any scheduled interviews for persons from one of the listed countries. DO NOT cancel any interviews, however, until you receive instructions from HQ on how to proceed. Hopefully, we will have more guidance on the interviews by Monday morning.

Please let Ted and I know if you have any questions.

Thanks!

John

From: Lafferty, John L
Sent: Saturday, January 28, 2017 1:06:38 PM
To: Ruppel, Joanna; Nicholson, Maura J; Strack, Barbara L; Kim, Ted H; Stone, Mary M
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

A literal reading of the EO and cited INA sections would not indicate that this processing suspension applies to the processing of asylum applications, but I understand why it might be wise to cancel interviews and place on hold cases from the relevant countries while we await additional guidance. Unless you want us to hold off, I will issue such guidance by e-mail today.

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 11:46:47 AM
To: Nicholson, Maura J; Strack, Barbara L; Lafferty, John L; Kim, Ted H; Stone, Mary M
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

FYI.

I think we also need guidance on how this applies to asylum. May want to cancel interviews and place in hold asylum applicants from these countries.

I am hoping we can work with the front office to get a memo to all USCIS staff to be issued Monday.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 8:37:07 AM
To: Scialabba, Lori L; Renaud, Tracy L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna
Cc: McCament, James W
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Don

Gillispie, Anna E

From: Gadson, Irvin C
Sent: Saturday, January 28, 2017 5:33 PM
To: Hemming, Bryan D
Cc: Daum, Robert L; #ZHN-MGT
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

All,

Please see the instructions received pursuant to the recent executive order.

Effective immediately, please make sure we don't issue any decision document in person or via mail for applicants from the affected countries. Please note this may affect interviews as well. Further guidance should be forthcoming.

Irvin

From: Lafferty, John L
Sent: Saturday, January 28, 2017 4:01:47 PM
To: RAIO - Asylum Field Office Managers
Cc: Kim, Ted H; Mura, Elizabeth E; Caudill-Mirillo, Ashley B; Kirkland, Brooke A; Roberts, Rhonda J; Pilotti, David A; Potts-Hansen, Stephanie N; Tanner, Rebecca S
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Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
(b)(6)

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Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Center Directors and Deputies,

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we must temporarily suspend adjudication of all applications, petitions or requests involving citizens or nationals of the listed countries. At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Referred to Department of Homeland Security

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Gillispie, Anna E

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 8:21 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

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Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6)

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Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M;

Walters, Jessica S
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To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

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The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

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Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
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DHS USCIS
Field Operations Directorate, Deputy Associate Director
(b)(6)

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U.S. Citizenship and Immigration Services
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US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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We are working on further guidance and of course will coordinate with SCOP.

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Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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Lori

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Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant bu

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Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
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(b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

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Gillispie, Anna E

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Sent: Sunday, January 29, 2017 10:29 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Walters, Jessica S
Subject: RE: Executive Order

Yes. We've got just about everything on hold (meaning no final decisions) from the countries until we give further guidance.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

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Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

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Trying to get best information.

From: Levine, Laurence D
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Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6)

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Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
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U.S. Citizenship and Immigration Services
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Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
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To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

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Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services

(b)(6)

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Subject: FW: Executive Order

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

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Please let me know if you have any questions or see anything that needs editing.

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Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

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Cc: Farnam, Julie E; Slattery, Shannon E
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Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

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Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
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Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

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We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
(b)(6)

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Subject: RE: Executive Order
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Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but

(b)(5)

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Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

Gillispie, Anna E

From: Neufeld, Donald W
Sent: Sunday, January 29, 2017 10:52 AM
To: Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
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Subject: RE: Executive Order

Same here Larry. We have put a full stop on everything involving the 7 countries at the centers pending further guidance.

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To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
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Department of Homeland Security | U.S. Citizenship and Immigration Services

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U.S. Citizenship and Immigration Services
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111 Massachusetts Avenue, NW
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Subject: RE: Executive Order

Ok - thanks Don and Joanna

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6)

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 11:54:10 AM
To: Neufeld, Donald W; Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc: Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S; Lafferty, John L; Strack, Barbara L; Stone, Mary M; Nicholson, Maura J
Subject: RE: Executive Order

Asylum has notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise. They also told leadership to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

IO is working with front office on guidance for international staff and ongoing refugee interviews. We have greenlight for refugee interviews in Vienna to continue tomorrow.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations
(b)(6)

From: Neufeld, Donald W
Sent: Sunday, January 29, 2017 11:52 AM
To: Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S

Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Same here Larry. We have put a full stop on everything involving the 7 countries at the centers pending further guidance.

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM

To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order
To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order
Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order
I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order
I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but

(b)(5)

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted]
We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Lafferty, John L
Sent: Sunday, January 29, 2017 12:10 PM
To: RAIO - Asylum Field Office Managers
Cc: Kim, Ted H; Caudill-Mirillo, Ashley B; Mura, Elizabeth E; Roberts, Rhonda J; Kirkland, Brooke A; Pilotti, David A; Tanner, Rebecca S; Potts-Hansen, Stephanie N
Subject: Follow-up questions needing response ASAP

Everyone,

I need answer to 2 questions:

1. Have you or someone from you office been contacted by any attorneys representing people who have arrived or are expected to arrive at airports in the coming days who are requesting CF interviews for their clients?

2. Has your office received any CF referral documents from ICE or CBP related to people stopped from entry in the aftermath of Friday's EO?

Thanks!!

From: Lafferty, John L
Sent: Sunday, January 29, 2017 12:10:54 PM
To: RAIO - Asylum Field Office Managers
Cc: Kim, Ted H; Caudill-Mirillo, Ashley B; Mura, Elizabeth E; Roberts, Rhonda J; Kirkland, Brooke A; Pilotti, David A; Tanner, Rebecca S; Potts-Hansen, Stephanie N
Subject: FW: RAIO's most time sensitive issues for Executive Order Implementation

Everyone,

As of the moment, the instructions I sent out yesterday stay in place until we get further instruction from agency/department leadership. As you can see from the below chain, Joanna has notified leadership of our present instructions and is seeking further guidance.

Given what is happening at the airports, I understand that some additional guidance is needed on CF/RF processing. CF/RF screenings should continue for anyone who is placed into ER and is referred to us after making a fear claim, or anyone subject to reinstatement or admin removal order who is referred to us after making a fear claim. We confer no benefit in the screening process, so our work in these areas should continue unless/until we are instructed otherwise.

Please feel free to continue to submit any questions that you may have.

John

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 8:42:27 PM
To: Walters, Jessica S

Cc: Strack, Barbara L; Stone, Mary M; Lafferty, John L; Kim, Ted H; Nicholson, Maura J; Scialabba, Lori L; Renaud, Tracy L
Subject: RAIO's most time sensitive issues for Executive Order Implementation

Jessica,

Attached please find a preliminary list of implementation issues for RAIO. These are ones that are most time sensitive, in that we need to get guidance out to the field as soon as possible – by Sunday evening, if possible.

This does not include the most urgent issue regarding the list of individuals State is requesting to exempt so they can travel, which is being worked separately.

Let me know if you have questions. Also including content in the message in case that is helpful for those on phones.

Thanks,

Joanna

RAIO Time Sensitive Questions on the Executive Order

Refugee Processing – what can continue?

For reference - current circuit rides:

1. Cape Town, South Africa (total number of cases is 166) – deployed through February 3:
    a. 92% nationality is Somali – Claims are mostly based on religious beliefs (different interpretations of Islam than Al Shabaab)
    b. 8% nationality is Democratic Republic of Congo – Claims are nationality claims based on tribe.
2. Indonesia (total number of cases is 130) – deployed through February 10:
    a. 95% nationality is Burmese – religious minority Rohingya population
    b. 5% nationality is Afghan – No claim info available
3. Vienna (RAD CR – one officer is currently onsite processing cases) – deployed through February 24:
    a. 100% from Iran – claims are religious persecution as either Assyrian/Armenian Christians or Bahai
    b. Note that these cases must obtain special visas to enter Austria and can only remain in Vienna for a very limited amount of time.

Urgent time-sensitive questions (need answers by Sunday evening, if possible):

1. Can the officer in Vienna resume interview on Monday? In light of the "notwithstanding" language at Sec. 5(e), we propose that he continue w/interviews as planned.

    In particular, that section says that the USRAP can use discretion to admit refugees during the 120-day suspension "when admitting the person would enable the United States to conform its conduct to a preexisting international agreement..." We have such an agreement w/Austria. What we are proposing is not actually ADMISSIONS, however, but continuing w/RAD interviews, which seems in keeping with the intent and spirit of this provision. Since these applicants are Iranian religious minorities, we believe that their future admission would need to be assessed under the 90-day rule in Sec. 3.

2. Can we continue interviewing in Indonesia? We recommend that we continue, at least for the Rohingya population. PRM's guidance to RSC's is to continue processing around the world and just to

cancel travel for the affected population, and we are working with them on determining best course of action for this caseload.

3. Should we continue interviews in South Africa? We think it would not be the best use of resources to continue to interview this population and intend to move forward to curtail those interviews. We are consulting with PRM.

4. Should we continue interviews in Moscow? We have Lautenberg interviews scheduled in Moscow all week. This includes P1s and Lautenberg (largely Ukrainian religious minorities traveling in from the Ukraine for their interviews). Some of the P-1s travel in from remote areas. Our proposed plan:

   Where someone may already be in transit, we intend to continue with the interview if the individual was a Lautenberg or other religious minority, even though we are all still awaiting guidance on how the religious minority exception may be defined. For those other P1s, we intend to collect prints and inform them of the suspension, but not conduct an interview. We don't want to continue interviewing if we may have to do reinterviews later based on a new or amended approach to processing.

5. We believe we have P-1s also scheduled in New Delhi. Would follow same approach as above.

Less Urgent:

6. Should we resume planning scheduling CR for Nauru (originally planned for Feb. 5-6, but suspended). We believe this falls under the "preexisting international agreement" provision is the USG agreement w/Australia concerning Nauru. State believes that having visible evidence of progress is important to both the Australian gov't and to the refugees, whose hopelessness has led to violence, self-harm, non-compliance, etc.

Asylum Processing:

1. Does the suspension apply to processing affirmative asylum applications filed by individuals from the countries on the list?

   - We have notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise.
   - We have told them to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

Refugee Travel Documents:

Should USCIS continue to issue refugee travel documents (domestically and abroad) to those not on the list? IO currently has a number of pending requests for refugee documents and the vast majority are Iraqi and the individuals are currently in Iraq. Will issue guidance to suspend processing those on the list, but what about the others?

TRIG:

Should we tell staff to hold off on approving cases for existing TRIG exemptions while all exemptions are being reviewed for possible rescission?

I-730's Processed Abroad:

1. Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list (e.g., China)? State's guidance to consular officers is to continue processing those. We have not issued any yet.
2. If we issued a travel document to a refugee FTJ or an asylee FTJ from one of the 7 countries before the 1/27/17 E.O. and the beneficiary hasn't traveled yet, should we try to get the travel document or packet back?

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Gillispie, Anna E

From: Groom, Molly M
Sent: Monday, January 30, 2017 6:28 AM
To: Slattery, Shannon E; Levine, Laurence D; Renaud, Daniel M; Neufeld, Donald W; Walters, Jessica S; Busch, Philip B; Kleczek, Marguerite P (Ania)
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E; Elder, Phillip D
Subject: RE: Executive Order

Plus Phil, Ania and Philip

From: Slattery, Shannon E
Sent: Sunday, January 29, 2017 11:24:08 PM
To: Levine, Laurence D; Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Valverde, Michael; Walters, Jessica S; Kvortek, Lisette E; Farnam, Julie E
Subject: RE: Executive Order

+ Lisette Kvortek and Julie Farnam

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
(b)(6)

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From: Levine, Laurence D
Sent: Sunday, January 29, 2017 4:52 PM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

All – I asked the regs team to give us an idea of the tie frames for doing and re-doing forms as well as regs:

For forms , if, for instance, we have to add new vetting questions, OMB approval can be accomplished relatively quickly as an emergency action (compared to the normal process).
Steps and qualifications for emergency OMB approval:
1) OP&S division, operational directorates, OCC, and RCD collaborate on the amended form and/or instructions.
2) RCD prepares the relevant PRA supporting documents (Supporting Statement, etc.) working with OIDP and Office of Privacy
3) Draft a memo justifying the emergent need (e.g., the EO), signed by USCIS CIO and DHS CIO.
4) RCD submits the package to OMB. OMB approval under emergency will only be valid for 6 months. To extend the validity of the OMB approval beyond 6 months, RCD would need to publish the 60- and 30-day Notices as normal and then resubmit the package to OMB.
As a side note, the interior enforcement EO took away the Privacy Act protections that the USG had extended to non-citizens (by policy I believe). This change may significantly impact how the Privacy Act is interpreted w/r/t USCIS forms and systems, and may or may not cause changes to our Privacy Threshold Analyses which support the PRA process. We need to get a legal opinion on whether our PTAs, etc. will change because of this, and if we can update the relevant PRA

supporting documents as they come up in the queue (i.e. as RCD starts work upon expiration) or if this needs to be implemented immediately (which would be a significant workload).

For regs, the time it took to get the EA rules out from the Nov. 20, 2014 memo are good barometers of the average timeline when there is WH support and it's moving as an emergency action:
- Average of 12-16 months for drafting and publishing an NPRM (but note that there was already some work done on EA before the 11/2014 announcement)
- Average of 6-8 months to review public comments, draft final rule, and publish the final rule.

Caveats: 1) The above assumes a relatively hands-off approach of OGC staff-level attorneys and economists prior to moving to OGC FO, S1 FO, and OMB. Also assumes that the timelines for S1 FO review will be similarly expedited (i.e. a matter of hours wherein the Assistant General Counsel briefs S1 and obtains signature). 2) The "effective date" will largely depend on the speed that our computer systems can be stood up. 3) Also, of course, depends on the number and complexity of public comments received and the continued availability of monetary resources to fund contractor support of our regulatory projects (comment analysis).

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:42 AM
To: Renaud, Daniel M; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Ok - thanks

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6)

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM

To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

---

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M

Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well

as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
(b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E

Subject: FW: Executive Order
To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order
Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order
I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order
I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person
We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

(b)(5)

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

Gillispie, Anna E

From: Lafferty, John L
Sent: Monday, January 30, 2017 8:02 AM
To: RAIO - Asylum Field Office Managers
Cc: Kim, Ted H; Caudill-Mirillo, Ashley B; Mura, Elizabeth E; Roberts, Rhonda J; Kirkland, Brooke A; Pilotti, David A; Tanner, Rebecca S; Potts-Hansen, Stephanie N
Subject: RE: Follow-up questions needing response ASAP

Everyone,

As of this moment, yesterday's guidance remains in place:

- hold issuance of asylum decisions to nationals to the seven countries covered by the EO (hope to get this resolved today);
- proceed with scheduled interviews for nationals from the seven countries;
- proceed with all CF/RF processing, including for nationals from the seven countries.

One new instruction: if you are referred any individual for CF/RF processing who was denied admission as a result of the EO, please notify Beth Mura and Brooke Kirkland. Proceed with processing of the referral unless instructed otherwise.

Please let us know if you have any questions.

John

From: Lafferty, John L
Sent: Sunday, January 29, 2017 1:56:41 PM
To: RAIO - Asylum Field Office Managers
Cc: Kim, Ted H; Caudill-Mirillo, Ashley B; Mura, Elizabeth E; Roberts, Rhonda J; Kirkland, Brooke A; Pilotti, David A; Tanner, Rebecca S; Potts-Hansen, Stephanie N
Subject: RE: Follow-up questions needing response ASAP

Everyone,

I understand that many of you do not have access to your CF mailboxes where you receive referrals from ICE. If you have a way to easily get access to the mailbox, please do so and let us know whether you received something. If it needs to wait until you get into the office tomorrow morning, that will be OK. I would ask that each office get back to us no later than tomorrow morning on these 2 questions.

Thanks!

John

From: Lafferty, John L
Sent: Sunday, January 29, 2017 1:09:53 PM
To: RAIO - Asylum Field Office Managers

Cc: Kim, Ted H; Caudill-Mirillo, Ashley B; Mura, Elizabeth E; Roberts, Rhonda J; Kirkland, Brooke A; Pilotti, David A; Tanner, Rebecca S; Potts-Hansen, Stephanie N
Subject: Follow-up questions needing response ASAP

Everyone,

I need answer to 2 questions:

1. Have you or someone from you office been contacted by any attorneys representing people who have arrived or are expected to arrive at airports in the coming days who are requesting CF interviews for their clients?

2. Has your office received any CF referral documents from ICE or CBP related to people stopped from entry in the aftermath of Friday's EO?

Thanks!!

From: Lafferty, John L
Sent: Sunday, January 29, 2017 12:10:54 PM
To: RAIO - Asylum Field Office Managers
Cc: Kim, Ted H; Caudill-Mirillo, Ashley B; Mura, Elizabeth E; Roberts, Rhonda J; Kirkland, Brooke A; Pilotti, David A; Tanner, Rebecca S; Potts-Hansen, Stephanie N
Subject: FW: RAIO's most time sensitive issues for Executive Order Implementation

Everyone,

As of the moment, the instructions I sent out yesterday stay in place until we get further instruction from agency/department leadership. As you can see from the below chain, Joanna has notified leadership of our present instructions and is seeking further guidance.

Given what is happening at the airports, I understand that some additional guidance is needed on CF/RF processing. CF/RF screenings should continue for anyone who is placed into ER and is referred to us after making a fear claim, or anyone subject to reinstatement or admin removal order who is referred to us after making a fear claim. We confer no benefit in the screening process, so our work in these areas should continue unless/until we are instructed otherwise.

Please feel free to continue to submit any questions that you may have.

John

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 8:42:27 PM
To: Walters, Jessica S
Cc: Strack, Barbara L; Stone, Mary M; Lafferty, John L; Kim, Ted H; Nicholson, Maura J; Scialabba, Lori L; Renaud, Tracy L
Subject: RAIO's most time sensitive issues for Executive Order Implementation

Jessica,

Attached please find a preliminary list of implementation issues for RAIO. These are ones that are most time sensitive, in that we need to get guidance out to the field as soon as possible – by Sunday evening, if possible.

This does not include the most urgent issue regarding the list of individuals State is requesting to exempt so they can travel, which is being worked separately.

Let me know if you have questions. Also including content in the message in case that is helpful for those on phones.

Thanks,

Joanna

RAIO Time Sensitive Questions on the Executive Order

Refugee Processing – what can continue?

For reference - current circuit rides:

1. Cape Town, South Africa (total number of cases is 166) – deployed through February 3:
    a. 92% nationality is Somali – Claims are mostly based on religious beliefs (different interpretations of Islam than Al Shabaab)
    b. 8% nationality is Democratic Republic of Congo – Claims are nationality claims based on tribe.
2. Indonesia (total number of cases is 130) – deployed through February 10:
    a. 95% nationality is Burmese – religious minority Rohingya population
    b. 5% nationality is Afghan – No claim info available
3. Vienna (RAD CR – one officer is currently onsite processing cases) – deployed through February 24:
    a. 100% from Iran – claims are religious persecution as either Assyrian/Armenian Christians or Bahai
    b. Note that these cases must obtain special visas to enter Austria and can only remain in Vienna for a very limited amount of time.

Urgent time-sensitive questions (need answers by Sunday evening, if possible):

1. Can the officer in Vienna resume interview on Monday? In light of the "notwithstanding" language at Sec. 5(e), we propose that he continue w/interviews as planned.

    In particular, that section says that the USRAP can use discretion to admit refugees during the 120-day suspension "when admitting the person would enable the United States to conform its conduct to a preexisting international agreement..." We have such an agreement w/Austria. What we are proposing is not actually ADMISSIONS, however, but continuing w/RAD interviews, which seems in keeping with the intent and spirit of this provision. Since these applicants are Iranian religious minorities, we believe that their future admission would need to be assessed under the 90-day rule in Sec. 3.

2. Can we continue interviewing in Indonesia? We recommend that we continue, at least for the Rohingya population. PRM's guidance to RSC's is to continue processing around the world and just to cancel travel for the affected population, and we are working with them on determining best course of action for this caseload.

3. Should we continue interviews in South Africa? We think it would not be the best use of resources to continue to interview this population and intend to move forward to curtail those interviews. We are consulting with PRM.

4. Should we continue interviews in Moscow? We have Lautenberg interviews scheduled in Moscow all week. This includes P1s and Lautenberg (largely Ukrainian religious minorities traveling in from the Ukraine for their interviews). Some of the P-1s travel in from remote areas. Our proposed plan:

   Where someone may already be in transit, we intend to continue with the interview if the individual was a Lautenberg or other religious minority, even though we are all still awaiting guidance on how the religious minority exception may be defined. For those other P1s, we intend to collect prints and inform them of the suspension, but not conduct an interview. We don't want to continue interviewing if we may have to do reinterviews later based on a new or amended approach to processing.

5. We believe we have P-1s also scheduled in New Delhi. Would follow same approach as above.

Less Urgent:

6. Should we resume planning scheduling CR for Nauru (originally planned for Feb. 5-6, but suspended). We believe this falls under the "preexisting international agreement" provision is the USG agreement w/Australia concerning Nauru. State believes that having visible evidence of progress is important to both the Australian gov't and to the refugees, whose hopelessness has led to violence, self-harm, non-compliance, etc.

Asylum Processing:

1. Does the suspension apply to processing affirmative asylum applications filed by individuals from the countries on the list?

   - We have notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise.
   - We have told them to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

Refugee Travel Documents:

Should USCIS continue to issue refugee travel documents (domestically and abroad) to those not on the list? IO currently has a number of pending requests for refugee documents and the vast majority are Iraqi and the individuals are currently in Iraq. Will issue guidance to suspend processing those on the list, but what about the others?

TRIG:

Should we tell staff to hold off on approving cases for existing TRIG exemptions while all exemptions are being reviewed for possible rescission?

I-730's Processed Abroad:

1. Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list (e.g., China)? State's guidance to consular officers is to continue processing those. We have not issued any yet.

2. If we issued a travel document to a refugee FTJ or an asylee FTJ from one of the 7 countries before the 1/27/17 E.O. and the beneficiary hasn't traveled yet, should we try to get the travel document or packet back?

Gillispie, Anna E

From: Scialabba, Lori L
Sent: Thursday, February 02, 2017 8:40 AM
To: Busch, Philip B; Renaud, Tracy L; Groom, Molly M
Cc: Alfonso, Angelica M; Farnam, Julie E; Swanson, Toni; Young, Todd P; Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

I can do that since the WH has said the EO does not apply to LPRs. But since that's been made public I I think it can go into the memo without going back to DHS.

From: Busch, Philip B
Sent: Thursday, February 02, 2017 9:32:58 AM
To: Scialabba, Lori L; Renaud, Tracy L; Groom, Molly M
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

On the second point, that is what this guidance provides.

On the first one, if you want more clarity based on the evolving guidance we have been getting about LPRs in this document, that can be done, but I think it would need to go through DHS clearance again. Perhaps it is more efficient to clarify that particular point with RAIO than revise the guidance to all employees again.

Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
(b)(6)

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From: Scialabba, Lori L
Sent: Thursday, February 02, 2017 9:23 AM
To: Renaud, Tracy L; Groom, Molly M; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

I was specifically told we can issue a boarding letter to an LPR and WH clarified this doesn't apply to LPRs.

I was also told we could issue refugee travel document to anyone in the U.S. As well as an I-730.

From: Renaud, Tracy L
Sent: Thursday, February 02, 2017 8:28:29 AM
To: Groom, Molly M; Scialabba, Lori L; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

So how do we know when/if they get a waiver so that we then issue the boarding letter/parole?

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Groom, Molly M
Sent: Thursday, February 02, 2017 8:07:02 AM
To: Renaud, Tracy L; Scialabba, Lori L; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

It's saying what is barred so those adjudications are barred but the individual could get a waiver so I think it is fine.

From: Renaud, Tracy L
Sent: Thursday, February 02, 2017 7:43:52 AM
To: Groom, Molly M; Scialabba, Lori L; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

Molly - What does the edit to bullet number one where OGC changed "benefit" to "travel authorization" do to the RAIO processing of travel letters and/or humanitarian parole?

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Groom, Molly M
Sent: Thursday, February 02, 2017 12:11:26 AM
To: Scialabba, Lori L; Busch, Philip B
Cc: Renaud, Tracy L; Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

OGC has just asked that we discuss any changes that concern you and that they feel some of the edits are necessary. Please let me know if you want to discuss any of them. Molly

---

From: Groom, Molly M
Sent: Thursday, February 02, 2017 12:07:30 AM
To: Scialabba, Lori L; Busch, Philip B
Cc: Renaud, Tracy L; Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

Lori, we discussed some changes with OGC later which are attached. Please consider them before you issue. We agree that issuing these instructions are the highest priority for the agency. Thanks.

From: Scialabba, Lori L
Sent: Wednesday, February 01, 2017 11:19:50 PM
To: Hamilton, Gene; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen
Cc: Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Thank you Gene. Have a good evening.

Lori

From: Hamilton, Gene
Sent: Wednesday, February 01, 2017 10:41:34 PM
To: Scialabba, Lori L; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen
Cc: Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Thanks, Lori. This is good to go.

From: Scialabba, Lori L
Sent: Tuesday, January 31, 2017 3:55:57 PM
To: Hamilton, Gene; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen
Cc: Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M
Subject: FW: USCIS Guidance on 1/27 executive order

Please see the attached guidance that I would like to send to USCIS staff. It does not answer all questions but it will address the vast majority. Please let me know if you'd like to discuss. OCC and our politicals have reviewed.

I plan to send our parole program paper in the next day or so with our recommendations for consideration. Once decisions are made I'll have guidance drafted for implementation and sent up for review.

I know everyone is very busy but if I can get a clearance on the attached memo we'll be out in front of what may be the next round of questions regarding the EO that was signed on Friday.

Regards,
Lori

From: Walters, Jessica S
Sent: Tuesday, January 31, 2017 3:36 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Young, Todd P; Farnam, Julie E; Walters, Jessica S
Subject: USCIS Guidance on 1/27 executive order

Lori and Tracy:

Please see the proposed USCIS guidance on implementation of the 1/27 executive order. It's been reviewed by OCC (Molly/Phil) and Craig/Carl.

Thanks,

Jess

(b)(6)

Jessica S. Walters
Senior Advisor| Office of the Director and Deputy Director
U.S. Citizenship and Immigration Services| U.S. Department of Homeland Security|

Gillispie, Anna E

From: Busch, Philip B
Sent: Thursday, February 02, 2017 1:59 PM
To: Strack, Barbara L; Scialabba, Lori L; Renaud, Tracy L; Groom, Molly M; Zengotitabengoa, Colleen R; Ruppel, Joanna
Cc: Stone, Mary M; Farnam, Julie E; Walters, Jessica S; Chiorazzi, Anne
Subject: RE: [***HOT HOT HOT*** CLEARANCE REQUEST] PRESIDENT'S EXECUTIVE ORDER ENTITLED "PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES -- 1138091 -Due 8am 2/3
Attachments: Attachment 1 - Delegation to CBP 5(e) waiver Authority.docx

Maybe something like this?

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
(b)(6)

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From: Strack, Barbara L
Sent: Thursday, February 02, 2017 2:55 PM
To: Scialabba, Lori L; Renaud, Tracy L; Groom, Molly M; Zengotitabengoa, Colleen R; Busch, Philip B; Ruppel, Joanna
Cc: Stone, Mary M; Farnam, Julie E; Walters, Jessica S; Chiorazzi, Anne
Subject: FW: [***HOT HOT HOT*** CLEARANCE REQUEST] PRESIDENT'S EXECUTIVE ORDER ENTITLED "PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES -- 1138091 -Due 8am 2/3
Importance: High

Lori and Tracy – were you award of this recommended delegation that would make CBP responsible for exercising the refugee exemption authority under 5(e)? Seems quite odd to me. At least it should be "in consultation with" USCIS.

Also, the factual representation under "Need" is off-base. There is no reason to "expect hundreds of individuals to seek such waivers in the next week." PRM will be controlling who gets put forward for exemptions.

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Gillispie, Anna E

From: Strack, Barbara L
Sent: Thursday, February 02, 2017 1:55 PM
To: Scialabba, Lori L; Renaud, Tracy L; Groom, Molly M; Zengotitabengoa, Colleen R; Busch, Philip B; Ruppel, Joanna
Cc: Stone, Mary M; Farnam, Julie E; Walters, Jessica S; Chiorazzi, Anne
Subject: FW: [***HOT HOT HOT*** CLEARANCE REQUEST] PRESIDENT'S EXECUTIVE ORDER ENTITLED "PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES -- 1138091 -Due 8am 2/3
Attachments: Maher Memo Re Delegation to Commissioner of CBP for Exercise of Auth Under 5(e) of President's Exec Order.pdf; Attachment 1 - Delegation to CBP 5(e) waiver Authority.docx

Importance: High

Lori and Tracy – were you award of this recommended delegation that would make CBP responsible for exercising the refugee exemption authority under 5(e)? Seems quite odd to me. At least it should be "in consultation with" USCIS.

Also, the factual representation under "Need" is off-base. There is no reason to "expect hundreds of individuals to seek such waivers in the next week." PRM will be controlling who gets put forward for exemptions.

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Gillispie, Anna E

From: Busch, Philip B
Sent: Thursday, February 02, 2017 1:17 PM
To: Scialabba, Lori L; Walters, Jessica S; Renaud, Tracy L
Cc: Groom, Molly M
Subject: guidance
Attachments: USCIS Guidance on implementation - final 02 02 2017.docx

Here in clean copy is the guidance. In addition to revising point 1 as discussed, I did this per a final look: (1) changed a reference to "Department" to "DHS" to conform to the previously established acronym; (2) shortened the title of the memo which was very verbose and redundant; (3) deleted an unnecessary full title of the EO toward the end of the memo, per a good OGC suggestion. I see there is a missing line space between #3 and #4 but trying to fix that I got into the problem of it screwing up the autonumbering so I'll leave that to a more adept scribe. Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

(b)(6)

This communication, along with any attachments, may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message.

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba
Acting Director

SUBJECT: Guidance Concerning Executive Order on Immigration

On January 27, President Trump signed an Executive Order entitled "Protecting The Nation From Foreign Terrorist Entry Into The United States." This memorandum provides guidance from the Department of Homeland Security (DHS) regarding the impact of this Executive Order on various immigration benefit requests.

All USCIS employees should be aware of current guidance from DHS, specifically:

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality. Section 3(c) also does not affect applications and petitions by lawful permanent residents outside the United States, or applications and petitions for individuals outside the United States whose approval does not directly confer travel authorization (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated in the Executive Order.

3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.

5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

Gillispie, Anna E

From: Scialabba, Lori L
Sent: Wednesday, February 01, 2017 10:19 PM
To: Scialabba, Lori L; Walters, Jessica S; Renaud, Tracy L; Young, Todd P; Swanson, Toni; Farnam, Julie E
Subject: FW: USCIS Guidance on 1/27 executive order
Attachments: USCIS Guidance on implementation - 1.31.17.docx

We have approval to send this out tomorrow.

Just need to get it ready to go.

THanks
Lori

From: Scialabba, Lori L
Sent: Tuesday, January 31, 2017 3:55:57 PM
To: Hamilton, Gene; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen (b)(6)
Cc: Renaud, Tracy L [redacted] Alfonso, Angelica M [redacted]
Groom, Molly M (b)(6)
Subject: FW: USCIS Guidance on 1/27 executive order

Please see the attached guidance that I would like to send to USCIS staff. It does not answer all questions but it will address the vast majority. Please let me know if you'd like to discuss. OCC and our politicals have reviewed.

I plan to send our parole program paper in the next day or so with our recommendations for consideration. Once decisions are made I'll have guidance drafted for implementation and sent up for review.

I know everyone is very busy but if I can get a clearance on the attached memo we'll be out in front of what may be the next round of questions regarding the EO that was signed on Friday.

Regards,
Lori

From: Walters, Jessica S
Sent: Tuesday, January 31, 2017 3:36 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Young, Todd P; Farnam, Julie E; Walters, Jessica S
Subject: USCIS Guidance on 1/27 executive order

Lori and Tracy:

Please see the proposed USCIS guidance on implementation of the 1/27 executive order. It's been reviewed by OCC (Molly/Phil) and Craig/Carl.

Thanks,

Jess

Jessica S. Walters
Senior Advisor| Office of the Director and Deputy Director
U.S. Citizenship and Immigration Services| U.S. Department of Homeland Security|
(b)(6)

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba
Acting Director

SUBJECT: Guidance Concerning Implementation regarding Executive Order on Immigration

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All USCIS employees should be aware of current guidance from the Department, specifically:

1. Section 3(c) of the Executive Order does not affect applications and petitions filed for or on behalf of individuals in the United States regardless of their country of origin, or applications and petitions for individuals outside the United States that do not confer a benefit (including any immigrant or nonimmigrant petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated for nationalities outlined in the Executive Order, "Protecting The Nation From Foreign Terrorist Entry Into The United States."

3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.

5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

Gillispie, Anna E

From: Farnam, Julie E
Sent: Wednesday, February 01, 2017 9:04 PM
To: Renaud, Daniel M; Valverde, Michael; Young, Todd P; Walters, Jessica S; Neufeld, Donald W; McCament, James W; Levine, Laurence D; Nicholson, Maura J; Ruppel, Joanna; Lafferty, John L; Strack, Barbara L; Meckley, Tammy M; Mayhew, Michael X; Emrich, Matthew D; Davidson, Andrew J; Hawkins, Donald K; Groom, Molly M; Busch, Philip B; Alfonso, Angelica M; Risch, Carl C; Symons, Craig M; Melero, Mariela; Rosenberg, Ronald M (Ron); Hatchett, Dolline L; Patching, Laura D; Chiorazzi, Anne; Zengotitabengoa, Colleen R; Perry-Elby, Diana D; Kerns, Kevin J; Borgen, Michael R; Kovarik Nuebel, Kathy; DeStefano, Ernest; Anderson, Erik C; Campagnolo, Donna P; Thomas, Ronnie D; Swanson, Toni; Kovarik Nuebel, Kathy; Nicholson, Maura J
Subject: EO Tasking on Information for Adjudications--Due COB 2/2
Attachments: Information from Foreign Governments.doc

Attached is the first cut of information we'd want from other countries to assist in our adjudications process based on the conversation we had this afternoon. For this tasking we just need a list that SCO can incorporate into the larger report they are drafting for this deliverable. Because the final report needs to be provided to the WH within 30 days, please provide any comments/edits/additions by COB tomorrow, February 2, 2017.

Thank you,
Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

(b)(6)

This communication, along with any attachments, may contain confidential information and is covered by federal laws governing electronic communications. Electronic communications may also be monitored by the Department of Homeland Security, U.S. Citizenship and Immigration Services. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this in error, please delete this message and all attachments and immediately notify the sender.

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director
Washington, DC 20529

U.S. Citizenship and Immigration Services

Consolidated Response to Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States Section 3(a) ("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)(7)(e) (b)(5)

[redacted]

Related, but not exclusive to information from foreign governments or other countries:

[redacted]

(b)(5)

(b)(7)(e)

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Gillispie, Anna E

From: Alfonso, Angelica M
Sent: Monday, January 30, 2017 9:22 AM
To: Walters, Jessica S
Attachments: Leadership call TPs aa.docx

Overview of current external messages

- As you are all aware, information related to the executive orders announced last Friday continues to be updated and released. Thus far, the Secretary has issued at least 3 statements and a fact sheet. These are all posted at dhs.gov. Our goal in to create a central repository on USCIS Connect to house these cleared materials as they become available. We will share the Connect link once the page it up and populated.

- If you receive questions from customers or the public about the executive orders, you can refer them to dhs.gov to read the latest statements from the Department.

- In one of yesterday's statements, Secretary Kelly addressed the question of whether or not green card holders will be allowed to return to the United States. The Secretary stated, quote, "In applying the provisions of the president's executive order, 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."

- In another statement, the Department pointed out the fact that "No foreign national in a foreign land, without ties to the United States, has any unfettered right to demand entry into the United States or to demand immigration benefits in the United States."

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

- And DHS pledged that "we will treat all of those we encounter humanely and with professionalism."

- I think it's important for field leadership to underscore this point, and to point out that acting with professionalism applies not only to how we treat our customers. It also applies to how we act as agency employees and civil servants in positions of public trust and national security.

Communications Guidance:

- Please remind your teams that the Office of Communications manages all interactions with the news media and represents the agency on social media.

Likewise the Office of Legislative Affairs represents the agency to members of Congress and their staff, and CSPED represents the agency to stakeholder organizations.

- White House and DHS communications and legislative affairs continue to lead external relations efforts on the President's executive orders. For now, our guidance is to push everything up to them. Our USCIS external communicators are providing daily reports to DHS on incoming inquiries from the Hill, media outlets, state and locals, and other stakeholders.

- We are hearing reports of media outlets reaching out directly to employees. If a reporter contacts an employee or field leadership, the reporter should be referred to your PAO right away. You can also send the requested information, including the reporter's name, affiliation and contact information to your PAO to follow up. You should not promise to follow up yourself.

- Please remind your teams that there are legal rules about government employees referring to their positions or agency affiliation outside their official duties. With social media, even if someone posts a private opinion in their off hours, they should be mindful that to the public, it could be misconstrued or interpreted as calling into question their ability to be an

impartial and apolitical public servant. It could also confuse our customers and the public who are looking to the Department and USCIS for clarity about what the executive orders mean.

- Right now we all need to focus on staying informed and doing what we are directed to do, and working closely with our DHS partners to carry out those responsibilities.

- Finally, I call your attention to the two Executive Orders from earlier last week which deal with border security and immigration enforcement. You can find them at whitehouse.gov. One of the orders is entitled "Enhancing Public Safety in the Interior of the United States," and section 5 in particular could be relevant to certain adjudications. Section 5 directs the Secretary to establish removal priorities, including removable aliens who:

    - (a) Have been convicted of any criminal offense;
    - (b) Have been charged with any criminal offense, where such charge has not been resolved;
    - (c) Have committed acts that constitute a chargeable criminal offense;
    - (d) Have engaged in fraud or willful misrepresentation in connection with any official matter or application before a governmental agency;
    - (e) Have abused any program related to receipt of public benefits;
    - (f) Are subject to a final order of removal, but who have not complied with their legal obligation to depart the United States; or

- (g) In the judgment of an immigration officer, otherwise pose a risk to public safety or national security.

- Again, you can read the order at whitehouse.gov in the Briefing Room section under Presidential Actions.

Gillispie, Anna E

From: Walters, Jessica S
Sent: Sunday, January 29, 2017 2:36 PM
To: Young, Todd P
Cc: Walters, Jessica S
Subject: FW: RAIO's most time sensitive issues for Executive Order Implementation
Attachments: Executive Order on terrorism - RAIO questions.docx

Just FYI – I am going through emails and fwd to you ones if you are not on them. Lori asked me to place a EO Action group email together tomorrow so we will both be in that.

From: Lafferty, John L
Sent: Sunday, January 29, 2017 12:11 PM
To: RAIO - Asylum Field Office Managers
Cc: Kim, Ted H; Caudill-Mirillo, Ashley B; Mura, Elizabeth E; Roberts, Rhonda J; Kirkland, Brooke A; Pilotti, David A; Tanner, Rebecca S; Potts-Hansen, Stephanie N
Subject: FW: RAIO's most time sensitive issues for Executive Order Implementation

Everyone,

As of the moment, the instructions I sent out yesterday stay in place until we get further instruction from agency/department leadership. As you can see from the below chain, Joanna has notified leadership of our present instructions and is seeking further guidance.

Given what is happening at the airports, I understand that some additional guidance is needed on CF/RF processing. CF/RF screenings should continue for anyone who is placed into ER and is referred to us after making a fear claim, or anyone subject to reinstatement or admin removal order who is referred to us after making a fear claim. We confer no benefit in the screening process, so our work in these areas should continue unless/until we are instructed otherwise.

Please feel free to continue to submit any questions that you may have.

John

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 8:42:27 PM
To: Walters, Jessica S
Cc: Strack, Barbara L; Stone, Mary M; Lafferty, John L; Kim, Ted H; Nicholson, Maura J; Scialabba, Lori L; Renaud, Tracy L
Subject: RAIO's most time sensitive issues for Executive Order Implementation

Jessica,

Attached please find a preliminary list of implementation issues for RAIO. These are ones that are most time sensitive, in that we need to get guidance out to the field as soon as possible – by Sunday evening, if possible.

This does not include the most urgent issue regarding the list of individuals State is requesting to exempt so they can travel, which is being worked separately.

Let me know if you have questions. Also including content in the message in case that is helpful for those on phones.

Thanks,

Joanna

RAIO Time Sensitive Questions on the Executive Order

Refugee Processing – what can continue?

For reference - current circuit rides:

1. Cape Town, South Africa (total number of cases is 166) – deployed through February 3:
   a. 92% nationality is Somali – Claims are mostly based on religious beliefs (different interpretations of Islam than Al Shabaab)
   b. 8% nationality is Democratic Republic of Congo – Claims are nationality claims based on tribe.
2. Indonesia (total number of cases is 130) – deployed through February 10:
   a. 95% nationality is Burmese – religious minority Rohingya population
   b. 5% nationality is Afghan – No claim info available
3. Vienna (RAD CR – one officer is currently onsite processing cases) – deployed through February 24:
   a. 100% from Iran – claims are religious persecution as either Assyrian/Armenian Christians or Bahai
   b. Note that these cases must obtain special visas to enter Austria and can only remain in Vienna for a very limited amount of time.

Urgent time-sensitive questions (need answers by Sunday evening, if possible):

1. Can the officer in Vienna resume interview on Monday? In light of the "notwithstanding" language at Sec. 5(e), we propose that he continue w/interviews as planned.

   In particular, that section says that the USRAP can use discretion to admit refugees during the 120-day suspension "when admitting the person would enable the United States to conform its conduct to a preexisting international agreement..." We have such an agreement w/Austria. What we are proposing is not actually ADMISSIONS, however, but continuing w/RAD interviews, which seems in keeping with the intent and spirit of this provision. Since these applicants are Iranian religious minorities, we believe that their future admission would need to be assessed under the 90-day rule in Sec. 3.

2. Can we continue interviewing in Indonesia? We recommend that we continue, at least for the Rohingya population. PRM's guidance to RSC's is to continue processing around the world and just to cancel travel for the affected population, and we are working with them on determining best course of action for this caseload.

3. Should we continue interviews in South Africa? We think it would not be the best use of resources to continue to interview this population and intend to move forward to curtail those interviews. We are consulting with PRM.

4. Should we continue interviews in Moscow? We have Lautenberg interviews scheduled in Moscow all week. This includes P1s and Lautenberg (largely Ukrainian religious minorities traveling in from the Ukraine for their interviews). Some of the P-1s travel in from remote areas. Our proposed plan:

Where someone may already be in transit, we intend to continue with the interview if the individual was a Lautenberg or other religious minority, even though we are all still awaiting guidance on how the religious minority exception may be defined. For those other P1s, we intend to collect prints and inform them of the suspension, but not conduct an interview. We don't want to continue interviewing if we may have to do reinterviews later based on a new or amended approach to processing.

5. We believe we have P-1s also scheduled in New Delhi. Would follow same approach as above.

Less Urgent:

6. Should we resume planning scheduling CR for Nauru (originally planned for Feb. 5-6, but suspended). We believe this falls under the "preexisting international agreement" provision is the USG agreement w/Australia concerning Nauru. State believes that having visible evidence of progress is important to both the Australian gov't and to the refugees, whose hopelessness has led to violence, self-harm, non-compliance, etc.

Asylum Processing:

1. Does the suspension apply to processing affirmative asylum applications filed by individuals from the countries on the list?

   - We have notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise.
   - We have told them to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

Refugee Travel Documents:

Should USCIS continue to issue refugee travel documents (domestically and abroad) to those not on the list? IO currently has a number of pending requests for refugee documents and the vast majority are Iraqi and the individuals are currently in Iraq. Will issue guidance to suspend processing those on the list, but what about the others?

TRIG:

Should we tell staff to hold off on approving cases for existing TRIG exemptions while all exemptions are being reviewed for possible rescission?

I-730's Processed Abroad:

1. Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list (e.g., China)? State's guidance to consular officers is to continue processing those. We have not issued any yet.
2. If we issued a travel document to a refugee FTJ or an asylee FTJ from one of the 7 countries before the 1/27/17 E.O. and the beneficiary hasn't traveled yet, should we try to get the travel document or packet back?

RAIO Time Sensitive Questions on the Executive Order

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Gillispie, Anna E

From: Walters, Jessica S
Sent: Sunday, January 29, 2017 2:24 PM
To: Lassen, Brett H
Subject: FW: Executive Order
Attachments: StayOrder.pdf

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 1:18 PM
To: Ruppel, Joanna; Neufeld, Donald W; Renaud, Daniel M; Groom, Molly M; Walters, Jessica S
Cc: Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S; Lafferty, John L; Strack, Barbara L; Stone, Mary M; Nicholson, Maura J
Subject: RE: Executive Order

Not sure if you've seen it, but here's Judge Donnelly's order from last night.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 11:54:10 AM
To: Neufeld, Donald W; Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc: Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S; Lafferty, John L; Strack, Barbara L; Stone, Mary M; Nicholson, Maura J
Subject: RE: Executive Order

Asylum has notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise. They also told leadership to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

IO is working with front office on guidance for international staff and ongoing refugee interviews. We have greenlight for refugee interviews in Vienna to continue tomorrow.

Joanna

Joanna Ruppel
Acting Associate Director

(b)(6)

From: Neufeld, Donald W
Sent: Sunday, January 29, 2017 11:52 AM
To: Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Same here Larry. We have put a full stop on everything involving the 7 countries at the centers pending further guidance.

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M

Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

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Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M

Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services
(b)(6)

This email and any attachments is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use, copying, or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy the original transmission and all copies.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director
(b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E
Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order
To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order
Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of

whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

(b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order
I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order
I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate

Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person
We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

(b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)

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.

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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

Gillispie, Anna E

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 7:42 PM
To: Walters, Jessica S
Cc: Strack, Barbara L; Stone, Mary M; Lafferty, John L; Kim, Ted H; Nicholson, Maura J; Scialabba, Lori L; Renaud, Tracy L
Subject: RAIO's most time sensitive issues for Executive Order Implementation
Attachments: Executive Order on terrorism - RAIO questions.docx

Jessica,

Attached please find a preliminary list of implementation issues for RAIO. These are ones that are most time sensitive, in that we need to get guidance out to the field as soon as possible – by Sunday evening, if possible.

This does not include the most urgent issue regarding the list of individuals State is requesting to exempt so they can travel, which is being worked separately.

Let me know if you have questions. Also including content in the message in case that is helpful for those on phones.

Thanks,

Joanna

RAIO Time Sensitive Questions on the Executive Order

Refugee Processing – what can continue?

For reference - current circuit rides:

1. Cape Town, South Africa (total number of cases is 166) – deployed through February 3:
    a. 92% nationality is Somali – Claims are mostly based on religious beliefs (different interpretations of Islam than Al Shabaab)
    b. 8% nationality is Democratic Republic of Congo – Claims are nationality claims based on tribe.
2. Indonesia (total number of cases is 130) – deployed through February 10:
    a. 95% nationality is Burmese – religious minority Rohingya population
    b. 5% nationality is Afghan – No claim info available
3. Vienna (RAD CR – one officer is currently onsite processing cases) – deployed through February 24:
    a. 100% from Iran – claims are religious persecution as either Assyrian/Armenian Christians or Bahai
    b. Note that these cases must obtain special visas to enter Austria and can only remain in Vienna for a very limited amount of time.

Urgent time-sensitive questions (need answers by Sunday evening, if possible):

1. Can the officer in Vienna resume interview on Monday? In light of the "notwithstanding" language at Sec. 5(e), we propose that he continue w/interviews as planned.

    In particular, that section says that the USRAP can use discretion to admit refugees during the 120-day suspension "when admitting the person would enable the United States to conform its conduct to a

preexisting international agreement..." We have such an agreement w/Austria. What we are proposing is not actually ADMISSIONS, however, but continuing w/RAD interviews, which seems in keeping with the intent and spirit of this provision. Since these applicants are Iranian religious minorities, we believe that their future admission would need to be assessed under the 90-day rule in Sec. 3.

2. Can we continue interviewing in Indonesia? We recommend that we continue, at least for the Rohingya population. PRM's guidance to RSC's is to continue processing around the world and just to cancel travel for the affected population, and we are working with them on determining best course of action for this caseload.

3. Should we continue interviews in South Africa? We think it would not be the best use of resources to continue to interview this population and intend to move forward to curtail those interviews. We are consulting with PRM.

4. Should we continue interviews in Moscow? We have Lautenberg interviews scheduled in Moscow all week. This includes P1s and Lautenberg (largely Ukrainian religious minorities traveling in from the Ukraine for their interviews). Some of the P-1s travel in from remote areas. Our proposed plan:

   Where someone may already be in transit, we intend to continue with the interview if the individual was a Lautenberg or other religious minority, even though we are all still awaiting guidance on how the religious minority exception may be defined. For those other P1s, we intend to collect prints and inform them of the suspension, but not conduct an interview. We don't want to continue interviewing if we may have to do reinterviews later based on a new or amended approach to processing.

5. We believe we have P-1s also scheduled in New Delhi. Would follow same approach as above.

Less Urgent:

6. Should we resume planning scheduling CR for Nauru (originally planned for Feb. 5-6, but suspended). We believe this falls under the "preexisting international agreement" provision is the USG agreement w/Australia concerning Nauru. State believes that having visible evidence of progress is important to both the Australian gov't and to the refugees, whose hopelessness has led to violence, self-harm, non-compliance, etc.

Asylum Processing:

1. Does the suspension apply to processing affirmative asylum applications filed by individuals from the countries on the list?

   - We have notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise.
   - We have told them to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

Refugee Travel Documents:

Should USCIS continue to issue refugee travel documents (domestically and abroad) to those not on the list? IO currently has a number of pending requests for refugee documents and the vast majority are Iraqi and the individuals are currently in Iraq. Will issue guidance to suspend processing those on the list, but what about the others?

TRIG:

Should we tell staff to hold off on approving cases for existing TRIG exemptions while all exemptions are being reviewed for possible rescission?

I-730's Processed Abroad:

1. Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list (e.g., China)? State's guidance to consular officers is to continue processing those. We have not issued any yet.
2. If we issued a travel document to a refugee FTJ or an asylee FTJ from one of the 7 countries before the 1/27/17 E.O. and the beneficiary hasn't traveled yet, should we try to get the travel document or packet back?

RAIO Time Sensitive Questions on the Executive Order

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Gillispie, Anna E

From: Groom, Molly M
Sent: Monday, February 13, 2017 8:44 PM
To: Scialabba, Lori L; Renaud, Tracy L; Renaud, Daniel M; Valverde, Michael; Kerns, Kevin J; Neufeld, Donald W; McCament, James W; Ruppel, Joanna; Emrich, Matthew D; Davidson, Andrew J; Meckley, Tammy M; Alfonso, Angelica M; Atkinson, Ronald A; Melero, Mariela; Rogers, Debra A; Hatchett, Dolline L; Levine, Laurence D; Young, Todd P; Walters, Jessica S; Farnam, Julie E; Busch, Philip B; Franke, Evan R; Miller, Caitlin E
Subject: Preliminary injunction in EDVA

This evening, the District Court for the Eastern District of Virginia issued a preliminary injunction in Aziz v. Trump. The Court enjoins the government from enforcing Section 3(c) of the Executive Order, "Protecting the Nation from Foreign Terrorist Entry into the United States," as applied to "any person who has a Virginia residence or is employed by or attends an educational institution administered by the Commonwealth of Virginia, and who, as of 5:00 p.m. Eastern Standard Time on Friday, January 27,2017, was lawfully admitted for permanent residency in the United States, held an immigrant visa that would entitle the bearer to be lawfully admitted for permanent residency upon admission to the United States, held a valid student visa (or accompanying family or spousal visa), or held a valid work visa (or accompanying family or spousal visa)."

OCC has reviewed the court's order and decision and believes that, by virtue of our compliance with the nationwide temporary restraining order that the Ninth Circuit recently upheld, USCIS is already in compliance with this latest injunction and does not need to take any further affirmative steps.

Please let us know if you have any concerns.

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Itemized Costs Worksheet

(Dollars in thousands)

Requirement	Component	Itemized Cost	Description of Itemized Cost	FY 2017		FY 2018		FY 2019		FY 2020		FY 2021		FY 2022		FY 2023		FY 2024		Notes
				Cost ($000)	FTE	Cost ($000)	FTE	Cost ($000)	FTE	Cost ($000)	FTE	Cost ($000)	FTE	Cost ($000)	FTE	Cost ($000)	FTE	Cost ($000)	FTE	
Asylum Travel funds	USCIS/RAIO	$ 8,597,872	TDY travel	$ 8,598	0	$ 14,237	0	$ 14,522	0	$ 14,827	0	$ 15,153	0	$ 15,471	0	$ 15,796	0	$ 16,128	0	
Asylum Overtime funds (Existing Staff)	USCIS/RAIO	$ 1,545,600	Overtime funding	$ 1,547	0	$ 2,640	0	$ 2,756	0	$ 2,877	0	$ 3,004	0	$ 3,136	0	$ 3,274	0	$ 3,418	0	
Asylum Equipment for Detention Sites	USCIS/RAIO	$ 122,894	Scanners, printers, and other computer equipment	$ 123	0	$ -	0	$ -	0	$ -	0	$ -	0	$ -	0	$ -	0	$ -	0	
Network Installation for Detention Sites	USCIS/OIT	$ 274,644	Network Installation	$ 275	0	$ -	0	$ -	0	$ -	0	$ -	0	$ -	0	$ -	0	$ -	0	
Fraud Detection and National Security New Staff	USCIS/FDNS	$ 11,747,399	FDNS Pay	$ 11,747	107	$ 49,214	429	$ 51,379	429	$ 53,640	429	$ 56,000	429	$ 58,464	429	$ 61,037	429	$ 63,722	429	
Fraud Detection and National Security New Staff	USCIS/FDNS	$ 11,179,233	FDNS Modular Costs	$ 11,179	0	$ 9,143	0	$ 9,326	0	$ 9,522	0	$ 9,731	0	$ 9,936	0	$ 10,144	0	$ 10,357	0	
Fraud Detection and National Security New Facilities	USCIS/FDNS	$ 15,000,000	FDNS Expanded Facilities	$ 3,750	0	$ 11,250	0	$ -	0	$ -	0	$ -	0	$ -	0	$ -	0	$ -	0	
HR Information Technology	USCIS/OIT	$ 6,400,000	Initial Estimate/Placeholder pending OIT assessment of costs	$ 6,400	0	$ -	0	$ -	0	$ -	0	$ -	0	$ -	0	$ -	0	$ -	0	
				$ 43,619	**107**	**$ 86,484**	**429**	**$ 77,983**	**429**	**$ 80,866**	**429**	**$ 83,888**	**429**	**$ 87,007**	**429**	**$ 90,251**	**429**	**$ 93,625**	**429**	

Gillispie, Anna E

From: Sohrakoff, Karen A
Sent: Friday, February 10, 2017 6:37 AM
To: Ruppel, Joanna; Farnam, Julie E; Neufeld, Donald W; McCament, James W; Campagnolo, Donna P; Renaud, Daniel M; Valverde, Michael; Kvortek, Lisette E; Emrich, Matthew D; Davidson, Andrew J
Cc: Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Palmer, Ann M; Prelogar, Brandon B; Levine, Laurence D; Sohrakoff, Karen A
Subject: RE: TRIG Cases
Attachments: Briefing Memo -TRIG Hold Policy 2.9.17 (final) FOUO.docx; Attachment A - TRIG Exemption Authorities as of February 2017.docx; Attachment B- TRIG Holds by Form Type and Nationality as of 2.1.17 (Updated).xlsx; Attachment C - SPC Paper - TRIG Natz 318 10-30-16.docx; Attachment D - Draft PM Elimination of TRIG hold policy.doc

Hello,

Please find attached a briefing memo for AD1 on the USCIS TRIG hold policy and four attachments responsive to your request.

Thank you,
Karen

K. Sohrakoff
RAIO TRIG Program Branch Chief
U.S. Citizenship and Immigration Services

From: Ruppel, Joanna
Sent: Monday, February 06, 2017 4:22 PM
To: Farnam, Julie E; Neufeld, Donald W; McCament, James W; Campagnolo, Donna P; Renaud, Daniel M; Valverde, Michael; Kvortek, Lisette E; Emrich, Matthew D; Davidson, Andrew J; Sohrakoff, Karen A
Cc: Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Palmer, Ann M; Prelogar, Brandon B; Levine, Laurence D
Subject: RE: TRIG Cases

Since I believe that RAIO was tasked with the lead on this for USCIS, I would like to suggest that Karen Sohrakoff, copied here, take the lead on this. She already did a data call and has put together some numbers. Also, I know that the USCIS Office of Policy and she have been working on identifying some preliminary issues.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

From: Farnam, Julie E
Sent: Monday, February 06, 2017 4:19 PM
To: Neufeld, Donald W; McCament, James W; Campagnolo, Donna P; Renaud, Daniel M; Valverde, Michael; Kvortek,

Lisette E; Ruppel, Joanna; Emrich, Matthew D; Davidson, Andrew J
Cc: Renaud, Tracy L; Young, Todd P; Walters, Jessica S
Subject: TRIG Cases

Good afternoon,

Could your office put together a briefing paper for AD1 that looks at the following issues:

1. TRIG cases that are currently on hold and for which there is no exemption right now.
    a. Number of cases
    b. Cases broken down by country
    c. Considerations as to whether we should deny these cases
2. A summary of pending TRIG exemption requests and the status of those requests.
3. List of current exemptions.

This paper is to help inform the decision as to whether we should we deny or continue to hold TRIG cases based on the recent Executive Order. Section 6 of the "Protecting the Nation from Foreign Terrorist Entry into the United States" Executive Order states:

"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 memorandum."

Please provide me with a draft no later than COB Friday, February 10th.

Thank you,
Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted]

(b)(6)

U.S. Citizenship and Immigration Services

BRIEFING MEMO FOR THE ACTING DIRECTOR

(b)(5)

Recommendation to Eliminate the USCIS Terrorism-Related Inadmissibility Grounds (TRIG) Hold Policy

February 9, 2017

[redacted]

Overview of TRIG Exercises of Exemption Authority (as of February 2017)

The TRIG Exercises of Authority and USCIS Implementation Memos are available at: http://www.uscis.gov/laws/terrorism-related-inadmissability-grounds/terrorism-related-inadmissibility-grounds-exemptions

Situational Exemptions			
Date of Exercise of Authority	Name	Covered Activity	Relevant Links
February 26, 2007	Material Support Under Duress	Material support under duress to Tier III terrorist organization.	Exercise of Authority USCIS Implementation Memo
April 27, 2007	Material Support Under Duress	Material support under duress to Tier I and II terrorist organizations.	Exercise of Authority USCIS Implementation Memo
January 7, 2011	Solicitation of Funds or Members Under Duress	Solicitation, under duress, of funds or other things of value to, or soliciting individuals for membership in, Tier I, II or III terrorist organizations.	Exercise of Authority USCIS Implementation Memo
January 7, 2011	Military Training Under Duress	Receiving military training under duress from or on behalf of a Tier I, II or III terrorist organization.	Exercise of Authority USCIS Implementation Memo
October 13, 2011	Voluntary Provision of Medical Care	Voluntary provision of medical care by alien to persons associated with terrorist activities or organizations.[1]	Exercise of Authority USCIS Implementation Memo
August 10, 2012	Certain Applicants with Existing Immigration Benefits (referred to as the "Limited General Exemption")	Applies to applicants with existing immigration benefits, who had selected voluntary, non-violent associations and/or activities with qualified Tier 3 terrorist organizations.[2]	Exercise of Authority USCIS Implementation Memo
February 5, 2014	Certain Limited Material Support	Certain aliens who provided limited material support to a Tier III organization, to a member of such organization, or to an individual they knew, or reasonably should have known, committed or planned to commit	Exercise of Authority USCIS Implementation Memo

		a terrorist activity. Covers, under certain circumstances, routine commercial transactions, routine social transactions, certain humanitarian assistance, and support provided under substantial pressure that does not rise to the level of duress ("sub-duress pressure").	
February 5, 2014	Insignificant Material Support	Certain aliens who provided insignificant material support to an undesignated terrorist organization, to a member of such organization, or to an individual they knew, or reasonably should have known, had committed or planned to commit a terrorist activity Covers, under certain circumstances, material support that is insignificant, i.e. minimal in amount and that which the applicant reasonably believed would be inconsequential in effect.	Exercise of Authority USCIS Implementation Memo
January 18, 2017	Afghan Civil Servants (b)(5)	Activities for aliens employed in civil service positions by the Islamic Emirate of Afghanistan between September 27, 1996 and December 22, 2001	***Exercise of Authority was not published in the FR or posted to www.uscis.gov** ***USCIS implementation memo has not been issued due to pause in the issuance new policy guidance**

(b)(5)

Group-Based Exemptions			
Date of Exercise of Authority	Name	Covered Activity	Relevant Links
June 18, 2008	10 Named Organizations in the Consolidated Appropriations Act of 2008 (CAA)	Associations and/or activities with one of the named groups prior to December 26, 2007 not otherwise covered by the automatic relief provisions of the CAA.[1]	Exercise of Authority USCIS Implementation Memo
September 21, 2009	Iraqi National Congress (INC), Kurdish Democratic Party (KDP) and the patriotic Union of Kurdistan (PUK)	Voluntary activities and/or associations with the INC, KDP or PUK.[2]	Exercise of Authority USCIS Implementation Memo
October 16, 2010	All India Sikh Student's Federation – Bittu Faction (AISSF-Bittu)	Voluntarily provided material support to AISSF-Bittu.	Exercise of Authority USCIS Implementation Memo
December 16, 2010	All Burma Student's Democratic Front (ABSDF)	Voluntary activities and/or associations with ABSDF.	Exercise of Authority USCIS Implementation Memo
June 4, 2012	Kosovo Liberation Army (KLA)	Voluntary, non-violent activities and/or associations with the KLA.	Exercise of Authority USCIS Implementation Memo
August 17, 2012	Iraqi Uprisings	Participation in the Iraqi uprisings against the government of Saddam Hussein in Iraq from March 1 through April 5, 1991.	Exercise of Authority USCIS Implementation Memo
April 3, 2013	FMLN and ARENA	Voluntary activities and/or associations with the FMLN or ARENA in the context of civil war activities directed against military, intelligence or related forces of the Salvadoran Government.	Exercise of Authority (FMLN) Exercise of Authority (ARENA) USCIS Implementation Memo
October 17, 2013	Ethiopian People's Revolutionary Party (EPRP)	Certain voluntary activities and/or associations relating to the EPRP.[3] (The EPRP meets the definition of a Tier III terrorist organization prior to January 1, 1993.	Exercise of Authority USCIS Implementation Memo

		Adjudicators are directed to consult country conditions for activities and/or associations after January 1, 1993.)	
October 2, 2013	Oromo Liberation Front (OLF)	Certain voluntary activities and/or associations relating to the OLF.[3]	Exercise of Authority USCIS Implementation Memo
October 17, 2013	Tigray People's Liberation Front (TPLF)	Certain voluntary activities and/or associations relating to the TPLF.[3] (The TPLF meets the definition of a Tier III terrorist organization prior to May 1991. Adjudicators are directed to consult country conditions for activity and/or associations after May 1991.)	Exercise of Authority USCIS Implementation Memo
October 17, 2013	Democratic Movement for the Liberation of Eritrean Kunama (DMLEK)	Certain voluntary activities and/or associations relating to the DMLEK.[3]	Exercise of Authority USCIS Implementation Memo
October 17, 2013	Eritrean Liberation Front (ELF)	Certain voluntary activities and/or associations relating to the ELF.[3] (The ELF meets the definition of a Tier III terrorist organization prior to January 1, 1992. Adjudicators are directed to consult country conditions for activity and/or associations after January 1, 1992.)[4]	Exercise of Authority USCIS Implementation Memo
March 11, 2016	Certain Burmese Groups (b)(5)	Voluntary activities and/or associations with the named groups, provided that the activity did not involve targeting noncombatant persons or U.S. interests.[5]	Exercise of Authority USCIS Implementation Memo

(b)(5)

Current as of Feb 1, 2017

TRIG Holds	Form Type									
Country of Citizenship	I-485	I-589	I-590	I-730	I-821	I-881	I-918	N-366	N-400	Grand Total
AF - Afghanistan	82	1		2					9	94
AL - Albania	2									2
AM - Armenia	3			3						6
AO - Angola	27									27
BG - Bangladesh	68	35		65						168
BK - Bosnia and Herzegovina	24								19	43
BM - Burma	52								14	66
BR - Brazil	1									1
BY - Burundi	19									19
CA - Canada									2	2
CB - Cambodia	4									4
CD - Chad	5									5
CE - Chechnya	1									1
CE - Sri Lanka (Ceylon)	25			10					4	39
CF - Congo	41			3						44
CG - Dem. Rep. Congo	55			36					2	93
CH - China	3									3
CM - Cameroon	3								1	4
CO - Colombia	9			1					2	12
CU - Cuba	35								1	36
EG - Egypt	1									1
EI - Ireland									2	2
ER - Eritrea	83	3	11						7	104
ES - El Salvador	10				2	2			8	22
ET - Ethiopia	53	2		1					45	101
GA - Gambia	1									1
GG - Georgia	1									1
GH - Ghana	4									4
GM - Germany				3						3
GT - Guatemala	21					5			1	27

HA - Haiti	3				8					11
HR - Croatia	2									2
ID - Indonesia	6									6
IN - India	35			9			1		2	47
IR - Iran	24			1					2	27
IS - Israel	3									3
IV - Ivory Coast	38			13						51
IZ - Iraq	22	1							2	25
JO - Jordan	2							1	2	5
KE - Kenya	8								1	9
KO - Kosovo	3								1	4
KU - Kuwait	2									2
LA - Laos	1									1
LE - Lebanon	13									13
LI - Liberia	39			9					1	49
LY - Libya	3									3
MK - Macedonia	1						1			2
MN - Mynamar	1									1
MR - Mauritania	5	1							2	8
MX - Mexico	2									2
NG - Niger	1									1
NI - Nigeria	7									7
NP - Nepal	6			1	9					16
NS - Suriname	1									1
NU - Nicaragua	9				2				2	13
PE - Peru	1									1
PK - Pakistan	110	1		3					11	125
PS - Palestine	6									6
RP - Philippines	6									6
RS - Russia	2			1						3
RW - Rwanda	6			2						8
SG - Senegal	21			3					2	26
SL - Sierra Leone	10			2					1	13
SO - Somalia	10				1					11

SR - Serbia	2									2
SU - Sudan	75			2	9				5	91
SY - Syria	7	2		1	10					20
TI - Tajikistan	2									2
TO - Togo	20			3					1	24
TU - Turkey	1									1
UG - Uganda	12	1							1	14
UK - United Kingdom	2									2
UV - Burkina Faso (UVolta)	1									1
VE - Venezuela	2									2
VM - Vietnam	2								1	3
YE - Yemen (Sanaa)	6	1								7
YM - Yemen	1				1					2
YO - Yugoslavia	7									7
ZA - Zambia	2									2
ZI - Zimbabwe	8	1		2						11
Grand Total	**1192**	**49**	**11**	**176**	**42**	**7**	**2**	**1**	**154**	**1634**

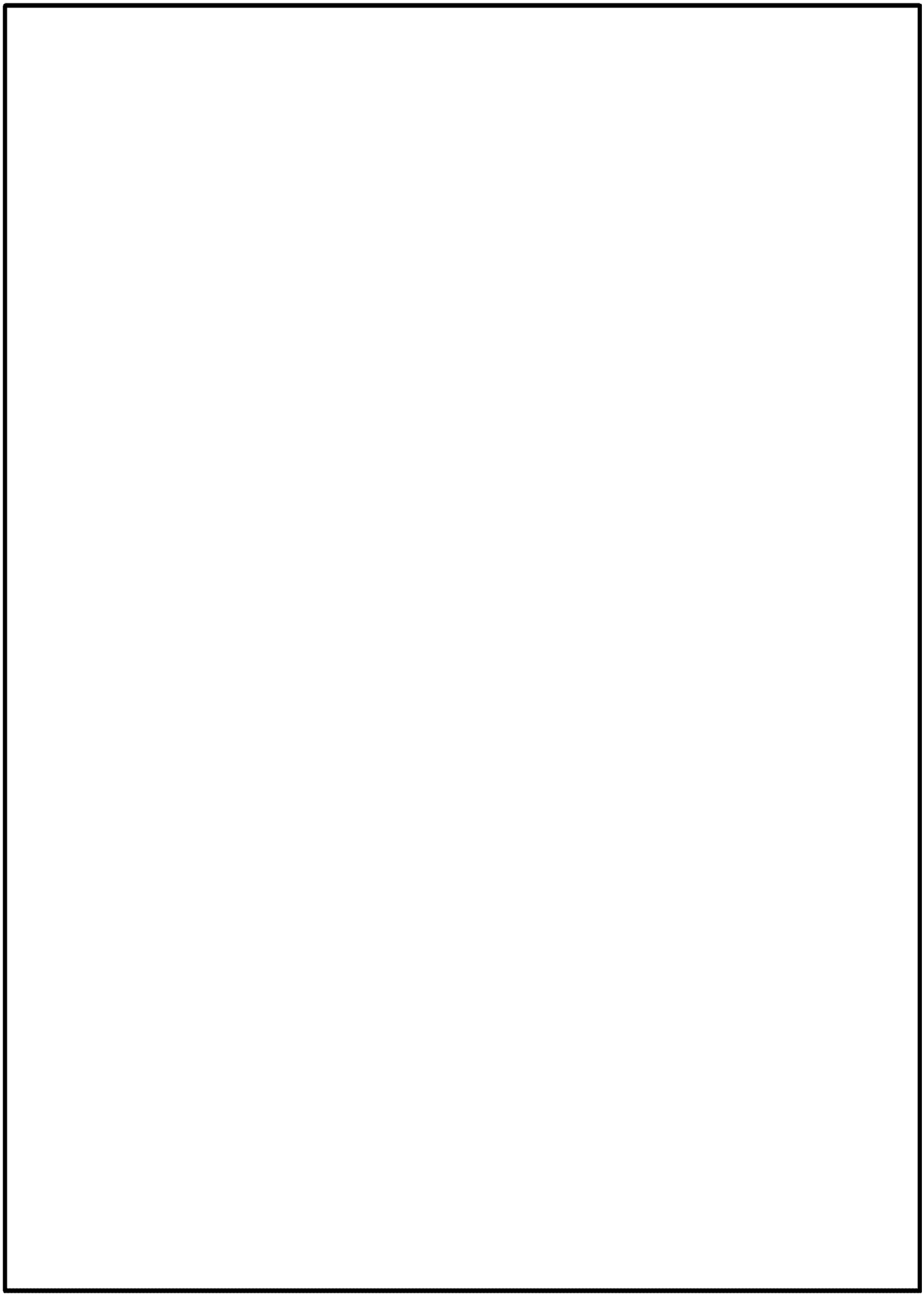
(b)(5)

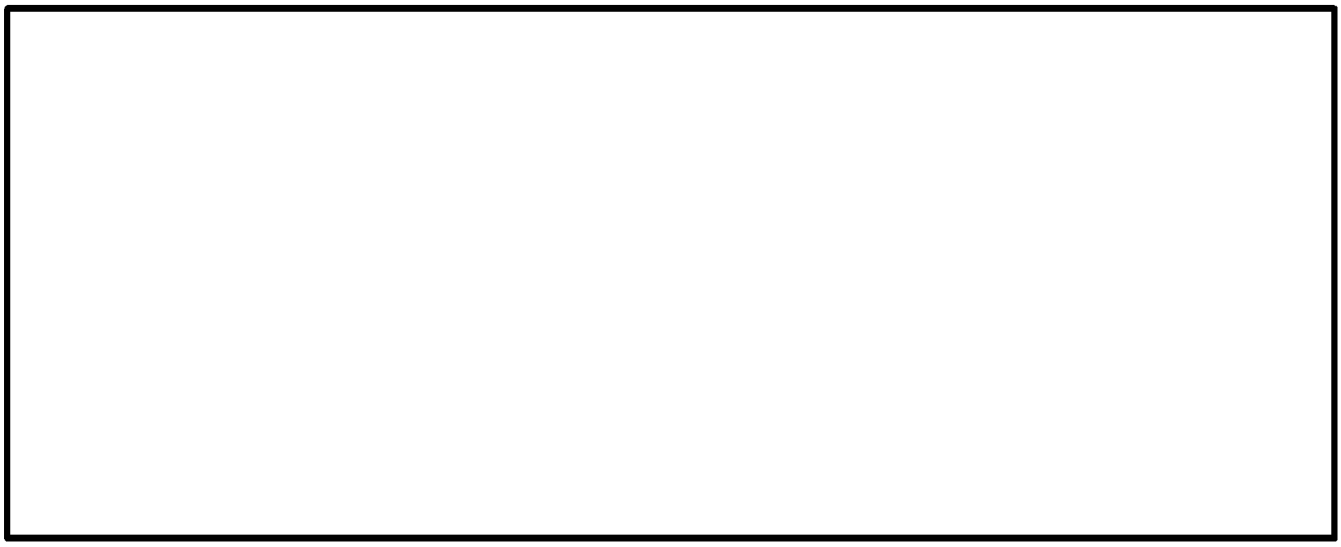
Senior Policy Council – Briefing Paper

TRIG Exemptions & INA § 318

POCs: OCC/FOD

(b)(5)





(b)(5)

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS-2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

PM-XXX-XXXX

Policy Memorandum

SUBJECT: Revised Guidance for Processing Cases Involving Terrorism-Related Inadmissibility Grounds and Elimination of the Hold Policy for Such Cases

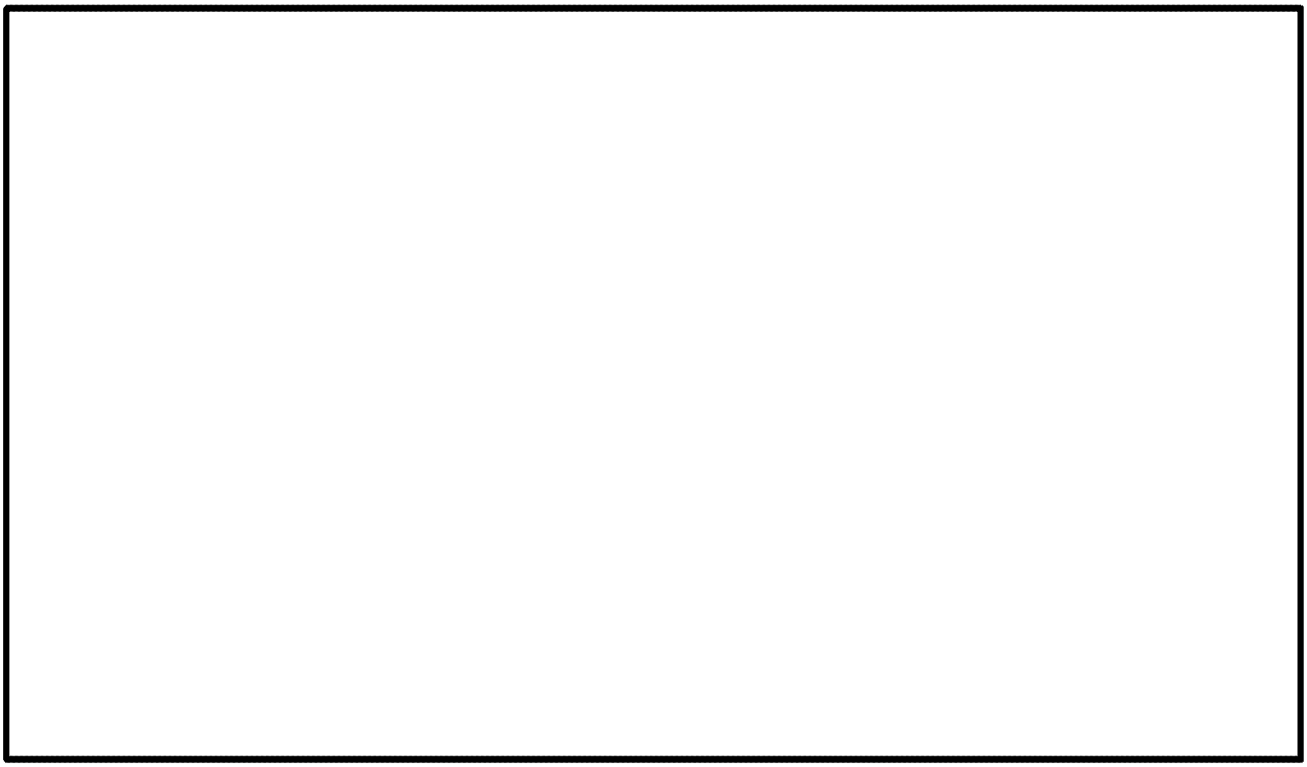
Purpose
This policy memorandum (PM) eliminates the agency hold policy for cases involving association or activity triggering terrorism-related inadmissibility grounds (TRIG).

Scope
This PM applies to and binds all USCIS employees.

(b)(5)

Authorities
Sections 212(a)(3)(B) and 212(d)(3)(B)(i) of the Immigration and Nationality Act (INA).

(b)(5)



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Gillispie, Anna E

From: Ruppel, Joanna
Sent: Wednesday, February 08, 2017 11:25 AM
To: RAIO - ALL1
Subject: CORRECTED: Executive Order Updates and Refugee Processing

With link correction. Thanks to Heide for noting it for me! If anyone else finds an error, please jump in.

Joanna

From: Ruppel, Joanna
Sent: Wednesday, February 08, 2017 12:13 PM
To: RAIO - ALL1
Subject: Executive Order Updates and Refugee Processing

RAIO Colleagues,

As stated in the USCIS Broadcast, U.S. Citizenship and Immigration Services has suspended any and all actions implementing the affected sections of the Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017) (these affected sections are Sections 3(c), Section 5(a), Section 5(b), Section 5 (c) and Section 5 (e) to the extent that it purports to prioritize refugee claims of certain religious minorities).

USCIS has resumed approving refugee cases that are otherwise eligible for refugee resettlement. The travel schedule of these approved cases will be determined by the Department of State so as not to exceed the refugee ceiling set by the current Administration. At this time, USCIS generally will not be regularly conducting refugee interviews in international field offices, or deploying additional circuit rides this quarter other than select, previously scheduled circuit rides. USCIS will coordinate other possible interviews, including urgent humanitarian protection cases, at the request of the Department of State. The previously organized trainings for credible fear will move forward as scheduled.

USCIS, including RAIO headquarters staff, is participating in intra and inter-agency working groups established to implement the Executive Order and field input will be sought as appropriate.

Many of you have expressed interesting in learning more about the ongoing litigation relating to the Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States. Oral arguments on whether or not to lift the temporary restraining order took place yesterday before the 9th Circuit Court of Appeals. You can listen to a recording of the oral arguments and find information about the litigation on the 9th Circuit's website:

https://www.ca9.uscourts.gov/content/view.php?pk_id=0000000860

Information about the Executive Orders that impact USCIS can be found on USCIS Connect:

http://connect.uscis.dhs.gov/org/CL/Pages/Presidential-Actions.aspx

And information more specific to RAIO can be found on the RAIO ECN (this site is still a work in process):

http://ecn.uscis.dhs.gov/team/raio/Pages/RAIO.aspx

Finally, I would like to apologize for confusion that arose when all RAIO staff were scheduled for a Town Hall. That was based on a miscommunication error on my part. I had requested an all hands meeting for "Directorate staff," meaning

the RAIO Program Chiefs and their staff. In my capacity as acting A/D for RAIO, I plan on holding monthly meetings with my team, just as Maura and I hold monthly all hands meetings with IO HQ staff. This was understood to mean all RAIO staff. Then the cancelation led to some rumors of some other motive. It was pure miscommunication. I am trying hard to get ahead of all rumors and stop them as soon as I hear them. There also has been a bit of miscommunication about a potential Town Hall with Lori Scialabba. We are working to clarify plans with the front office and will provide more info shortly. Things are moving fast and furious here at HQ, so I appreciate everyone's patience when communication mistakes are made. We are truly acting with the best of intentions.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted]

(b)(6)

Gillispie, Anna E

From: Farnam, Julie E
Sent: Wednesday, February 08, 2017 10:50 AM
To: Busch, Philip B; Scialabba, Lori L; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Levine, Laurence D
Cc: Groom, Molly M; Young, Todd P; Walters, Jessica S
Subject: RE: waiver process
Attachments: Revocation Ltr _Feb17 (uscis).docx

Thank you for the opportunity to review this letter. I have a general comment—it assumes that we will use the Form I-131 to grant advance parole, but I believe that is still an open question and we may want to use the I-192 instead. We just may need to tweak the language to say 'a waiver granted by DHS' or something like that rather than AP, if we do decide on the I-192.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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From: Busch, Philip B
Sent: Wednesday, February 08, 2017 10:14 AM
To: Scialabba, Lori L; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Levine, Laurence D; Farnam, Julie E
Cc: Groom, Molly M; Young, Todd P; Walters, Jessica S
Subject: waiver process

(b)(5)

Last night we received from DHS two documents to review: a draft of what would be White House guidance on the EO, and a draft of a new DOS visa revocation order. As always we need to get back to them as soon as possible today. [redacted]

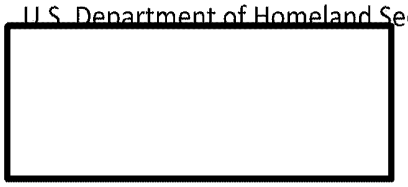
[redacted]

Would appreciate response to this when possible.

Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor

Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security



(b)(6)

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Referred to U.S. Department of State

(b)(5

Referred to U.S. Department of State

Gillispie, Anna E

From: Renaud, Tracy L
Sent: Wednesday, February 08, 2017 10:33 AM
To: Ruppel, Joanna; Scialabba, Lori L
Cc: Groom, Molly M; Walters, Jessica S; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Zengotitabengoa, Colleen R
Subject: RE: Time Sensitive - CAM parole applicants booked to travel

Follow Up Flag: Follow up
Flag Status: Completed

Sorry everyone, responded to the wrong Joanna message. Please ignore.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Renaud, Tracy L
Sent: Wednesday, February 08, 2017 11:32 AM
To: Ruppel, Joanna; Scialabba, Lori L
Cc: Groom, Molly M; Walters, Jessica S; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Zengotitabengoa, Colleen R
Subject: RE: Time Sensitive - CAM parole applicants booked to travel

Joanna,

Here is some revised language that AD1 and I prefer:

As stated in the USCIS Broadcast, U.S. Citizenship and Immigration Services has suspended any and all actions implementing the affected sections of the Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017) (these affected sections are Sections 3(c), Section 5(a), Section 5(b), Section 5 (c) and Section 5 (e) to the extent that it purports to prioritize refugee claims of certain religious minorities).

USCIS has resumed approving refugee cases that are otherwise eligible for refugee resettlement. The travel schedule of these approved cases will be determined by the Department of State so as not to exceed the refugee ceiling set by the current Administration. At this time, USCIS generally will not be regularly conducting refugee interviews in international field offices, or deploying additional circuit rides this quarter other than select, previously scheduled circuit rides. USCIS will coordinate other possible interviews, including urgent humanitarian protection cases, at the request of the Department of State. The previously organized trainings for credible fear will move forward as scheduled.

USCIS, including RAIO headquarters staff, is participating in intra and inter-agency working groups established to implement the Executive Order and field input will be sought as appropriate.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Wednesday, February 08, 2017 10:24 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Groom, Molly M; Walters, Jessica S; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Zengotitabengoa, Colleen R
Subject: Time Sensitive - CAM parole applicants booked to travel

Lori and Tracy,

IO and RAD are currently compiling statistics for all of the individuals offered parole under CAM pending checks (approximately 3000). In the meantime, the most urgent issue for your consideration remains what to do about those already booked for travel. In an effort to wind down the program in the most orderly and humane way and in a way that may mitigate anticipated public concern, it is RAIO's recommendation that we allow those already booked to travel to do so. There is a very small number of these individuals – only 78. All are booked to travel next week. Note however, that some of the 110 approved to travel this week, missed their flights due to unforeseen circumstances, and are being rebooked. Given they had permission to travel, we presume they can continue to do so, though it may not be this week.

The qualifying children booked for travel next week were interviewed, found to have a well-founded fear and warrant parole as a matter of discretion. Each qualifying child was granted conditional approval, paid for and cleared their medical and background checks, and booked and paid for their travel. The actual travel authorizations have not yet been issued for this group – they are normally provided 5 days in advance of booked travel.

Of the 78 individuals traveling, 65 are qualifying children, 13 are their accompanying family members (8 in country parents, 5 children of the qualifying child, ages 1-5 years old). For the 65 qualifying children in this group, the US based parents all have TPS.

Only 1 person out of the 78 is scheduled to travel with refugees. The rest are all scheduled to travel alone or with other parolees.

IOM is aware that no further travel should be booked. We have not provided any further guidance to IOM regarding travel next week or the status of the program. If these individuals (and other pending cases) will not be approved for travel we need approved messaging, including the basis for the instruction to not issue travel authorizations for booked travelers. We have drafted some language, which is being reviewed by OCC, that simply indicates we have stopped the program. OCC has expressed concern about stopping the travel, so I think it would be important to meet with them ASAP regarding this issue.

While we have drafted very simple language about stopping the CAM parole program, we need assistance from the Department on how to answer questions we anticipate we will get. Below is a sampling of the types of questions, we believe we will get. We are working on others.

- What is the basis for stopping CAM travel for parolees? Of course the Secretary has the authority to stop a discretionary parole program. The basis is the Executive Order: Border Security and Immigration Enforcement Improvements section 11(d), which says the Secretary shall take appropriate action to ensure parole authority is exercised only on a case by case basis. However, because there is no public document noting that S1 has directed USCIS to stop this program, we have nothing to point to that explains why CAM is being curtailed, but not other parole programs based on a finding that the program itself provides significant public benefit (e.g., HFRP, FWVP and CFRP). When CMPP was stopped, the WH provided us with very specific language about the reason. Would be helpful if we could get the same here.

- Why is travel stopped for CAM parolees but not CAM refugees? Will families where one member was approved as a refugee and one as a parolee be allowed to travel together? We assume that the answer for this would be

based on the answer to the question above, and if one family member was approved as a refugee and one as a parolee, only the refugee comes in. However, nothing would preclude the family member from filing a I-131 parole request under the regular program.

- Many of those who received conditional approval have invested significant funds to pay for required medical exams or travel or have sold property. Will these individuals be provided an opportunity to travel at some future date? Proposed response based on what we understand is DHS's position: Not under the CAM program. If they are eligible to apply for other immigration benefits, they can do so as provided by existing law.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted]

(b)(6)

Gillispie, Anna E

From: Farnam, Julie E
Sent: Wednesday, February 08, 2017 10:21 AM
To: Busch, Philip B; Scialabba, Lori L; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Levine, Laurence D
Cc: Groom, Molly M; Young, Todd P; Walters, Jessica S
Subject: RE: waiver process
Attachments: WHCO guidance on end of stay Redline 2-7-17 (jef).docx

My edits are attached. I found the middle part of this memo very confusing and I restructured that part in an effort to hopefully make it a little clearer.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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From: Busch, Philip B
Sent: Wednesday, February 08, 2017 11:12 AM
To: Scialabba, Lori L; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Levine, Laurence D; Farnam, Julie E
Cc: Groom, Molly M; Young, Todd P; Walters, Jessica S
Subject: RE: waiver process

Please use this version of the draft WH guidance instead. I had inadvertently overlooked some suggested edits from Molly, which are added here (italicized to distinguish them from others, in light of the document's anonymization feature). Sorry for any inconvenience. Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Busch, Philip B
Sent: Wednesday, February 08, 2017 10:14 AM
To: Scialabba, Lori L; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Levine, Laurence D; Farnam, Julie E
Cc: Groom, Molly M; Young, Todd P; Walters, Jessica S
Subject: waiver process

(b)(5)

Last night we received from DHS two documents to review: a draft of what would be White House guidance on the EO, and a draft of a new DOS visa revocation order. As always we need to get back to them as soon as possible today.

[redacted]

Would appreciate response to this when possible.

Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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Referred to THE WHITE HOUSE

(b)(5

(b)(5)

Page 1: [1] Comment [A10]	Author
Page 1: [2] Comment [A11]	Author
Page 1: [3] Formatted	Author
Page 1: [4] Comment [A12]	Author
Page 1: [5] Comment [A13]	Author
Page 1: [6] Comment [A14]	Author
Page 1: [7] Comment [A15]	Author

(b)(5)

Gillispie, Anna E

From: Busch, Philip B
Sent: Wednesday, February 08, 2017 9:14 AM
To: Scialabba, Lori L; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Levine, Laurence D; Farnam, Julie E
Cc: Groom, Molly M; Young, Todd P; Walters, Jessica S
Subject: waiver process
Attachments: WHCO guidance on end of stay Redline 2-7-17 (bdk).docx; Revocation Ltr _Feb17 (uscis).docx

(b)(5)

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[redacted]

Would appreciate response to this when possible.

Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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Referred to U.S. Department of State

(b)(5

Referred to U.S. Department of State

Referred to THE WHITE HOUSE

(b)(5

Gillispie, Anna E

From: Farnam, Julie E
Sent: Tuesday, February 07, 2017 8:26 PM
To: Renaud, Tracy L; Scialabba, Lori L
Cc: Young, Todd P; Walters, Jessica S
Subject: National Interest Waiver Request Options Paper
Attachments: National Interest Options Paper.docx

Follow Up Flag: Follow up
Flag Status: Completed

Attached please find the draft of the options paper for USCIS to process national interest waiver requests for those who are barred from entry. In addition to the attached, there are a few questions that we will need clarity on before implementing. The outstanding policy questions pertaining to the options paper are:

- How will we define what is in the national interest?
- Should we include a justification as to why we should charge a fee for this request?
- Would applicants be eligible for a fee waiver?
- Will we conduct an FBI namecheck on these cases?
- Should we issue an NTA if we deny the request?
- What are the legal implications of requiring someone to file and pay for a travel document when they already have a valid travel document (i.e., a visa)?

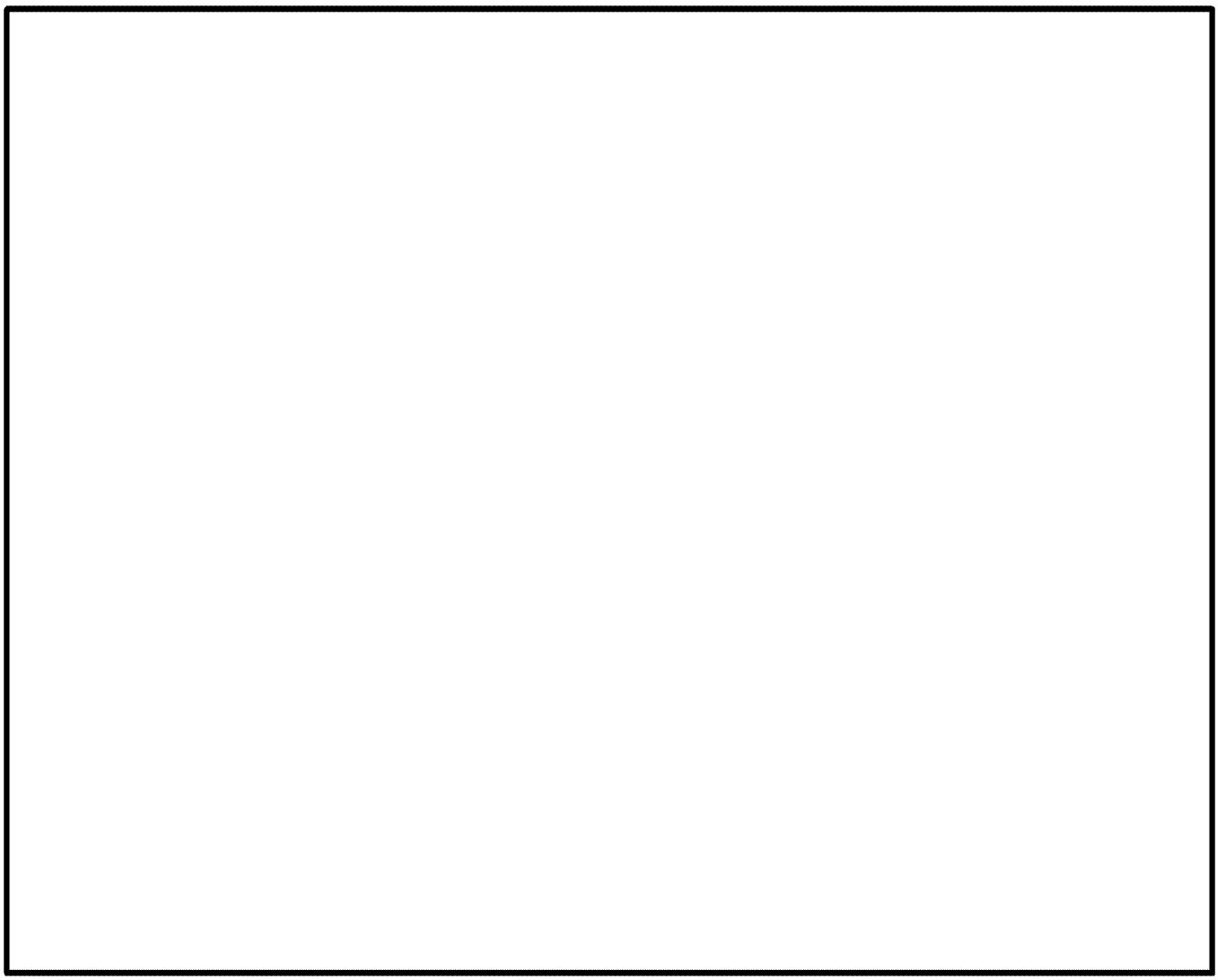
I assume we'll maybe want to discuss the paper at tomorrow's meeting, but if you need to forward it to the Department sooner than that, here is what we have as of now.

Have a good night.

Julie

Exception Options

Background: Section 3(c) of Executive Order (EO) 13769 prohibits entry to the United States from nationals of seven identified countries. However, section 3(g) of the EO permits the Secretaries of State and Homeland Security to, "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." U.S. Citizenship and Immigration Services (USCIS) has been asked by the Department of Homeland Security (DHS) to review options to establish a process under section 3(g) by which aliens subject to section 3(c), but already present in the United States in nonimmigrant status with a valid multi-entry nonimmigrant visa, could request the section 3(g) waiver in advance of departure from the United States, thus giving them a reasonable basis to expect that they will be able to travel back to the United States and be admitted, if otherwise admissible. (b)(5)



Gillispie, Anna E

From: Busch, Philip B
Sent: Tuesday, February 07, 2017 5:19 PM
To: Levine, Laurence D; Campagnolo, Donna P; Rosenstock, Peter L; Meckley, Tammy M; Davidson, Andrew J; Rather, Michael B; Groom, Molly M; Zengotitabengoa, Colleen R; Hinds, Ian G
Cc: Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S; Tynan, Natalie S
Subject: RE: Draft of Exception Process - EO
Attachments: 192 eo option (2) OPS consolidated plus OCC.docx

Here are OCC comments on top of OPS's. Please don't take the amount of redline and questioning as criticism of SCOPs effort here, which was a thoughtful and heroic one considering the short time frame and the difficulties posed by this tough issue. Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
[redacted] (b)(6)

This communication, along with any attachments, may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message.

From: Levine, Laurence D
Sent: Tuesday, February 07, 2017 3:13 PM
To: Campagnolo, Donna P; Rosenstock, Peter L; Meckley, Tammy M; Davidson, Andrew J; Rather, Michael B; Groom, Molly M; Busch, Philip B; Zengotitabengoa, Colleen R; Hinds, Ian G
Cc: Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S; Tynan, Natalie S
Subject: RE: Draft of Exception Process - EO

OP&S comments.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 12:44 PM
To: Rosenstock, Peter L; Meckley, Tammy M; Davidson, Andrew J; Levine, Laurence D; Rather, Michael B; Groom, Molly M; Busch, Philip B; Zengotitabengoa, Colleen R; Hinds, Ian G
Cc: Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S
Subject: RE: Draft of Exception Process - EO

Hi all. Adding in OCC and Policy and Strategy…

As well, attached is an updated version based on some feedback received already.

Please send your comments back by 3:00 today. That way we can incorporate them and get the final draft to Lori this afternoon.

Thanks in advance.

Donna Campagnolo
HQ Service Center Operations

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 10:30 AM
To: Rosenstock, Peter L; Meckley, Tammy M; Davidson, Andrew J
Cc: Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S
Subject: Draft of Exception Process - EO

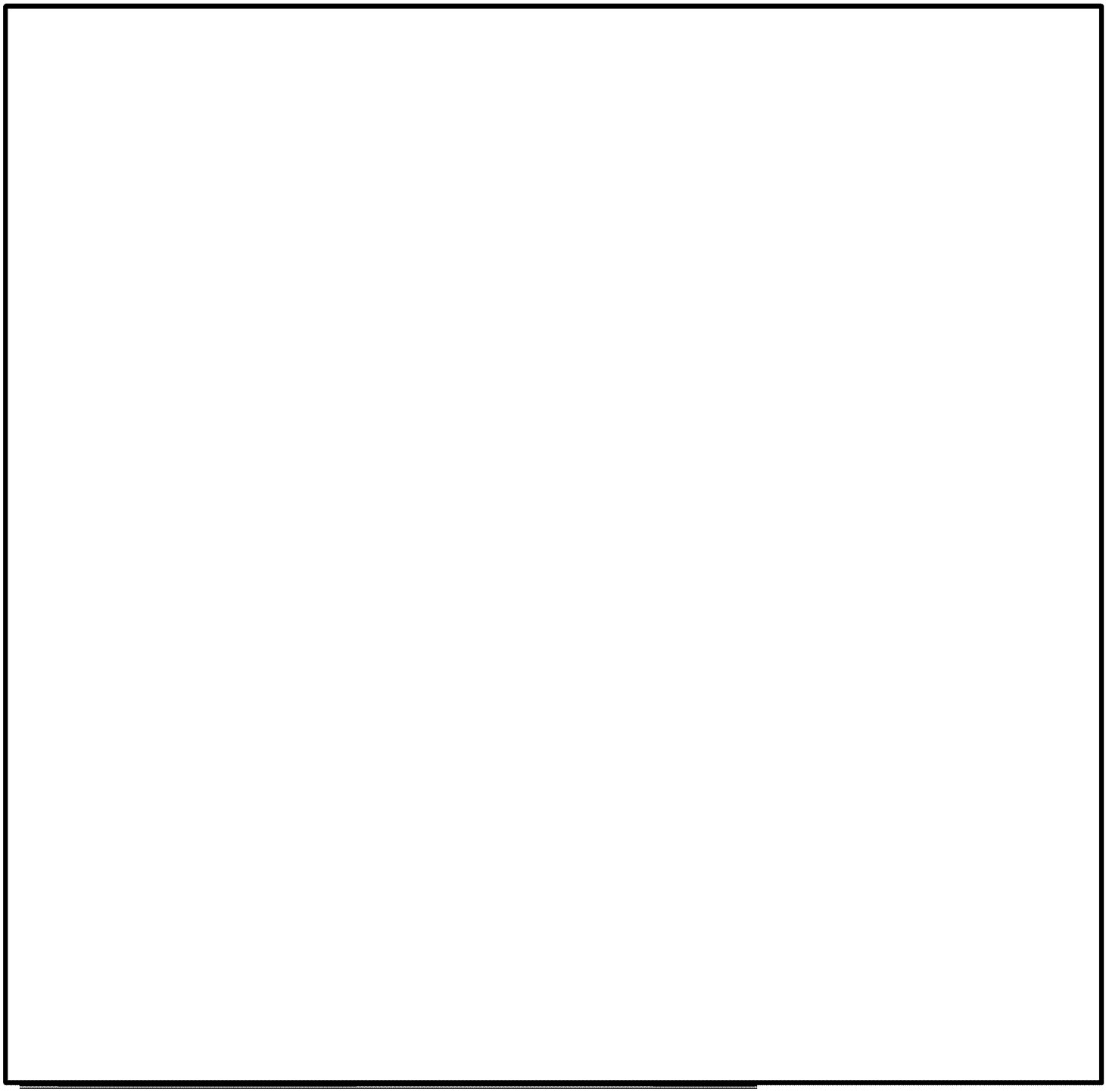
All: Based on yesterday's discussions for EO, attached is a draft from SCOPS on what might work if we were required to develop an exception for folks that are here in the US, but may need to travel for work and student reasons. Can you please take a look from your perspective and let us know if you have any concerns? Its due to the Department this afternoon, so we will need a response as quickly as possible. So sorry for the quick turnaround on this.

Appreciate your help.

Donna Campagnolo
HQ Service Center Operations

(b)(5)

Exception Options



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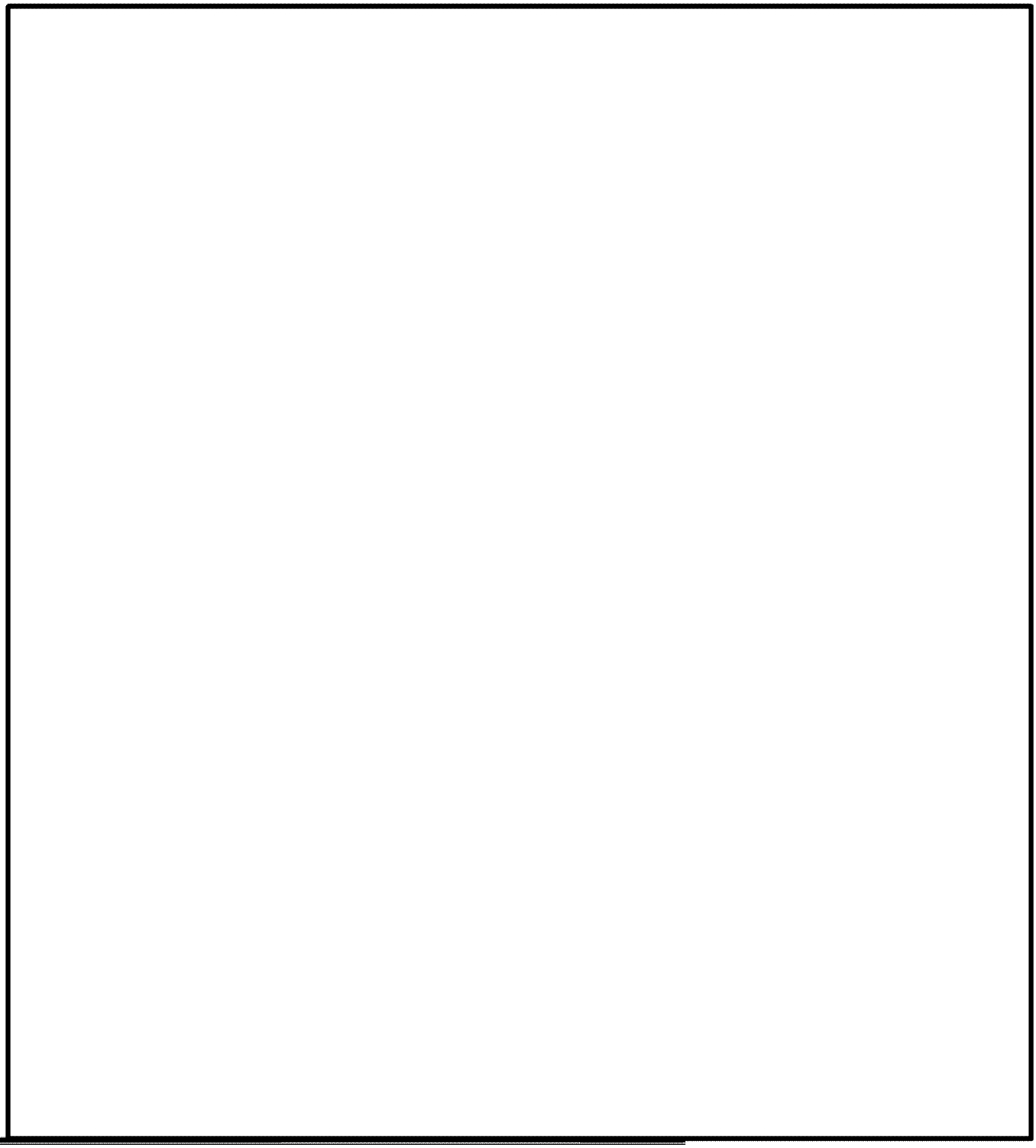

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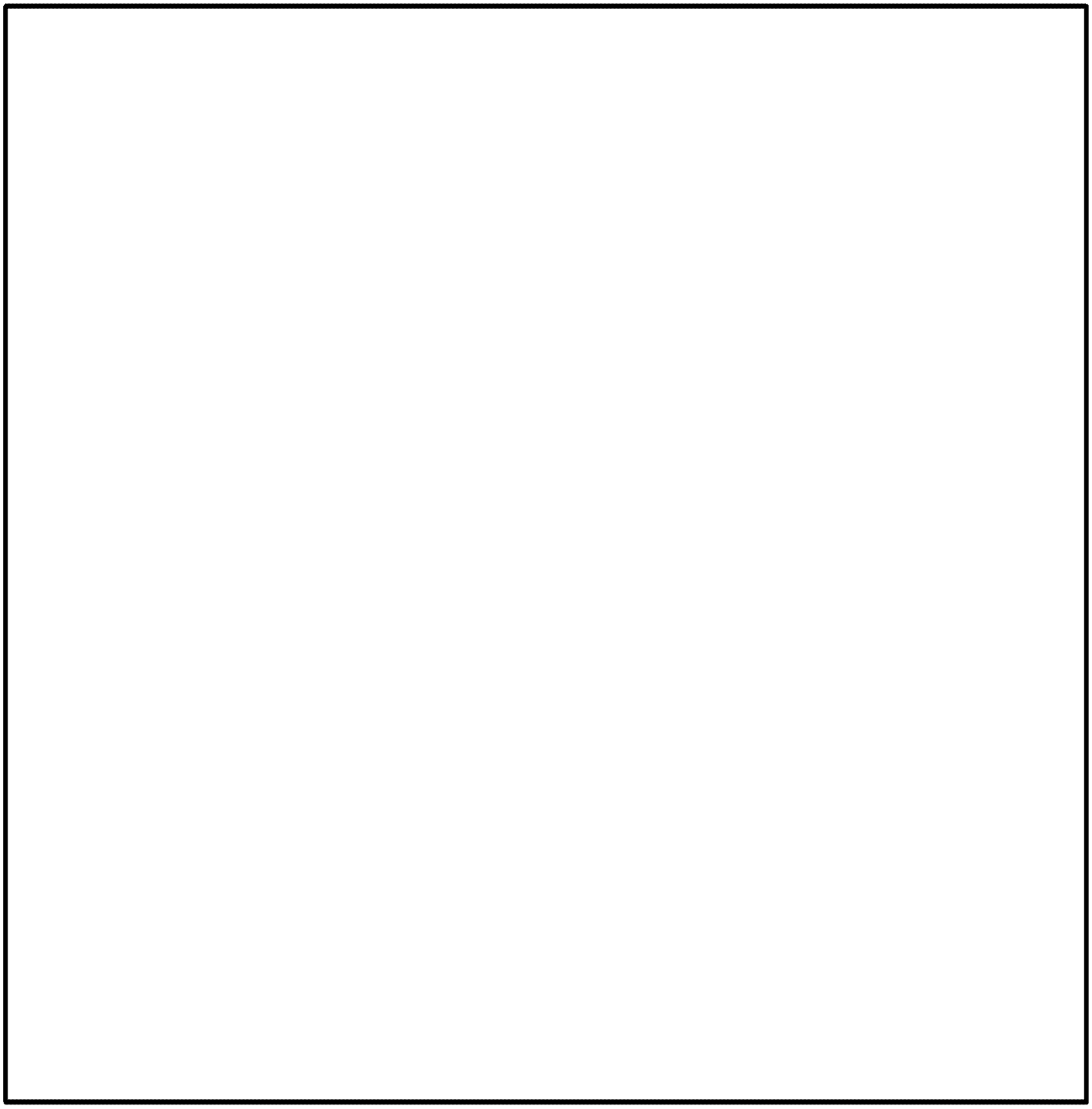

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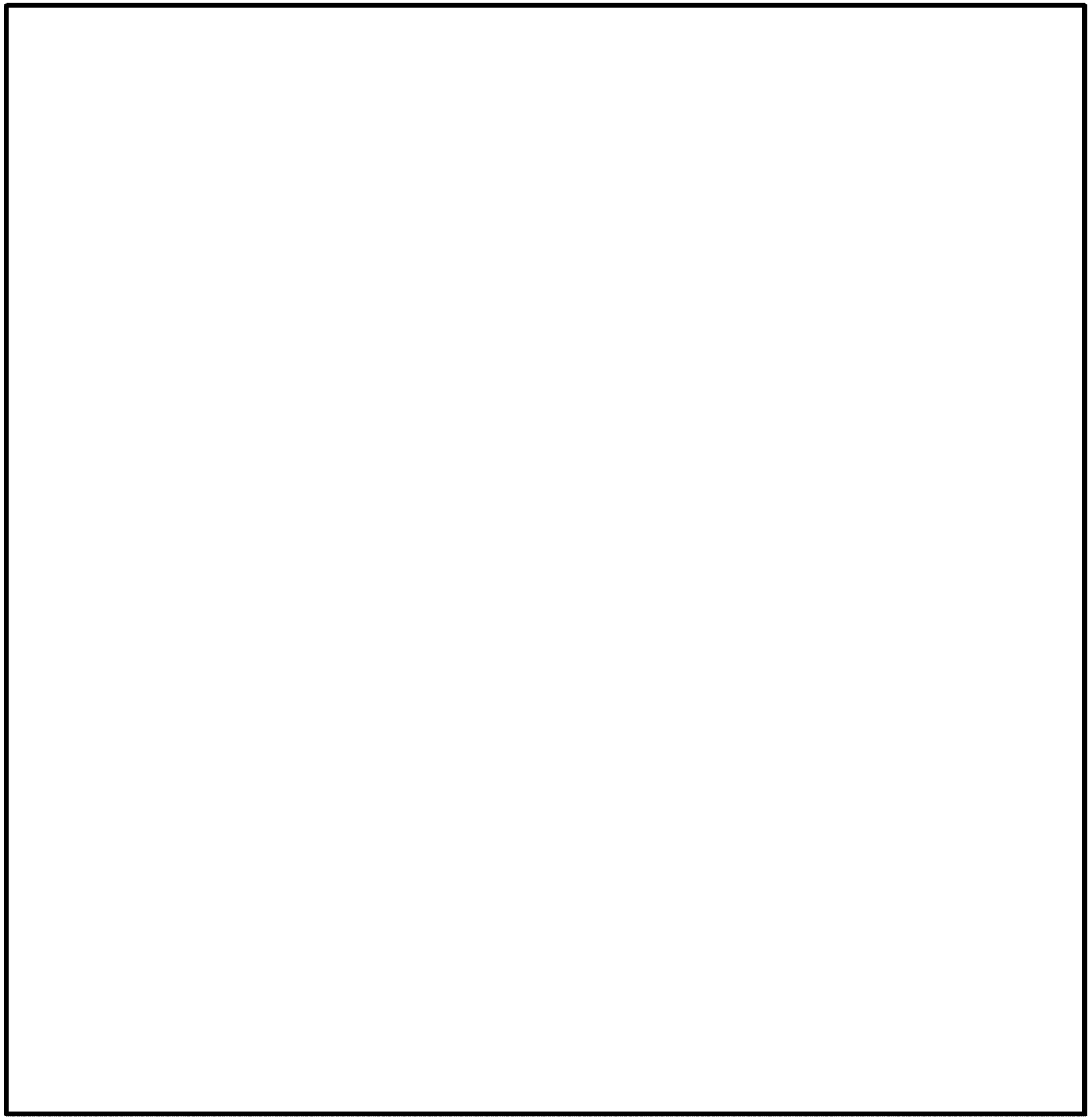

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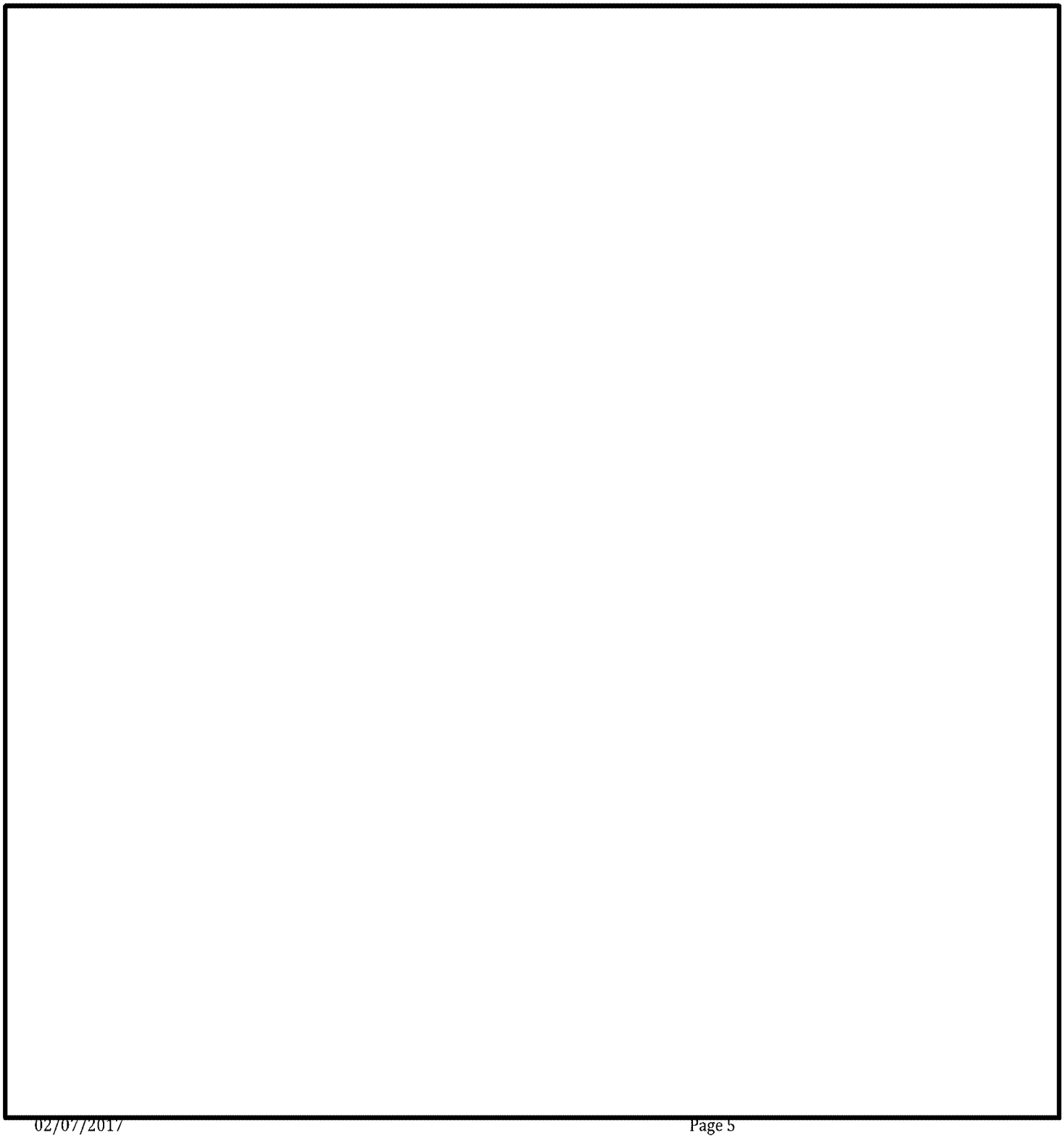

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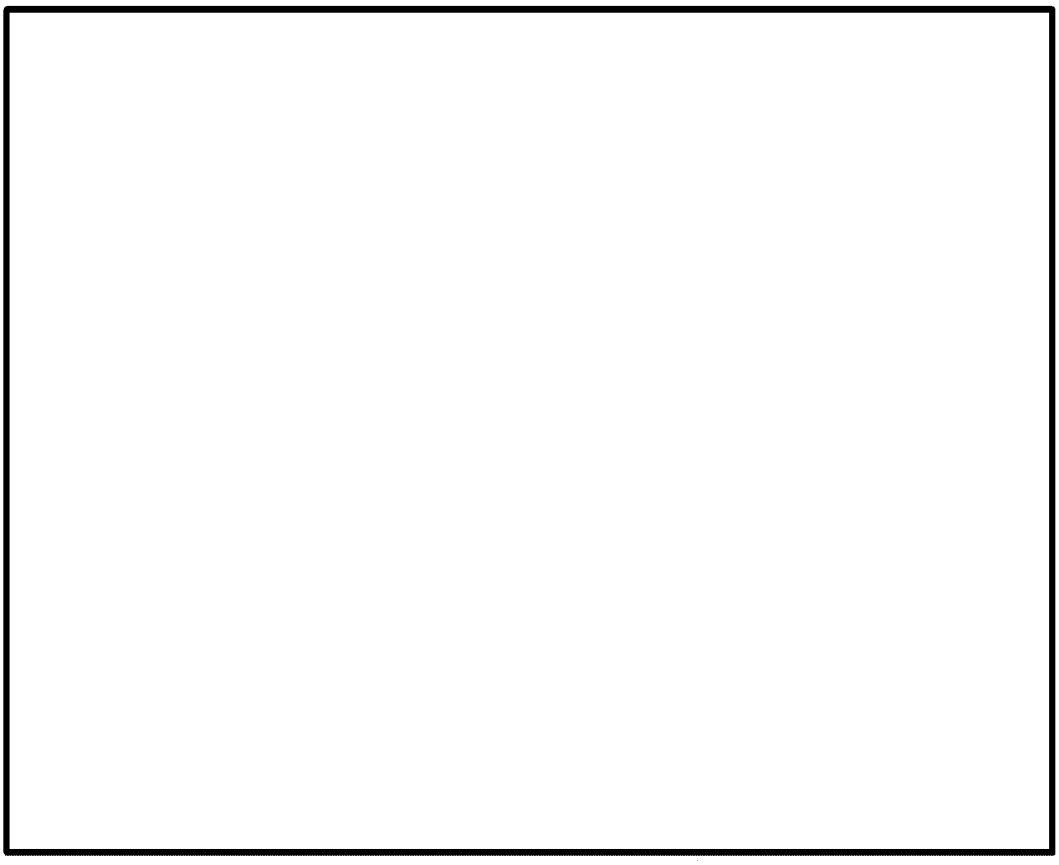


Gillispie, Anna E

From: Davidson, Andrew J
Sent: Tuesday, February 07, 2017 3:21 PM
To: Campagnolo, Donna P; Rosenstock, Peter L; Meckley, Tammy M
Cc: Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S; Emrich, Matthew D
Subject: RE: Draft of Exception Process - EO
Attachments: 192 eo option.docx

Donna, (b)(5)

FDNS comments are attached. [redacted]

[redacted]

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

From: Campagnolo, Donna P
Sent: Tuesday, February 07, 2017 10:30 AM
To: Rosenstock, Peter L; Meckley, Tammy M; Davidson, Andrew J
Cc: Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S
Subject: Draft of Exception Process - EO

All: Based on yesterday's discussions for EO, attached is a draft from SCOPS on what might work if we were required to develop an exception for folks that are here in the US, but may need to travel for work and student reasons. Can you please take a look from your perspective and let us know if you have any concerns? Its due to the Department this afternoon, so we will need a response as quickly as possible. So sorry for the quick turnaround on this.

Appreciate your help.

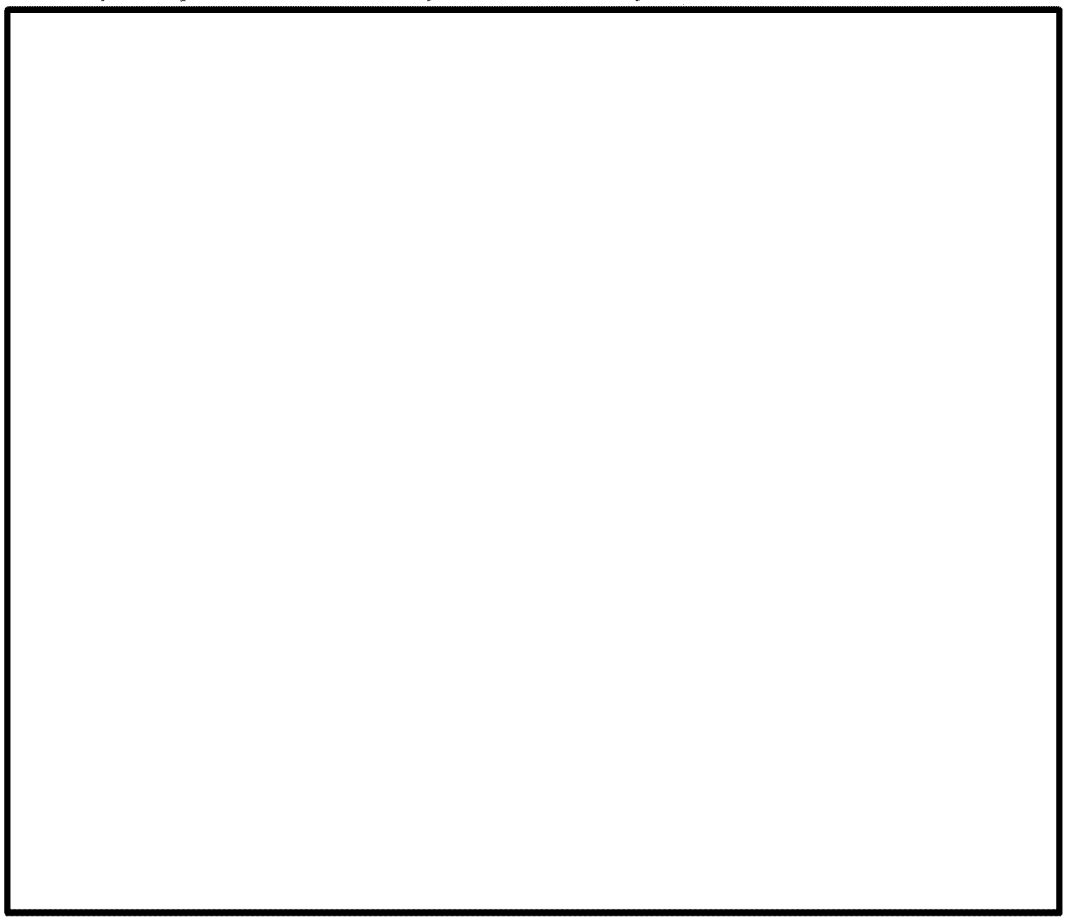
Donna Campagnolo
HQ Service Center Operations

Exception Options

Background: As a result of recent Executive Orders relating to limiting travel to the United States from 7 identified countries, the Department of Homeland Security is in a challenging position to assist individuals that may be stuck in this process.

This proposal specifically applies to the population of individuals, currently in the United States, that came to the US on a valid business or student visa, and still has a current, unexpired visa and passport.

This is a truly unique situation for the Agency. One that we haven't encountered to date, thus, will require something new to be implemented. Essentially, DHS needs to create a process that would allow the individuals stuck in this scenario to apply to the Department prior to leaving the country. This provisional review will ensure that, upon their return to the United States, they will be allowed reentry. The goal being that this new process will provide them with a document that they could present to CBP when they arrive to allow entry.



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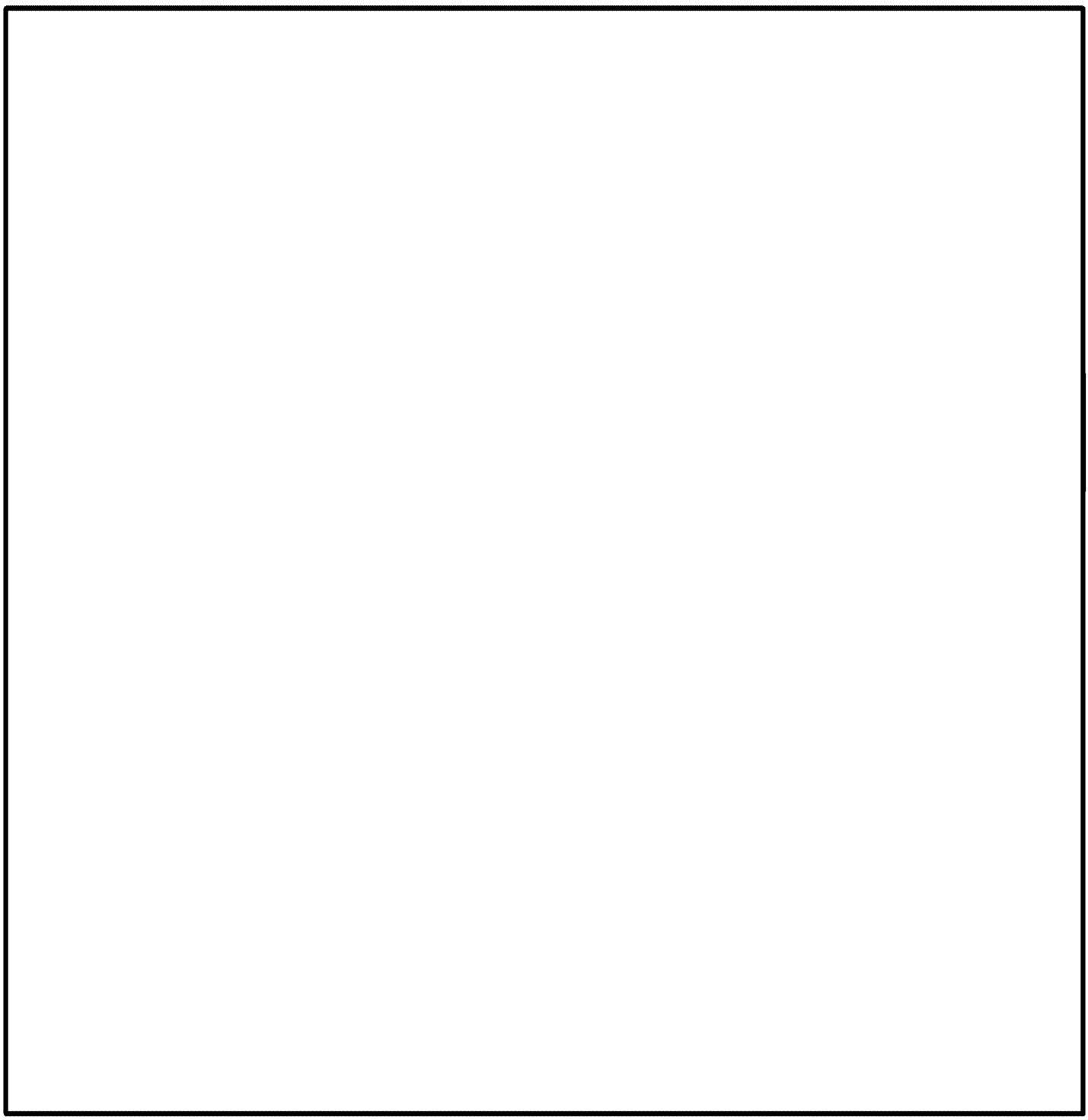

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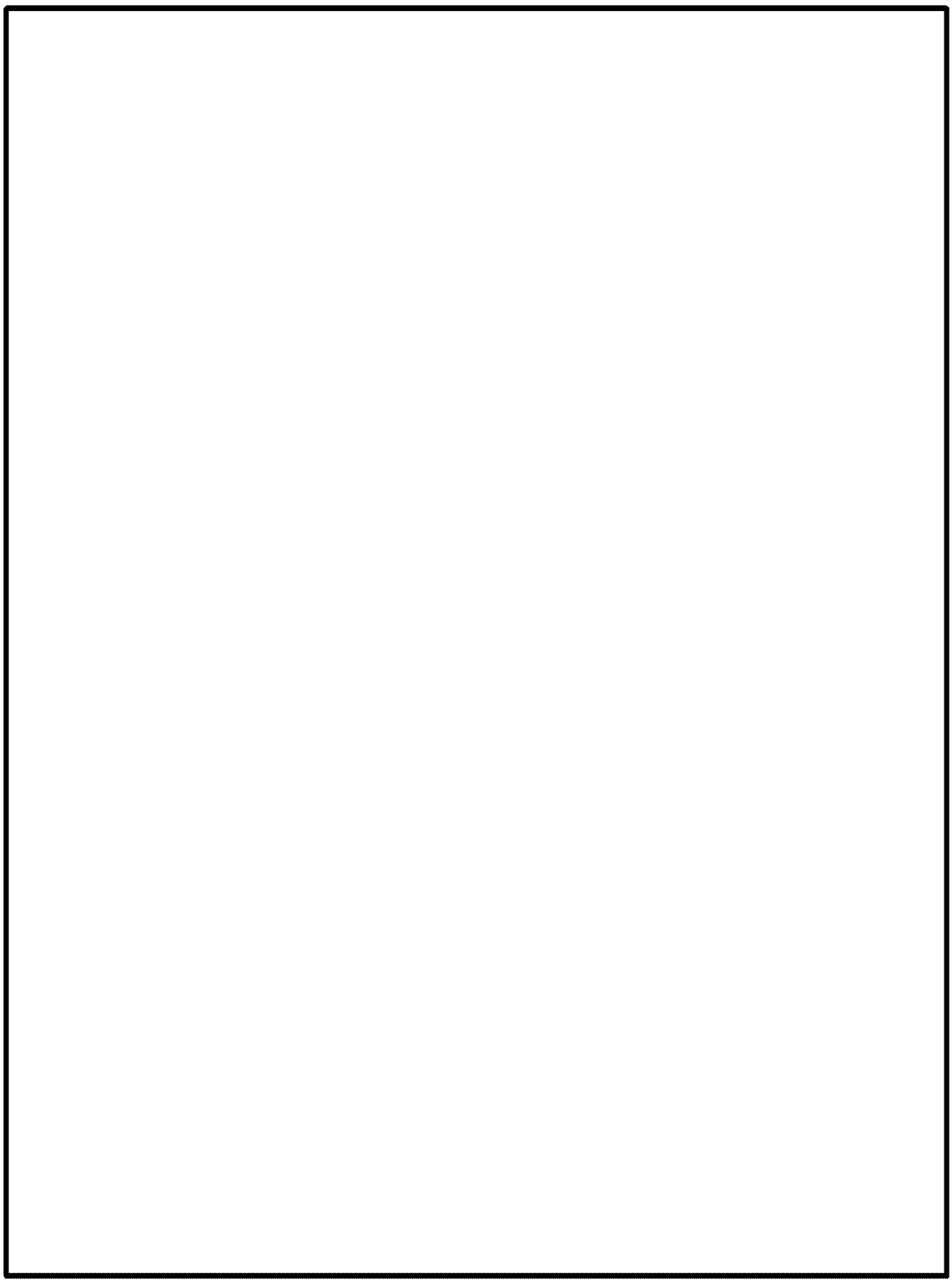

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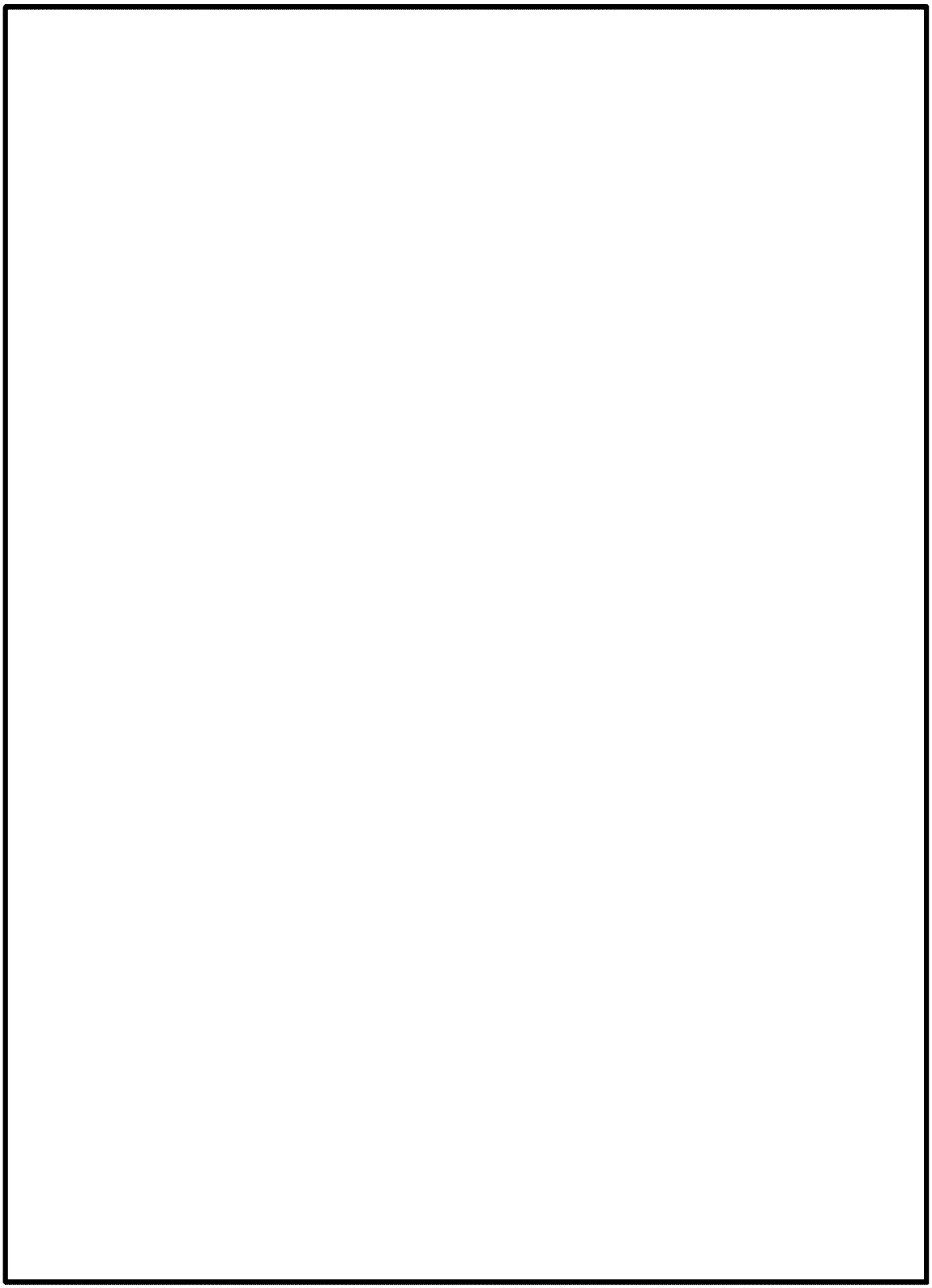

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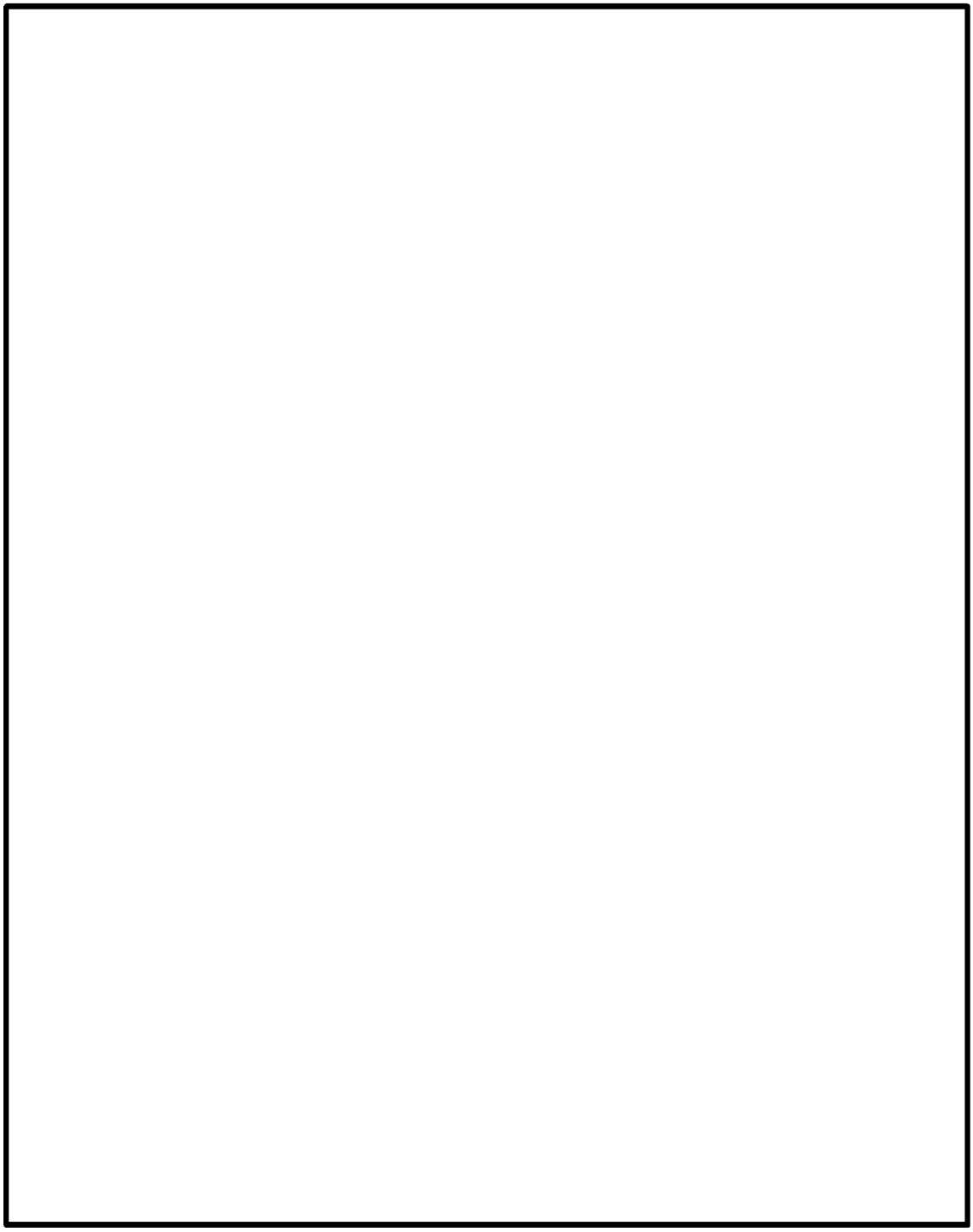

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Cc: Renaud, Daniel M; Valverde, Michael; McCament, James W; Neufeld, Donald W; Farnam, Julie E; Young, Todd P; Walters, Jessica S; Tynan, Natalie S
Subject: RE: Draft of Exception Process - EO
Attachments: 192 eo option (2) OPS consolidated.docx

OP&S comments.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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HQ Service Center Operations

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Donna Campagnolo
HQ Service Center Operations

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(b)(5)

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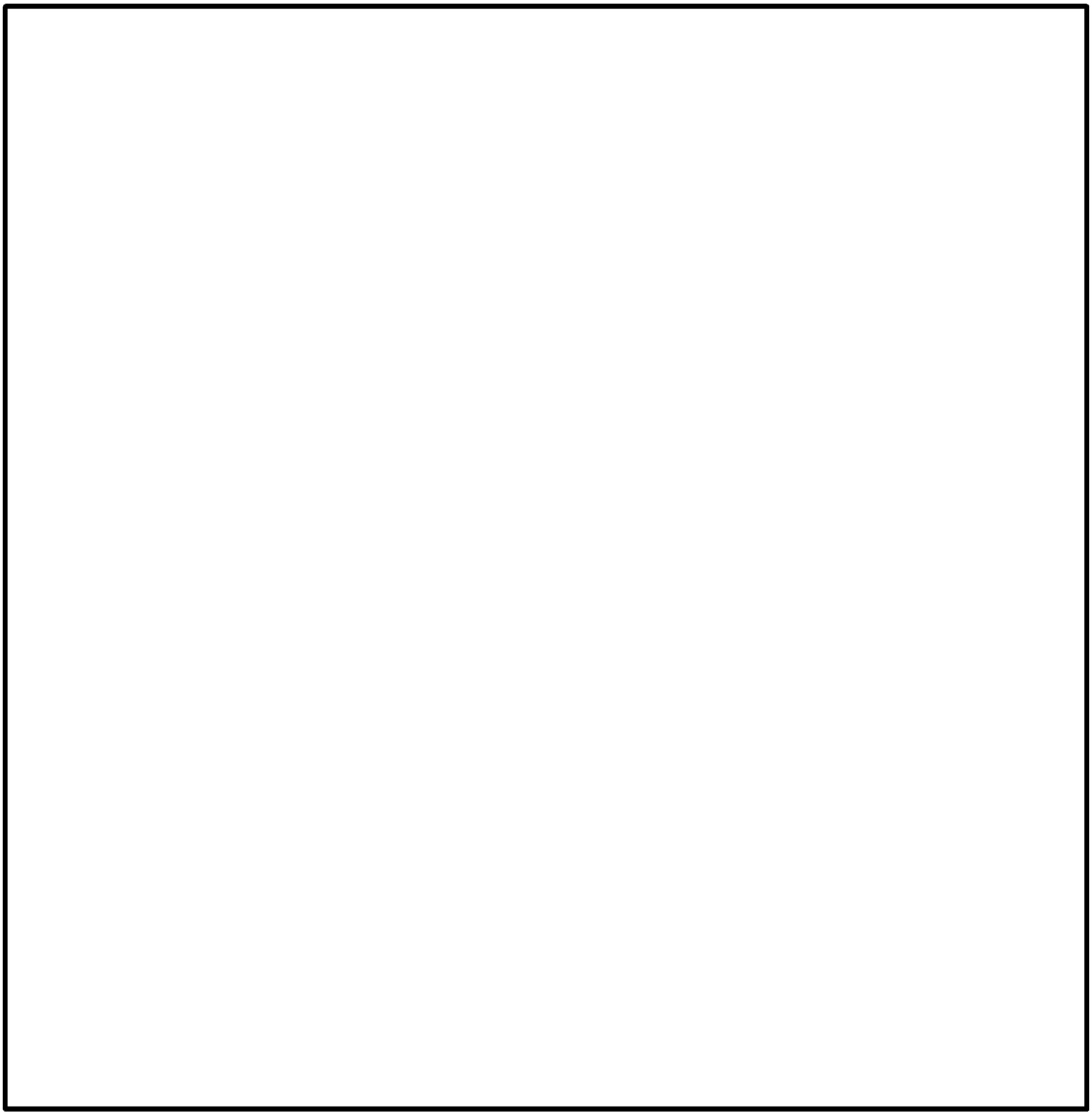

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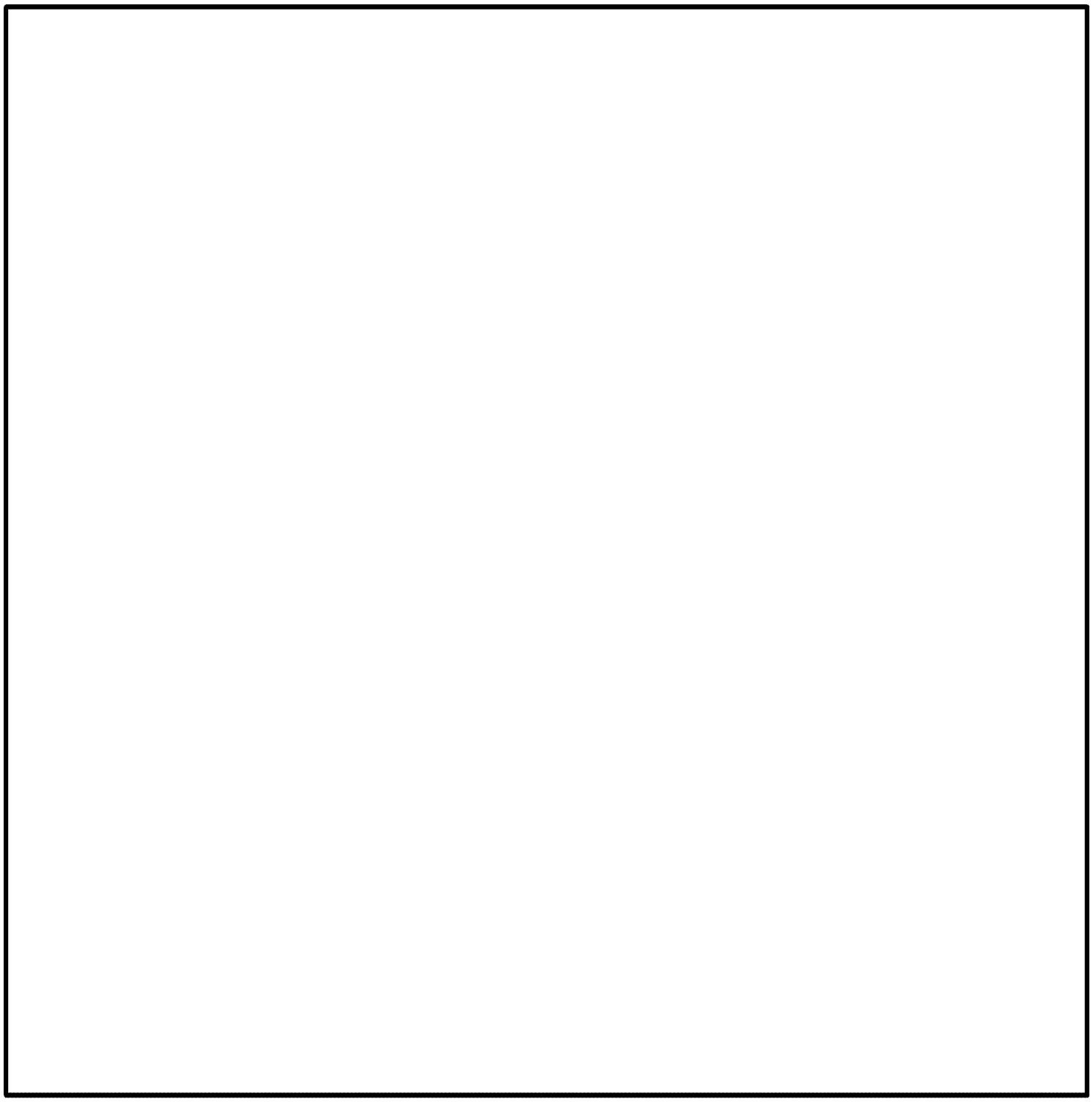

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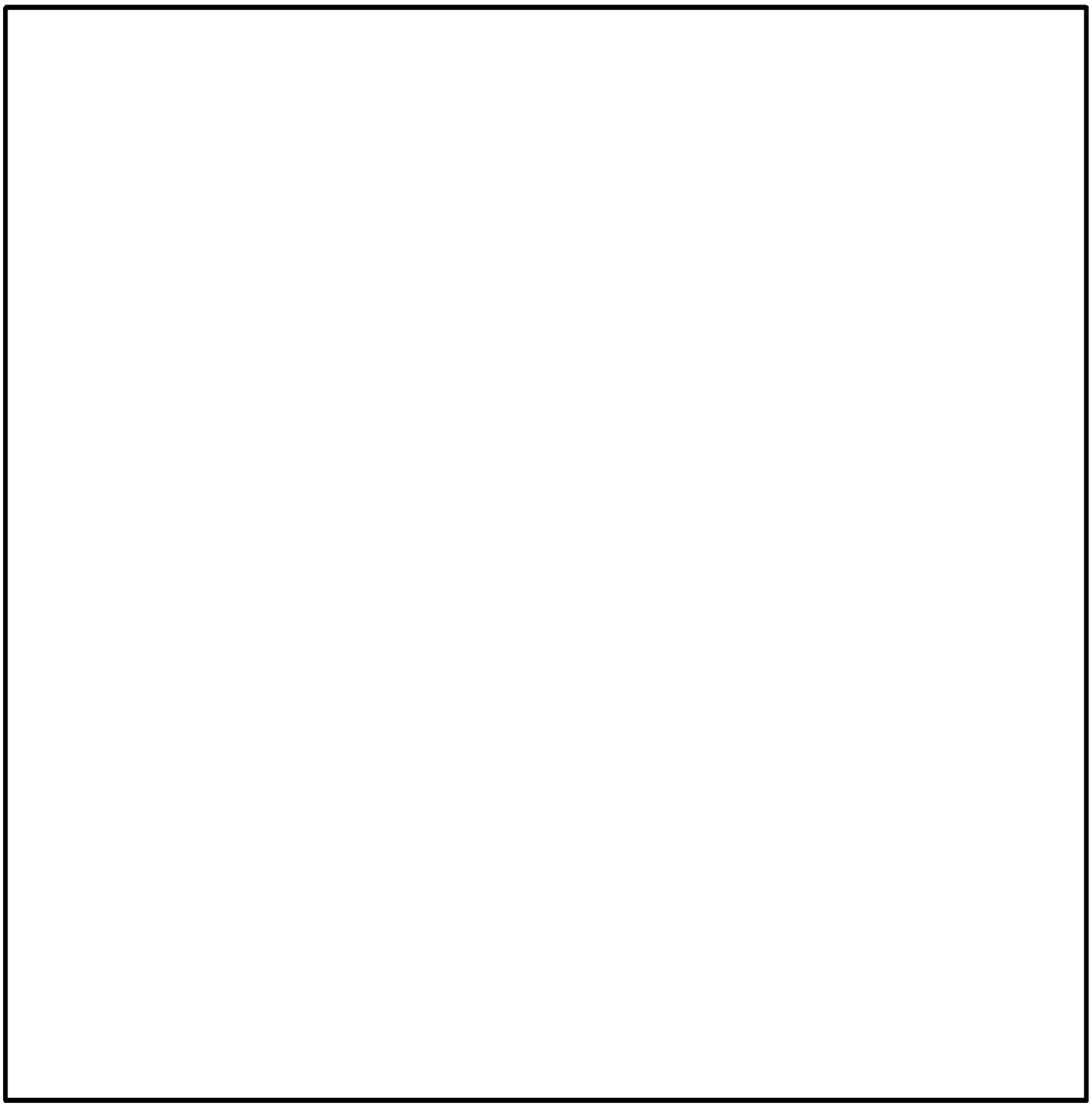

Gillispie, Anna E

From: Renaud, Tracy L
Sent: Tuesday, February 07, 2017 1:39 PM
To: Young, Todd P; Walters, Jessica S
Subject: FW: USCIS Deliverables
Attachments: Internal USCIS Deliverables.xlsx; 2.7 #5.docx

Just an FYI, Jennifer called looking for this info just a little bit ago. Wanted you both to have a record of it being pushed.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Farnam, Julie E
Sent: Tuesday, February 07, 2017 2:33 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Scialabba, Lori L
Subject: USCIS Deliverables

Hi, Jennifer. Apologies for not sharing our internal EO tracker with you. Please find it attached.

Regarding the DHS tracker, we had two suggested changes:

- The resumption of the USRAP is listed on the tracker (page 19) as March 28, 2017, but we believe this should say May.
- USCIS is listed as the lead to produce recommendations for how state and locals may have greater involvement in the resettlement process (page 20). We respectfully request that DHS IGA take the lead.

For the outstanding policy questions/issues, they are as follows (attached as well):

- Should USCIS move forward with denying cases on hold awaiting TRIG exemptions since it appears that exemptions are unlikely now?
- Should USCIS place all TRIG exemption determinations on hold?
- I-730s: Does the guidance apply to both asylees and refugees who are outside the country? The asylees do not count against the refugee ceiling and are not admitted as refugees (they are admitted as asylees). They are not issued visas, just boarding foils.
    - Does DHS consider asylees as refugees?
    - Does the I-730 guidance apply to all counties, or only the 7?
    - Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list of 7 (e.g., China)? State's guidance to consular officers is to continue processing those. We have not issued any yet.
- How will the NTA policy be impacted by the EO? Should we stop the naturalization NTA panels until further guidance is issued?
- How do we define "national interest" when it comes to admitting/paroling individuals? (Section 3g of EO#3)

USCIS is working on a briefing paper related to the TRIG questions. We currently have approximately 1,200 TRIG cases on hold.

If you need anything additional, please let us know.

Julie Farnam

Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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USCIS EO Questions – 2.7.17 #5

New questions/issues

1. Should USCIS move forward with denying cases on hold awaiting TRIG exemptions since it appears that exemptions are unlikely now?

2. Should USCIS place all TRIG exemption determinations on hold?

3. I-730s: Does the guidance apply to both asylees and refugees who are outside the country? The asylees do not count against the refugee ceiling and are not admitted as refugees (they are admitted as asylees). They are not issued visas, just boarding foils.
    - Does DHS consider asylees as refugees?
    - Does the I-730 guidance apply to all counties, or only the 7?
    - Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list of 7 (e.g., China)? State's guidance to consular officers is to continue processing those. We have not issued any yet.

4. How will the NTA policy be impacted by the EO? Should we stop the naturalization NTA panels until further guidance is issued?

5. How do we define "national interest" when it comes to admitting/paroling individuals? (Section 3g of EO#3)

Deliverable Topic Area	Executive Order	Section	Lead Office/Agency	Co-Lead	Deadline 1	Deadline 2	Status	Notes
Budgetary/Staffing Needs	All EOs	N/A	MGMT		Immediate			
Parole provisions review	Border Security and Immigration Enforcement Improvements	11a	OP&S		2/1/2017		Completed	Submitted to DHS on 2/2/2017
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO		2/28/2017			Draft with AD1
Launch review of credible fear/reasonable fear screening processes	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC	3/15/2017	7/26/2017		
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO		3/20/2017			
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO		Immediate			
Activate CAT to plan, coordinate, and execute operations	Border Security and Immigration Enforcement Improvements	6	OPQ		Immediate			
Review relevant policy, regulations, and forms	Border Security and Immigration Enforcement Improvements	6	RAIO	OP&S	Immediate			
Discontinue practice of offering parole in CAM	Border Security and Immigration Enforcement Improvements	11	RAIO		Immediate		Completed	
Comprehensive study of the security of the southern border	Border Security and Immigration Enforcement Improvements	4d	RAIO					
Applying INA 235(b)(1)(A)(i) and (ii)	Border Security and Immigration Enforcement Improvements	11c	OCC					
Hiring of 10,000 new employees	Enhancing Public Safety in the Interior of the United States	7	HCT					
Suspend USRAP for 120 days	Protecting the Nation from Foreign Terrorist Entry	5a	RAIO		1/27/2017			Completed
Suspend all Syrian refugee admissions	Protecting the Nation from Foreign Terrorist Entry	5c	RAIO		1/27/2017			Completed
"Information needed from any country to adjudicate any visa, admission, or other benefit under the INA"	Protecting the Nation from Foreign Terrorist Entry	3a and 3b	FDNS		2/3/2017			Draft with OCC

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS	2/17/2017	5/7/2017	
Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS		2/17/2017		
Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT	2/17/2017		
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS	2/17/2017		
Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S	2/17/2017		
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS		2/17/2017		
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS	2/17/2017		
Procedures for requesting a waiver/exemption on bar to entry	Protecting the Nation from Foreign Terrorist Entry	3g and 3h	RAIO		2/26/2017	3/28/2017	
Plan related to FY17 refugee entries	Protecting the Nation from Foreign Terrorist Entry	5d	RAIO		Immediate		
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO		TBD		On hold pending litigation
Changes to USRAP for Syrian vetting	Protecting the Nation from Foreign Terrorist Entry	5c	FDNS				On hold pending litigation
Examine existing law regarding the placement/ resettlement of refugees	Protecting the Nation from Foreign Terrorist Entry	5g	DHS IGA	OCC			
Rescission of the exercise of authority relating to TRIG	Protecting the Nation from Foreign Terrorist Entry	6	RAIO				

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Gillispie, Anna E

From: Ruppel, Joanna
Sent: Saturday, February 04, 2017 10:06 AM
To: Groom, Molly M; Nicholson, Maura J; Strack, Barbara L; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

We are not planning to do so in Moscow. Those interviews have been cancelled. We are awaiting guidance from PRM on what the RSCs will be doing. We expect they will be focusing on the travel ready people.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Groom, Molly M
Sent: Saturday, February 04, 2017 8:04:01 AM
To: Nicholson, Maura J; Ruppel, Joanna; Strack, Barbara L; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Other than any changes that may come from DOS, is it accurate to say that this week USCIS is planning to conduct refugee interviews in Moscow, Vienna and Indonesia. Anywhere else at this point?

From: Nicholson, Maura J
Sent: Saturday, February 04, 2017 10:50 AM
To: Ruppel, Joanna; Strack, Barbara L; Groom, Molly M; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Forgive me – there are 6 Afghan cases, not 5. 3 cases are scheduled for Wednesday and 3 cases for Thursday.

From: Ruppel, Joanna
Sent: Saturday, February 04, 2017 10:45 AM
To: Nicholson, Maura J; Strack, Barbara L; Groom, Molly M; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Question I have is whether they have already reviewed the Afghans or they are still scheduled for this week. I was unclear on the days those were scheduled during the entire CR.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Nicholson, Maura J
Sent: Saturday, February 04, 2017 7:38:00 AM
To: Ruppel, Joanna; Strack, Barbara L; Groom, Molly M; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

All are Rohingya with the exception of 5 Afghan cases. The Indonesia CR is slated to end this Friday, February 10.

From: Ruppel, Joanna
Sent: Saturday, February 04, 2017 10:36 AM
To: Strack, Barbara L; Groom, Molly M; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Indonesia is mostly rohengya from Burma and some Afghan. Don't know what is scheduled for this week. Maura can check with Don.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Strack, Barbara L
Sent: Saturday, February 04, 2017 7:28:20 AM
To: Groom, Molly M; Ruppel, Joanna; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

To be clear: RAD's Monday cases are going forward under the "international agreements" caveat. There are, however, Iranian religious minorities.

I don't know the population in Indonesia.

From: Groom, Molly M
Sent: Saturday, February 04, 2017 10:15:10 AM
To: Strack, Barbara L; Ruppel, Joanna; Scialabba, Lori L; Renaud, Tracy L

Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

We are double checking on whether the interviews can go forward of religious minorities under the TRO but understand none would happen til Monday. We will get back to you with our best advice. I recognize the judge may not have intended to stop them but want clear consensus on whether the language he used has that impact.

From: Strack, Barbara L
Sent: Saturday, February 04, 2017 10:11:31 AM
To: Groom, Molly M; Ruppel, Joanna; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

I think we can safely say: no efforts to prioritize religious minorities on RAIO's part.

The small # of refugee interviews that have been in progress remain in progress (or resume Monday): Vienna for RAD and (I believe) Indonesia for IO. RAD is making plans to get a team to Nauru -- not religious minorities -- for later Feb. After that, we'll need to talk w/PRM on Monday about what circuit rides they want to get back in motion.

In terms of refugees traveling, PRM is working on that w/IOM. It would be very hard to prioritize religious minorities in this process even if they tried: what will get "prioritized" is those cases that are most travel-ready -- i.e., all security checks, medical clearance, exit permits, etc. If they "prioritize" anyone, I expect that it would be medical cases, kids rejoining parents,, and unaccompanied minors, if they are travel-ready.

From: Groom, Molly M
Sent: Saturday, February 04, 2017 9:53:34 AM
To: Ruppel, Joanna; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Strack, Barbara L; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

We are concerned that you not take any action that would prioritize refugee claims from religious minorities. Do you need more guidance than what went out last night? It may be easier to discuss. Let us know.

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 9:44:02 PM
To: Groom, Molly M; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Strack, Barbara L; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Thanks. Adding RAD and Maura.

Would be most helpful if we could get that word to our staff as soon as tomorrow morning. Please keep in mind that our office in Amman is open Sunday. The message would basically be business as usual.

I also just got off the phone with Larry Bartlett. State understands that they are ordered to resume the refugee admission program. Tomorrow they will begin working with IOM to identify individuals ready to travel and

what needs to be done. They recognize that DOJ likely will challenge the order and, should the Injunction be removed, they may again have people in transit. So they would need to seek waivers.

Consular is working on "unfreezing" the visas that were frozen. Apparently, they were not revoked, but frozen. I am not familiar with those terms, but they were the ones Larry used.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Groom, Molly M
Sent: Friday, February 03, 2017 6:25:29 PM
To: Ruppel, Joanna; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Yes. You would resume to normal business prior to the EO being issued.

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 9:21:48 PM
To: Groom, Molly M; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

For RAIO would this mean that we would resume adjudicating requests for travel documents and parole requests that we put on hold?

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Groom, Molly M
Sent: Friday, February 03, 2017 5:37:57 PM
To: Scialabba, Lori L; Renaud, Tracy L; Ruppel, Joanna
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D
Subject: FW: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Lori

I think USCIS needs to issue similar guidance. Should we send you something or should it be handled another way. I still believe RAIO is the most impacted.

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Gillispie, Anna E

From: Scialabba, Lori L
Sent: Friday, February 03, 2017 12:47 PM
To: Ruppel, Joanna; Renaud, Tracy L
Cc: Walters, Jessica S; Farnam, Julie E; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Strack, Barbara L; Stone, Mary M; Chiorazzi, Anne; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

I'm checking on it.

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 11:32:33 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Farnam, Julie E; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Strack, Barbara L; Stone, Mary M; Chiorazzi, Anne; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Here is our proposed language, based on what we understand the current thinking to be. Is this your understanding of the decision and can we message this as noted below? We have people scheduled to travel on Monday. IOM has booked and the beneficiaries have paid for their travel. Please note that approximately 190 people have booked travel. Of those, only one individual would be traveling with a refugee family member. [note, our numbers are from IOM, so we may be off a bit, but this is close]

SUSPENSION OF TRAVEL FOR INDIVIDUALS GRANTED PAROLE UNDER THE CENTRAL AMERICAN MINORS REFUGEE/PAROLE PROGRAM (CAM)

On January 27, 2017, President Donald J. Trump signed an Executive Order, "Protecting the Nation From Terrorist Entry into the United States" that called for an immediate suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days. In light of this temporary suspension, USCIS will also be pausing travel to the United States for all individuals granted parole under the Central American Minors Refugee/Parole Program. USCIS will act as follows:

- During this suspension, an applicant whose parole request has been approved by USCIS will be permitted to travel with any refugee family member who is permitted to travel pursuant to an exemption.
- The travel for all other individuals who were granted parole by USCIS under this program will be suspended until the U.S. Refugee Admission Program resumes for this population.

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

Gillispie, Anna E

From: Strack, Barbara L
Sent: Friday, February 03, 2017 12:45 PM
To: Arditti, Avi; Melero, Mariela; Renaud, Tracy L; Neufeld, Donald W; Groom, Molly M; Levine, Laurence D; Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Ruppel, Joanna; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W
Cc: Young, Todd P; Walters, Jessica S; Farnam, Julie E; Stone, Mary M; Chiorazzi, Anne; Villasenor, Eissa M
Subject: RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO
Attachments: Q&A USCIS Guidance on implementation FOD OCC RAIO.DOCX; Q&A USCIS Guidance on implementation FOD OCC RAIO CLEAN.DOCX

RAD respectfully disagrees w/Asylum's comment labeled GAC9 w/r/t interviewing religious minorities. The statement that we are conferring w/State covers both the 7 nationalities and others. We are not yet ready to make a distinction in a public-facing document.

From: Arditti, Avi
Sent: Friday, February 03, 2017 1:13 PM
To: Melero, Mariela; Renaud, Tracy L; Neufeld, Donald W; Groom, Molly M; Levine, Laurence D; Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Ruppel, Joanna; Strack, Barbara L; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W
Cc: Young, Todd P; Walters, Jessica S; Farnam, Julie E
Subject: RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

All – the attached (tracked and clean) reflects edits thus far, from FOD, OCC and RAIO, and adds a placeholder for a Q11 about advance parole.

Mariela – thanks! Also happy to help.

Avi Arditti
Deputy Chief, Plain Language and Content Division | *Office of Communications*
[redacted] (b)(6)

From: Melero, Mariela
Sent: Friday, February 03, 2017 12:29 PM
To: Renaud, Tracy L; Neufeld, Donald W; Groom, Molly M; Arditti, Avi; Levine, Laurence D; Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Ruppel, Joanna; Strack, Barbara L; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W
Cc: Young, Todd P; Walters, Jessica S; Farnam, Julie E
Subject: RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

We are happy to help draft language on AP.

Mariela

Mariela Melero
Associate Director
Customer Service and
Public Engagement Directorate
US Citizenship and Immigration Services
[redacted] (b)(6)

From: Renaud, Tracy L
Sent: Friday, February 03, 2017 12:26 PM
To: Neufeld, Donald W; Groom, Molly M; Arditti, Avi; Levine, Laurence D; Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W
Cc: Young, Todd P; Walters, Jessica S; Farnam, Julie E
Subject: RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

If people feel that we need to explicitly state that we are adjudicating requests for advance parole I am okay with doing that. It may be a good opportunity to reiterate the warning that we place on the advance parole document about it not being a guarantee of re-entry.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, February 03, 2017 12:16 PM
To: Groom, Molly M; Arditti, Avi; Levine, Laurence D; Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W
Cc: Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Farnam, Julie E
Subject: RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

Agree – but we should say definitively if we are processing or not processing AP requests.

From: Groom, Molly M
Sent: Friday, February 03, 2017 11:59 AM
To: Arditti, Avi; Levine, Laurence D; Neufeld, Donald W; Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W
Cc: Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Farnam, Julie E
Subject: RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

I strongly suggest we do not provide answers to questions outside of USCIS's lane—that question is for CBP. I think our talking points should be limited to what we do.

From: Arditti, Avi
Sent: Friday, February 03, 2017 11:58 AM
To: Levine, Laurence D; Neufeld, Donald W; Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Groom, Molly M; Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W

Cc: Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Farnam, Julie E
Subject: RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

Don -- this is from a set of CBP Info Center talking points – still accurate, and if so, add to Q&As?

- Citizens of Iran, Iraq, Syria, Sudan, Libya, Yemen, and Somalia may use the following documents to travel to the U.S.:
  - Any diplomatic visa (A, G, C-2, or NATO)
  - An I-551 (Green Card)
  - A refugee or asylee travel document
  - An advance parole document
  - Any SQ immigrant visa

Avi Arditti
Deputy Chief, Plain Language and Content Division | *Office of Communications*
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Friday, February 03, 2017 11:57 AM
To: Neufeld, Donald W; Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Groom, Molly M; Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W
Cc: Arditti, Avi; Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Farnam, Julie E
Subject: RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

We agree with Dan's edits and Don's point.

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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From: Neufeld, Donald W
Sent: Friday, February 03, 2017 11:52 AM
To: Busch, Philip B; Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Groom, Molly M; Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Levine, Laurence D; Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; McCament, James W
Cc: Arditti, Avi; Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Farnam, Julie E
Subject: RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

Same here – but I think we need to be clear on advance parole. We should either add something to question #1 or add a separate question.

From: Busch, Philip B
Sent: Friday, February 03, 2017 11:46 AM
To: Renaud, Daniel M; Alfonso, Angelica M; Valverde, Michael; Groom, Molly M; Ruppel, Joanna; Strack, Barbara L;

Melero, Mariela; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Levine, Laurence D; Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; Neufeld, Donald W; McCament, James W
Cc: Arditti, Avi; Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Farnam, Julie E
Subject: RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

These look fine to us, thanks. Phil

From: Renaud, Daniel M
Sent: Friday, February 03, 2017 10:14:47 AM
To: Alfonso, Angelica M; Valverde, Michael; Groom, Molly M; Busch, Philip B; Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Levine, Laurence D; Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; Neufeld, Donald W; McCament, James W
Cc: Arditti, Avi; Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Farnam, Julie E
Subject: RE: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

FOD's edits are attached.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

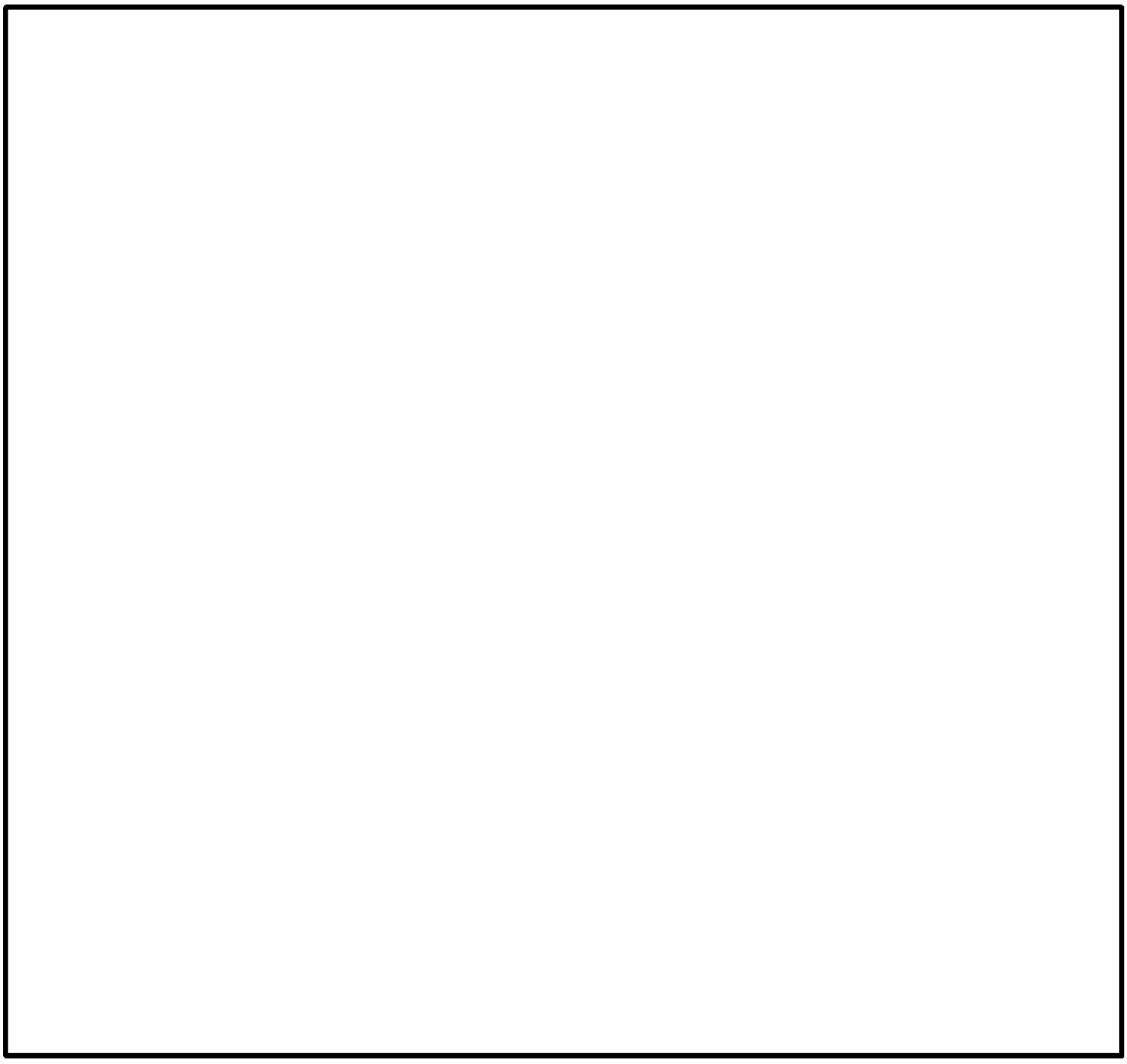
From: Alfonso, Angelica M
Sent: Friday, February 03, 2017 9:48 AM
To: Renaud, Daniel M; Valverde, Michael; Groom, Molly M; Busch, Philip B; Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Levine, Laurence D; Emrich, Matthew D; Davidson, Andrew J; Atkinson, Ronald A; Patching, Laura D; Neufeld, Donald W; McCament, James W
Cc: Arditti, Avi; Renaud, Tracy L; Young, Todd P; Walters, Jessica S; Farnam, Julie E
Subject: UPDATED ATTACHMENT FOR URGENT CLEARANCE: Q/A Guidance Memo on EO

I attached the wrong doc – ignore the LG, please review Q/A. Thanks!!

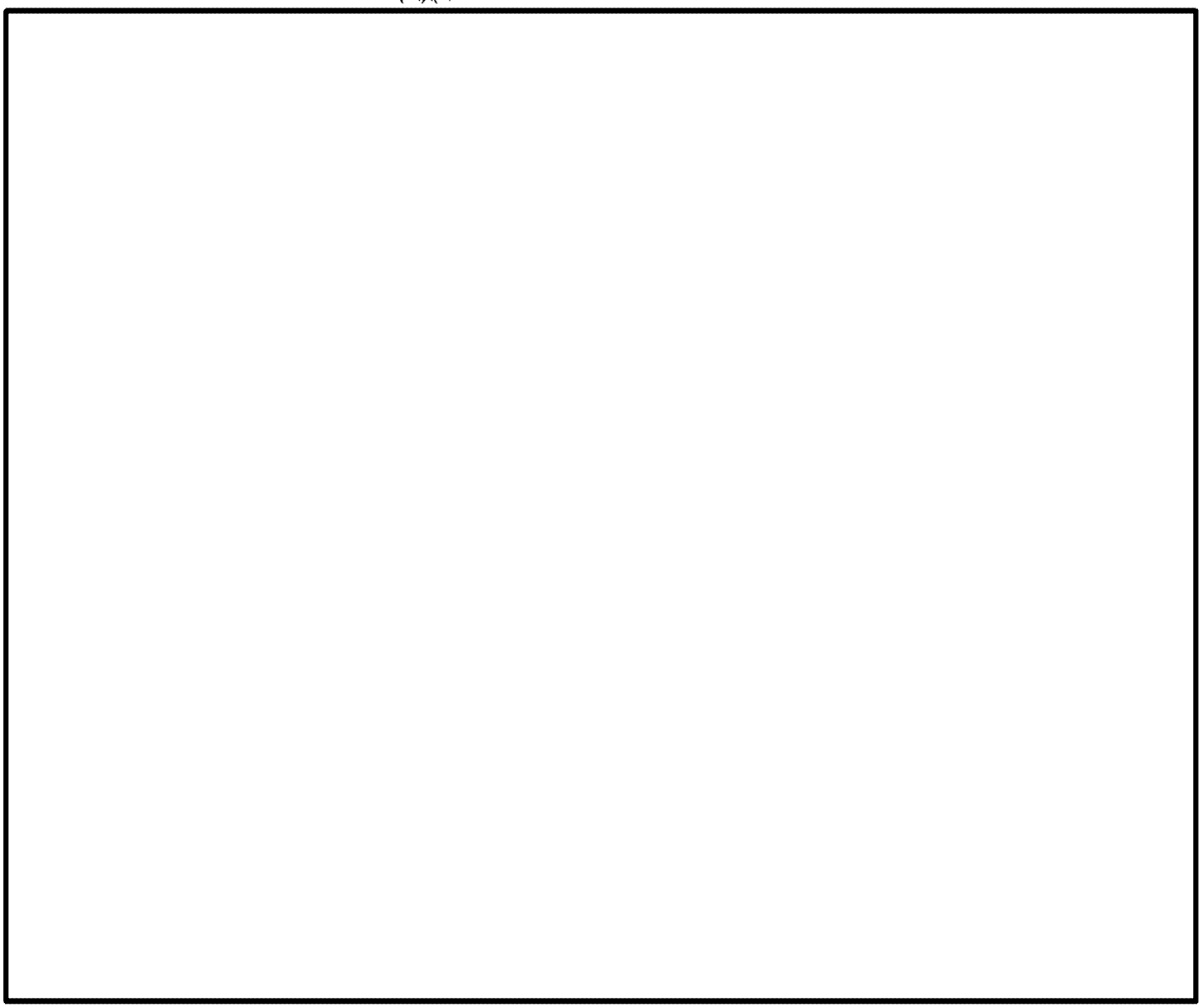
From: Alfonso, Angelica M (b)(6)
Sent: Friday, February 03, 2017 9:43 AM
To: Renaud, Daniel M; Valverde, Michael; Groom, Molly M; Busch, Philip B [redacted] Ruppel, Joanna; Strack, Barbara L; Melero, Mariela; Rogers, Debra A; Hatchett, Dolline L; Carter, Jeffrey T (Jeff) [redacted] Levine, Laurence D; Emrich, Matthew D [redacted] Davidson, Andrew J; Atkinson, Ronald A [redacted] Patching, Laura D [redacted] Neufeld, Donald W; McCament, James W
Cc: Arditti, Avi; Renaud, Tracy L; Young, Todd P; Walters, Jessica S [redacted] Farnam, Julie E
Subject: FOR URGENT CLEARANCE: Q/A Guidance Memo on EO
Importance: High

(b)(6)
Hi all,
Attached, please find the Q/A associated with AD1 implementation memo. Please review and provide edits/clearance to Avi Arditti (cc'd) **NLT NOON TODAY**. These will be for internal/external use.
Let me know if you have any question.
Thanks,
Angie

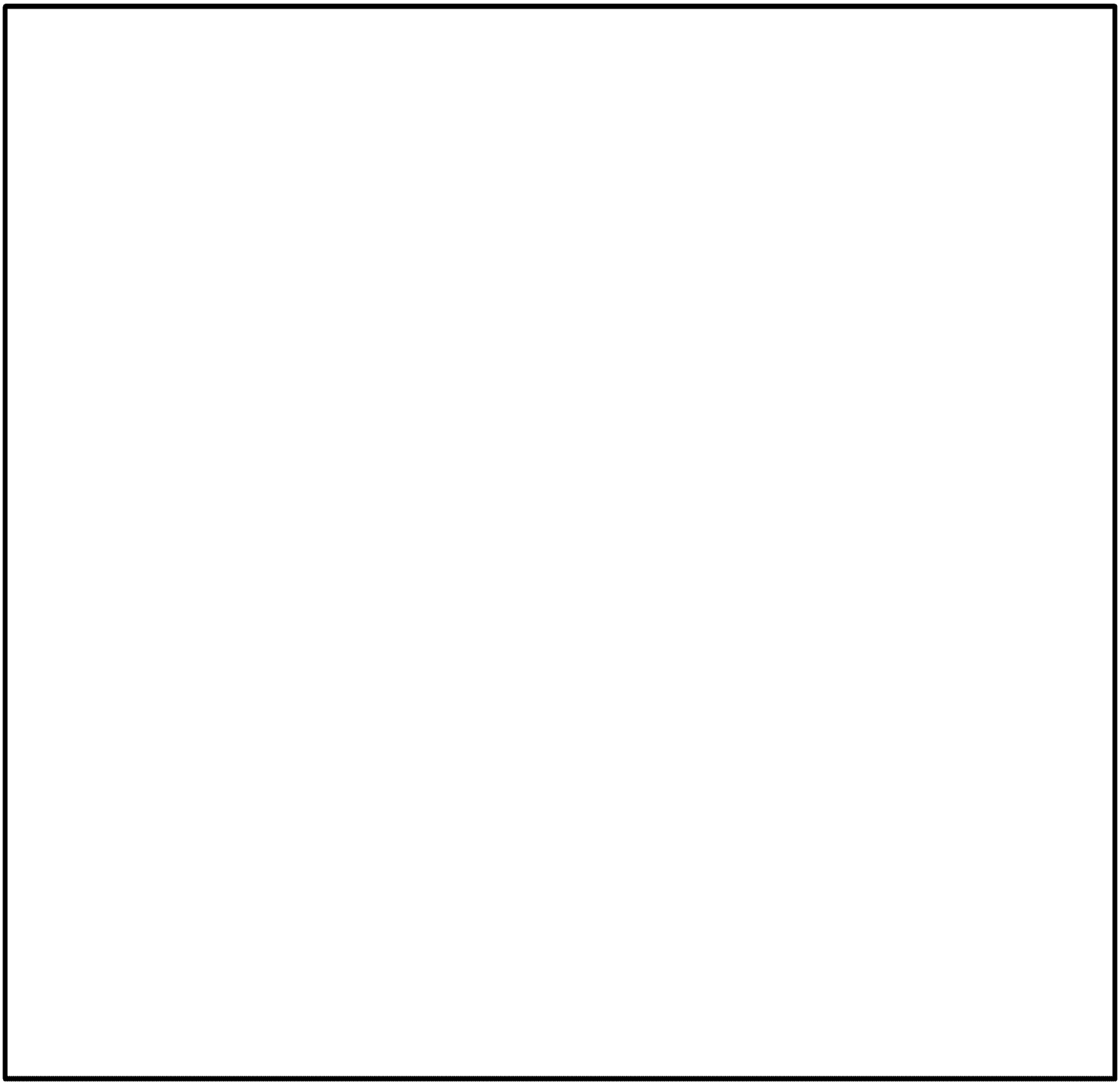
(b)(5)



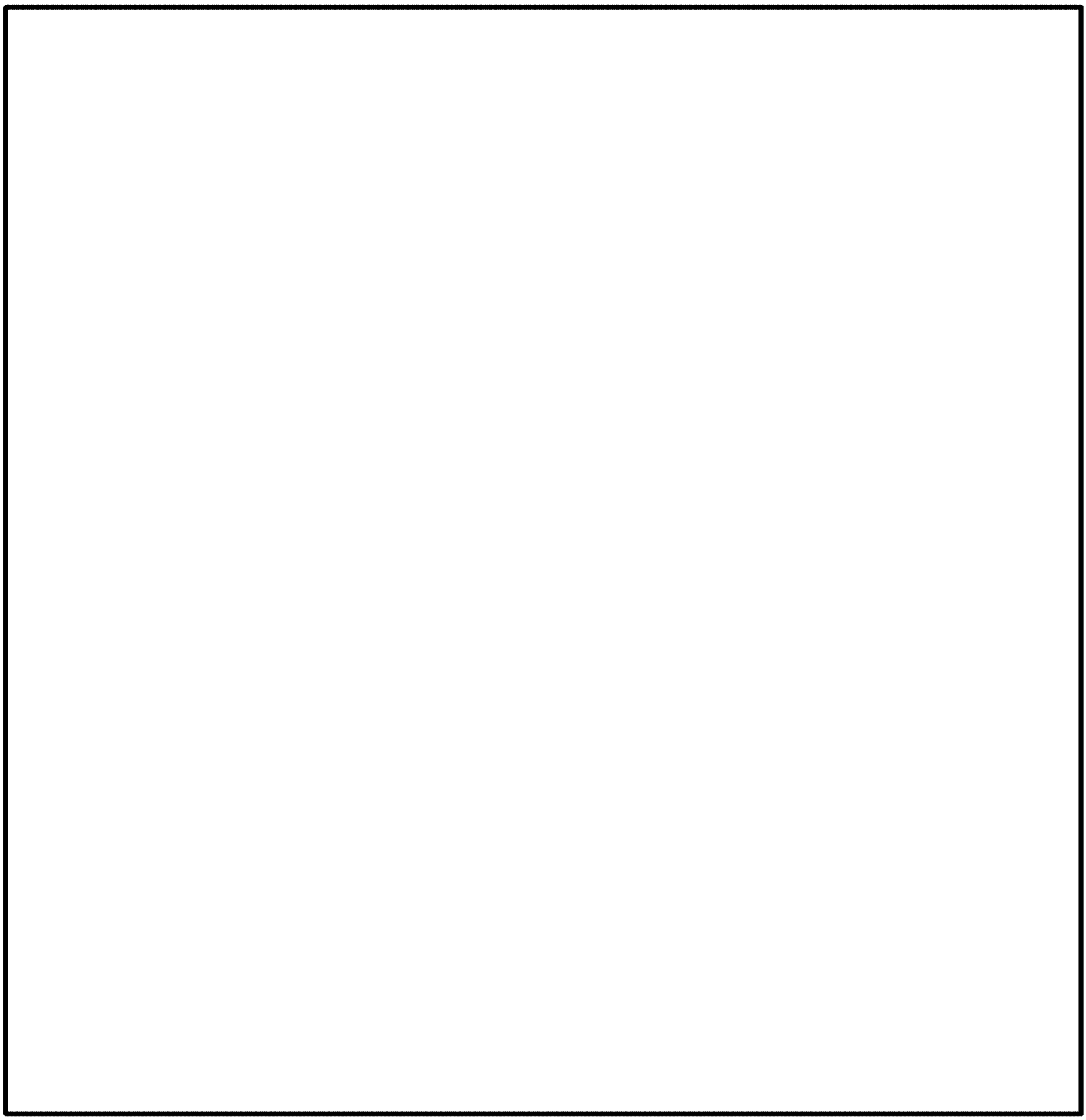
(b)(5)



(b)(5)



(b)(5)



Gillispie, Anna E

From: Taubes, Ethan J
Sent: Friday, February 03, 2017 12:22 PM
To: Walters, Jessica S
Subject: FW: EO Guidance
Attachments: EO 1-27 implementation guidance signed and dated.pdf

Grounds for momentary relief and celebration.

From: Raufer, Susan
Sent: Friday, February 03, 2017 10:30 AM
To: #ZNK Everyone
Subject: FW: EO Guidance

Here it is! The guidance we have been following all week; that the recent Executive Order pertaining to the restriction of entry to persons from seven countries does not apply to the adjudication of asylum to persons from those same countries. Thank you for your confidence and patience as our leadership worked through this.

Please continue to assure your applicants of this at the outset of your interviews, as it may take time for the word to spread.

Sue

From: Kim, Ted H
Sent: Thursday, February 02, 2017 5:40 PM
To: Aguilar, Kimberly M; Bardini, Emilia M; Boyle, Meghann W; Bundy, Kelsey D; Daum, Robert L; Flanagan, Lisa M; Gadson, Irvin C; Ho, Cheri L; Hong, Marianne X; Hussey, Jedidah M; Kline, Jennifer M; Madsen, Kenneth S; Menges, Patricia A; Papazian, Varsenik L; Radel, David M; Raufer, Susan; Rellis, Jennifer L; Varghese, Mathew C; Varghese, Sunil R
Cc: Caudill-Mirillo, Ashley B; Kirkland, Brooke A; Lafferty, John L; Mura, Elizabeth E; Pilotti, David A; Potts-Hansen, Stephanie N; Roberts, Rhonda J; Schaper, Michael C; Tanner, Rebecca S
Subject: FW: EO Guidance

Attached is the written formal USCIS guidance that we have been waiting for that allows us to resume adjudicating affirmative asylum cases as normal.

I also checked with CSPED, and if you are asked by members of the public if we are operating "business as usual," we can respond affirmatively. If the inquiries are more complicated than that or relate to other aspects of the Executive Orders, please continue to forward those to me for response by HQ CSPED.

Thanks,
Ted

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:32 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen

R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R; Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: RE: EO Guidance

Signed and dated copy attached. Have a good evening!

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:20 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [redacted] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L (b)(6)
Subject: RE: EO Guidance

Please hold off on disseminating just yet. The copy was not dated. I'll send an updated version in just a minute.

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:13 PM
To: Button, Maria G (Gemma); Hatchett, Dolline L; Patching, Laura D; Levine, Laurence D; Rosenberg, Ronald M (Ron); Lafferty, John L; Strack, Barbara L; Ruppel, Joanna; McCament, James W; Neufeld, Donald W; Alfonso, Angelica M; Melero, Mariela; Groom, Molly M; Busch, Philip B; Meckley, Tammy M; Davidson, Andrew J; Valverde, Michael; Renaud, Daniel M; Symons, Craig M; Kovarik, Kathy N; Risch, Carl C; Rather, Michael B; Hamilton, Cristina A; Tynan, Natalie S; Nimick, Charles L (Locky); Dumas, Jessica L; Campagnolo, Donna P; Cox, Sophia; Hinds, Ian G; Zengotitabengoa, Colleen R; Rogers, Debra A; Herrmann, Mary K; Martin, Heather A; Nicholson, Maura J; Kim, Ted H; Stone, Mary M; Carter, Constance L; Kerns, Kevin J; Borgen, Michael R [redacted] Emrich, Matthew D; Moran, Karla; Kovarik Nuebel, Kathy
Cc: Walters, Jessica S; Swanson, Toni; Young, Todd P; Renaud, Tracy L
Subject: EO Guidance (b)(6)

Attached please find the EO implementation guidance. OCOMM will also be sending this out to a larger audience and I will post it on the ECN.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

FEB 2 2017

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba
Acting Director

SUBJECT: Guidance Concerning Executive Order on Immigration

On January 27, President Trump signed an Executive Order entitled "Protecting The Nation From Foreign Terrorist Entry Into The United States." This memorandum provides guidance from the Department of Homeland Security (DHS) regarding the impact of this Executive Order on various immigration benefit requests.

All USCIS employees should be aware of current guidance from DHS, specifically:

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality. Section 3(c) also does not affect applications and petitions by lawful permanent residents outside the United States, or applications and petitions for individuals outside the United States whose approval does not directly confer travel authorization (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated in the Executive Order.

3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.

5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

(b)(6

Referred to Department of Homeland Security

(b)(6

Gillispie, Anna E

From: Farnam, Julie E
Sent: Friday, February 03, 2017 11:32 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Young, Todd P; Walters, Jessica S; Duggan, Steven
Subject: Deliverable--Section 3a EO#3
Attachments: TEMPLATE_E.O Section 3 Data Call USCIS.docx

Lori/Tracy,

Attached is the summary of information we would like from other countries to assist in our adjudications (Section 3a of the Terrorist Entry EO). This includes input from the operational components and has been cleared by OCC. The document is due to DHS today. Please let me know if you'd like any edits or additions.

Thank you,
Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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COMPONENT DATA CALL

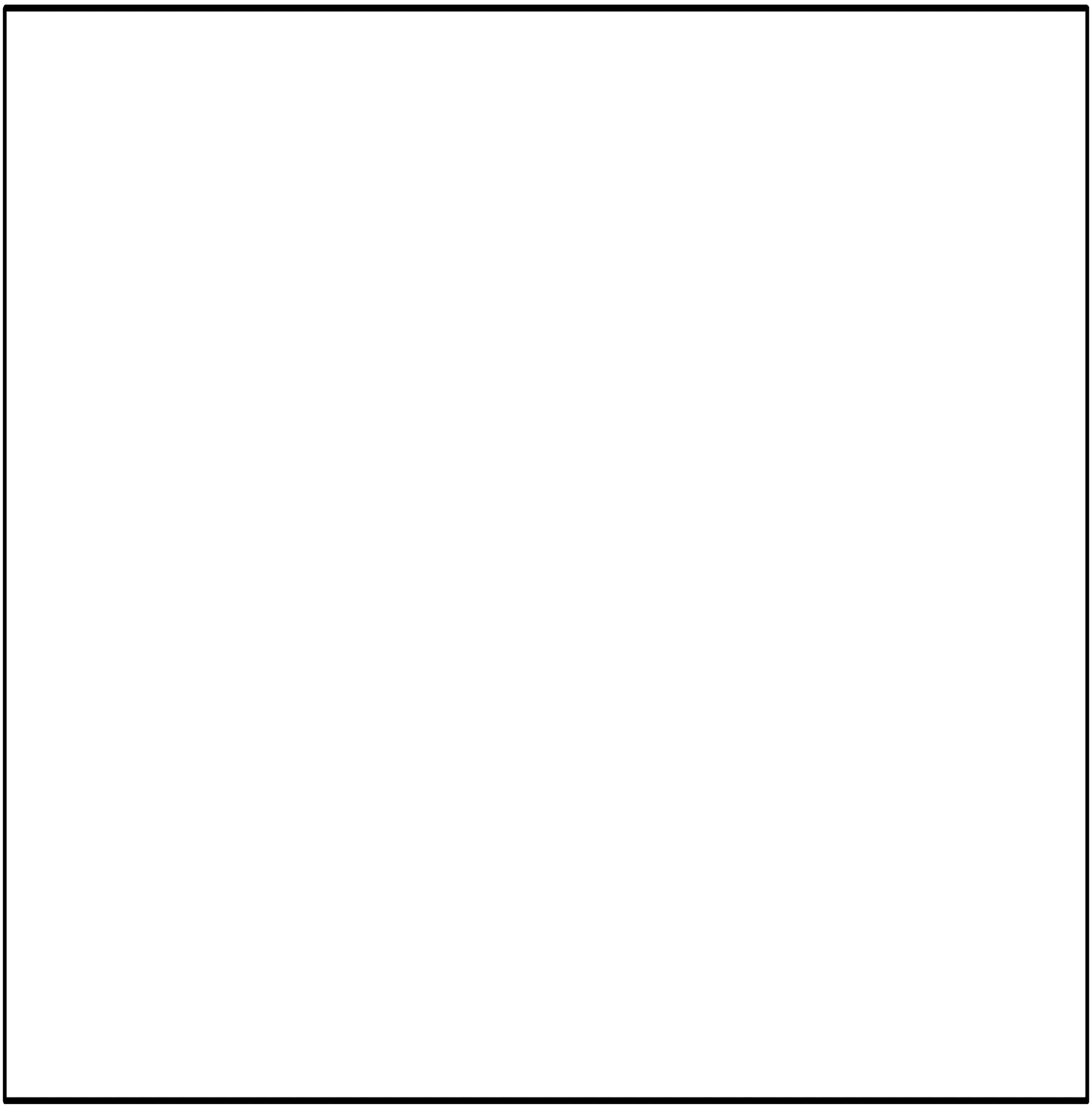
General Instructions for Section 3 of Executive Order

(b)(5)

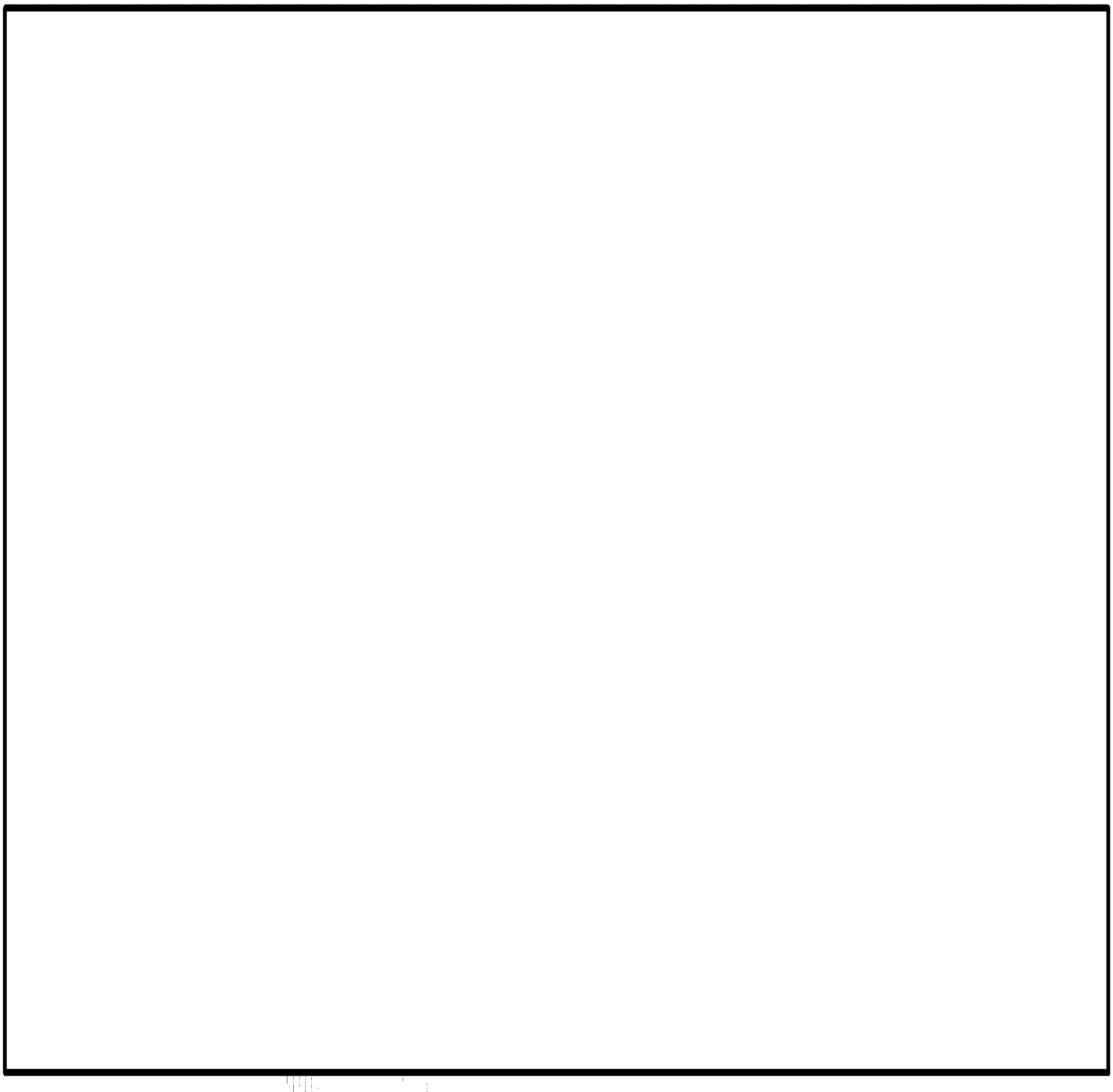
"Protecting the Nation from Foreign Terrorist Entry into the United States"

(b)(7)(e)

Data Objective 1: Confirm Individual's Identity



(b)(5) (b)(7)(e)

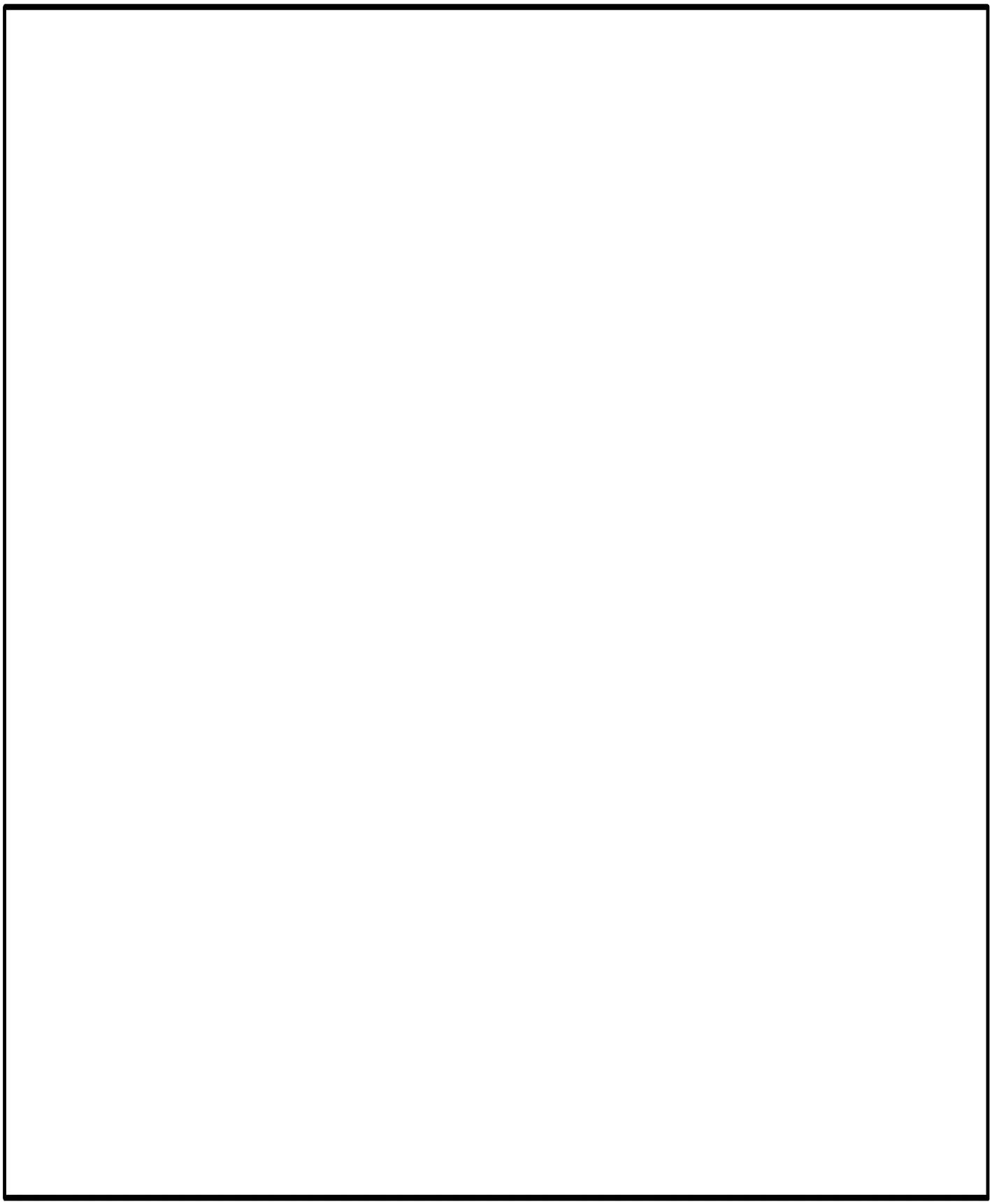


Data Objective 2: Determine Security (Counterterrorism) Risk

1. Data Type	2. Data Integrity	3. Contribution to Security Determination	4. Need v. Want	5. Presently Covered by Agreement etc.	6. Challenges in Acquiring the Data	7.Challenges in Using the Data	8. Notes

(b)(5)

(b)(7)(e)



(b)(7)(e) (b)(5)

Data Objective 3: Determine Public Safety (Law Enforcement and Illegal Immigration) Risk

1. Data Type	2. Data Integrity	3. Contribution Public Safety Determination	4. Need v. Want	5. Presently Covered by Agreement etc.	6. Challenges in Acquiring the Data	7. Challenges in Using the Data	8. Notes

(b)(7)(e)

(b)(5) (b)(7)(e)

[redacted]

Submitted by: Lori Scialabba

Component: USCIS

POC (Name, email, telephone): Julie Farnam, [redacted] (b)(6)

Cleared By:

Referred to THE WHITE HOUSE

(b)(6

Referred to THE WHITE HOUSE

(b)(6

(b)(6

Referred to THE WHITE HOUSE

(b)(6

Referred to THE WHITE HOUSE

Gillispie, Anna E

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 10:34 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Farnam, Julie E; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Strack, Barbara L; Stone, Mary M; Chiorazzi, Anne; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Just one more piece of info for most immediate travel scheduled:

20 people booked to travel Monday
36 people booked to travel Tuesday
31 people booked to travel on Wednesday

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 11:33 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Farnam, Julie E; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Strack, Barbara L; Stone, Mary M; Chiorazzi, Anne; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees
Importance: High

Here is our proposed language, based on what we understand the current thinking to be. Is this your understanding of the decision and can we message this as noted below? We have people scheduled to travel on Monday. IOM has booked and the beneficiaries have paid for their travel. Please note that approximately 190 people have booked travel. Of those, only one individual would be traveling with a refugee family member. [note, our numbers are from IOM, so we may be off a bit, but this is close]

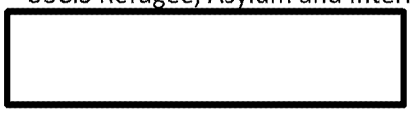
SUSPENSION OF TRAVEL FOR INDIVIDUALS GRANTED PAROLE UNDER THE CENTRAL AMERICAN MINORS REFUGEE/PAROLE PROGRAM (CAM)

On January 27, 2017, President Donald J. Trump signed an Executive Order, "Protecting the Nation From Terrorist Entry into the United States" that called for an immediate suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days. In light of this temporary suspension, USCIS will also be pausing travel to the United States for all individuals granted parole under the Central American Minors Refugee/Parole Program. USCIS will act as follows:

- During this suspension, an applicant whose parole request has been approved by USCIS will be permitted to travel with any refugee family member who is permitted to travel pursuant to an exemption.
- The travel for all other individuals who were granted parole by USCIS under this program will be suspended until the U.S. Refugee Admission Program resumes for this population.

Joanna Ruppel

Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate



(b)(6)

Gillispie, Anna E

From: Swanson, Toni
Sent: Friday, February 03, 2017 10:27 AM
To: Walters, Jessica S; Young, Todd P
Subject: FW: Putative Class Action Challenging CARRP and the 1-27 EO: Wagafe v. USCIS
Attachments: Wagafe v USCIS, No. 17-cv-00094 WD Wash.pdf

FYI

Toni Swanson| Senior Advisor| Office of the Acting Director
U.S. Citizenship and Immigration Services| U.S. Department of Homeland Security|
[redacted] (b)(6)

From: Franke, Evan R
Sent: Friday, February 03, 2017 11:26 AM
To: Scialabba, Lori L; Emrich, Matthew D; Renaud, Daniel M
Cc: Swanson, Toni; Neufeld, Donald W; Davidson, Andrew J; Valverde, Michael; Roll, Annemarie E; Duehning, Kelli J; Zill, Katherine F; Miller, Caitlin E; Malashock, Moshe Y; Miles, John D; Groom, Molly M; Busch, Philip B; Finley, William L (Bill); Healy, Theresa M; Raymond, Robert R
Subject: Putative Class Action Challenging CARRP and the 1-27 EO: Wagafe v. USCIS

Dear Lori, Matt and Dan,

I wanted to alert you to a new filing against USCIS (attached). The case is pled as a national class action and is the first case that merges an attack on the 1-27 EO with an attack on CARRP. The case is filed in Seattle in the Western District of Washington. Currently there are two named plaintiffs, and we are tracking down who they are and what we have in our systems. We will work with our field attorneys, FOD and FDNS to coordinate our response. The case was originally filed before the release of the EO (filing date Jan. 23), but was quickly amended to include a challenge to the EO along with a challenge to CARRP on Feb. 1. DOJ notified us about the case last night. We have not yet confirmed service of either the original or the amended complaint. The plaintiffs have not yet filed a motion to certify the class(es).

The plaintiffs' representatives include NWIRP, national ACLU and several local chapters of the ACLU, the National Lawyers Guild and other advocacy groups involved in the national litigation against the EO.

Chris Dempsey's new team at OIL DCS has the lead on the case for DOJ. Two trial attorneys on the team, Aaron Petty and Ed White will be handling the case.

We have reported the case up to DHS OGC. Because there is no preliminary relief requested, we are still providing support on the responses to the more exigent EO cases currently pending, and we will meet with OIL DCS early next week to refine our approach to the case. In preparation, we will identify the individuals, what records we hold about them, and the location of pending adjudications and files.

Please don't hesitate to contact me if you have any questions or concerns. Caitlin Miller and Yoel Malashock on my team will, at present, have the lead on this case for OCC.

Regards,

Evan

Evan R Franke
Chief, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
20 Massachusetts Avenue, N.W.
Suite 4210
Washington, D.C. 20529-2120

(b)(6)

Litigation Issues Emailbox: OCC.Lcd@dhs.gov
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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE and MEHDI OSTADHASSAN on behalf of themselves and others similarly situated, Plaintiffs, v. DONALD TRUMP, President of the United States; UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES; JOHN F. KELLY, in his official capacity as Secretary of the U.S. Department of Homeland Security; LORI SCIALABBA, in her official capacity as Acting Director of the U.S. Citizenship and Immigration Services; MATTHEW D. EMRICH, in his official capacity as Associate Director of the Fraud Detection and National Security Directorate of the U.S. Citizenship and Immigration Services; DANIEL RENAUD, in his official capacity as Associate Director of the Field Operations Directorate of the U.S. Citizenship and Immigration Services, Defendants.	COMPLAINT-CLASS ACTION Case No: 2:17-cv-00094-JCC **AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

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INTRODUCTION

1. This class action lawsuit seeks to stop the federal government from unconstitutionally preventing Plaintiffs, and others like them, from obtaining immigration benefits, including, but not limited to, asylum, naturalization, lawful permanent residence, and employment authorization.

2. On January 27, 2017, President Trump issued an Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States."

3. Section 3 of the Executive Order suspends entry into the United States of citizens or nationals of Syria, Iraq, Iran, Yemen, Somalia, Sudan, and Libya, all of which are predominantly Muslim countries, for 90 days or more. Although the Executive Order says nothing about suspending adjudications, U.S. Citizenship and Immigration Service ("USCIS") has determined that the Executive Order requires it to suspend adjudication or final action on *all* pending petitions, applications, or requests involving citizens or nationals of those seven countries with the exception of naturalization applications.

4. Section 4 of the Executive Order further directs federal agencies to create and implement a policy of extreme vetting of all immigration benefits applications to identify individuals who are seeking to enter the country based on fraud and with the intent to cause harm or who are at risk of causing harm after admission. Any such "extreme vetting" policy will expand a current USCIS program called the Controlled Application Review and Resolution Program ("CARRP"). CARRP imposes extra-statutory rules and criteria to delay and deny immigration benefits to which applicants are entitled.

5. Plaintiff Abdiqafar Wagafe is a Somali national who has applied for and is eligible to naturalize as a United States citizen. He has been waiting three and a half years for a decision on his naturalization application.

6. Plaintiff Mehdi Ostadhassan is an Iranian national who has applied for and is eligible to adjust his status to that of a permanent resident. He has waited three years for a decision on his adjustment of status application.

7. Both Plaintiffs are practicing Muslims and long-term residents of the United States. Adjudication of Plaintiff Ostadhassan's application is now suspended. This suspension, as well as the inordinate delays both he and Plaintiff Wagafe have faced, have held and will hold the lives of Plaintiffs, and others like them, in a state of limbo. They are prevented from having certainty about their future

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residence in the United States, from being able to travel overseas, from petitioning for immigration benefits for family members, from obtaining jobs available only to U.S. citizens, and from voting in U.S. elections.

8. On behalf of themselves, and others similarly situated, Plaintiffs request that this Court order USCIS to resume adjudications of immigration benefits applications for citizens or nationals of Syria, Iraq, Iran, Yemen, Somalia, Sudan, and Libya. They also seek to enjoin the federal government from subjecting them and others like them—immigrants who are living in the United States and who are applying for naturalization or adjustment of status as permanent residents—to any "extreme vetting" and screening program that imposes unlawful criteria for adjudication and approval of their applications and that is ultra vires to the Constitution and immigration laws and is based on unconstitutional animus towards people of the Muslim faith or from Muslim-majority countries.

9. The Executive Order and application of CARRP[1] to pending immigration applications are unlawful and unconstitutional. The Executive Order reflects a preference for one religious faith over another in the adjudication of immigration applications, and, *inter alia*, discriminates against immigrants who are Muslim or from Muslim-majority countries on the basis of their religion and country of origin. CARRP and the "extreme vetting" program to be established under the Executive Order are similarly unlawful and ultra vires. The Constitution expressly assigns to Congress, not the executive branch, the authority to establish uniform rules of naturalization. The Immigration and Nationality Act ("INA") sets forth those rules, along with the requirements for adjustment of status to lawful permanent residence, asylum, and all other immigration benefits. By creating additional, non-statutory, substantive criteria for adjudicating immigration applications, CARRP and any successor "extreme vetting" program violate the INA, Article I of the Constitution, and the Due Process Clause.

10. Without intervention by this Court, the applications of Plaintiff Ostadhassan and proposed class members will be unlawfully suspended due to the application of the Executive Order, and adjudications

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[1] As set forth below in paragraph 70, USCIS did not make information about CARRP public, and the program only was discovered through fortuity during federal court litigation. To the extent the program has shifted in name, scope, or method, Plaintiffs may have no way to obtain that information. Thus, Plaintiffs' reference to "CARRP" incorporates any similar non-statutory and sub-regulatory successor vetting policy.

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of both Plaintiff's and proposed class members' applications will be unlawfully subject to, and adjudicated under, CARRP or a successor "extreme vetting" program.

11. Plaintiffs therefore request that the Court order USCIS to resume adjudications of immigration benefits applications for citizens and nationals of the seven countries identified in the Executive Order and enjoin USCIS from applying CARRP (or any similar ultra vires policy/successor "extreme vetting" program) to their immigration applications and the applications of similarly situated individuals.

JURISDICTION AND VENUE

12. Plaintiffs allege violations of the INA, the Administrative Procedure Act ("APA"), and the U.S. Constitution. This Court has subject matter jurisdiction under 28 U.S.C. § 1331. This Court also has authority to grant declaratory relief under 28 U.S.C. §§ 2201 and 2202, and injunctive relief under 5 U.S.C. § 702 and 28 U.S.C. § 1361.

13. Venue is proper in the Western District of Washington under 28 U.S.C. §§ 1391(b) and 1391(e) because (1) Plaintiff Abdiqafar Wagafe, a lawful permanent resident of the United States, resides in this district and no real property is involved in this action; (2) a substantial part of the events giving rise to the claims occurred in this district; and (3) Plaintiffs sue Defendants in their official capacity as officers of the United States.

PARTIES

14. Plaintiff Abdiqafar Wagafe is a thirty-two-year-old Somali national and a lawful permanent resident of the United States. He has lived in the United States since May 2007 and currently resides in SeaTac, Washington. He is Muslim. He applied for naturalization in November 2013. Even though he satisfies all statutory criteria for naturalization, USCIS has subjected his application to CARRP or its successor "extreme vetting" program, and as a result, a final decision has not been issued.

15. Plaintiff Mehdi Ostadhassan is a thirty-three-year-old national of Iran. He has lived in the United States since 2009 and resides in Grand Forks, North Dakota. He applied for adjustment to lawful permanent resident status in February 2014. He is Muslim. Even though he satisfies all statutory criteria for adjustment of status, USCIS has suspended adjudication of his application under the Executive Order and subjected his application to CARRP or its successor "extreme vetting" program,

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and as a result, a final decision has not been issued.

16. Defendant Donald Trump is the President of the United States. Plaintiffs sue Defendant Trump in his official capacity.

17. Defendant USCIS is a component of the Department of Homeland Security ("DHS"), and is responsible for overseeing the adjudication of immigration benefits. USCIS implements federal law and policy with respect to immigration benefits applications.

18. Defendant John F. Kelly is the Secretary of DHS, the department under which USCIS and several other immigration agencies operate. Accordingly, Secretary Kelly has supervisory responsibility over USCIS. Plaintiffs sue Defendant Kelly in his official capacity.

19. Defendant Lori Scialabba is the Acting Director of USCIS. Acting Director Scialabba establishes and implements immigration benefits applications policy for USCIS and its subdivisions. Plaintiffs sue Defendant Scialabba in her official capacity.

20. Defendant Matthew D. Emrich is the Associate Director of the Fraud Detection and National Security Directorate of USCIS ("FDNS"), which is ultimately responsible for determining whether individuals filing applications for immigration benefits pose a threat to national security, public safety, or the integrity of the nation's legal immigration system. Associate Director Emrich establishes and implements policy for FDNS. Plaintiffs sue Defendant Emrich in his official capacity.

21. Defendant Daniel Renaud is the Associate Director of the Field Operations Directorate of USCIS, which is responsible for and oversees the processing and adjudication of immigration benefits applications through the USCIS field offices and the National Benefits Center. Plaintiffs sue Defendant Renaud in his official capacity.

LEGAL FRAMEWORK

A. Naturalization

22. To naturalize as a U.S. citizen, an applicant must satisfy certain eligibility criteria under the INA and its implementing regulations. *See generally* 8 U.S.C. §§ 1421-1458; 8 C.F.R. §§ 316.1-316.14.

23. Applicants must prove that they are "at least 18 years of age," 8 C.F.R. § 316.2(a)(1); have "resided continuously, after being lawfully admitted" in the United States, "for at least five years"; and have been "physically present" in the United States for "at least half of that time," 8 U.S.C.

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§ 1427(a)(1).

24. Applicants must also demonstrate "good moral character" for the five years preceding the date of application, "attach[ment] to the principles of the Constitution of the United States, and favorabl[e] dispos[ition] toward the good order and happiness of the United States . . . ." 8 C.F.R. § 316.2(a)(7).

25. An applicant is presumed to possess the requisite "good moral character" for naturalization unless, during the five years preceding the date of the application, he or she is found (1) to be a habitual drunkard, (2) to have committed certain drug-related offenses, (3) to be a gambler whose income derives principally from gambling or has been convicted of two or more gambling offenses, (4) to have given false testimony for the purpose of obtaining immigration benefits; or if the applicant (5) has been convicted and confined to a penal institution for an aggregate period of 180 days or more, (6) has been convicted of an aggravated felony, or (7) has engaged in conduct such as aiding Nazi persecution or participating in genocide, torture, or extrajudicial killings. 8 U.S.C. § 1101(f)(6).

26. The statutory and regulatory requirements set forth in paragraphs 23-24 are less stringent for certain persons who married U.S. citizens and employees of certain nonprofit organizations, in that less than five years of residency and good moral character are required. *See generally* 8 U.S.C. § 1430; 8 C.F.R. §§ 319.1 and 319.4.

27. An applicant is barred from naturalization for national security-related reasons in circumstances limited to those codified in 8 U.S.C. § 1424, including, *inter alia*, if the applicant has advocated, is affiliated with any organization that advocates, or writes or distributes information that advocates, "the overthrow by force or violence or other unconstitutional means of the Government of the United States," the "duty, necessity, or propriety of the unlawful assaulting or killing of any officer . . . of the Government of the United States," or "the unlawful damage, injury, or destruction of property."

28. Once an individual submits an application, USCIS must conduct a background investigation, *see* 8 U.S.C. § 1446(a); 8 C.F.R. § 335.1, which includes a full criminal background check by the Federal Bureau of Investigation ("FBI"), *see* 8 C.F.R. § 335.2.

29. After completing the background investigation, USCIS must schedule a naturalization examination at which the applicant meets with a USCIS examiner for an interview.

30. In order to avoid inordinate processing delays and backlogs, Congress has stated "that the

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processing of an immigration benefit application," which includes naturalization, "should be completed not later than 180 days after the initial filing of the application." 8 U.S.C. § 1571(b). USCIS must either grant or deny a naturalization application within 120 days of the date of the examination. 8 C.F.R. § 335.3.

31. If the applicant has complied with all requirements for naturalization, federal regulations state that USCIS "*shall* grant the application." 8 C.F.R. § 335.3(a) (emphasis added).

32. Courts have long recognized that "Congress is given power by the Constitution to establish a uniform Rule of Naturalization. . . . And when it establishes such uniform rule, those who come within its provisions are entitled to the benefit thereof as a matter of right. . . ." *Schwab v. Coleman*, 145 F.2d 672, 676 (4th Cir. 1944) (emphasis added); *see also Marcantonio v. United States*, 185 F.2d 934, 937 (4th Cir. 1950) ("The opportunity having been conferred by the Naturalization Act, there is a statutory right in the alien to submit his petition and evidence to a court, to have that tribunal pass upon them, and, if the requisite facts are established, to receive the certificate." (quoting *Tutun v. United States*, 270 U.S. 568, 578 (1926))).

33. Once an application is granted, the applicant is sworn in as a United States citizen.

B. Adjustment of Status to Lawful Permanent Resident

34. Federal law allows certain non-citizens to adjust their immigration status to that of a lawful permanent resident ("LPR").

35. Several events may trigger eligibility to adjust to LPR status, including, but not limited to, an approved petition through a family member, such as a U.S. citizen spouse, or employer. *See, e.g.*, 8 U.S.C. § 1255(a); 8 C.F.R. § 245.1.

36. In general, a noncitizen who is the beneficiary of an approved immigrant visa petition and who is physically present in the United States may adjust to LPR status if he or she "makes an application for such adjustment," was "inspected and admitted or paroled" into the United States, is eligible for an immigrant visa and admissible to the United States, and the immigrant visa is immediately available to the applicant at the time the application is filed. 8 U.S.C. §§ 1255(a)(1)-(3); 8 C.F.R. § 245.1.

37. An adjustment applicant may be found inadmissible, and therefore ineligible to become an LPR, if certain security-related grounds apply, including, inter alia, the applicant has engaged in terrorist

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activity, is a representative or member of a terrorist organization, endorses or espouses terrorist activity, or incites terrorist activity. *See* 8 U.S.C. § 1182(a)(3). USCIS's definition of a national security concern in CARRP is significantly broader than these security-related grounds of inadmissibility set by Congress.

38. Congress has directed USCIS to process immigration benefit applications, including for adjustment of status, within 180 days. 8 U.S.C. § 1571(b).

C. Other Immigration Benefits

39. Federal laws provide noncitizens living within the United States the opportunity to apply for a myriad of other immigration benefits apart from either naturalization or adjustment of status.

40. For example, persons fleeing persecution or torture may apply for asylum under 8 U.S.C. § 1158, or withholding of removal, under 8 U.S.C. § 1231(b)(3). Victims of certain crimes and trafficking who have suffered serious harm and who have cooperated with law enforcement may apply for nonimmigrant visas under 8 U.S.C. §§ 1101(a)(15)(T), (U). Certain noncitizens from designated countries may apply for Temporary Protected Status ("TPS") in the event of, *inter alia*, a natural disaster or political upheaval in their country of origin. 8 U.S.C. § 1254a. In addition, a significant number of noncitizens within the United States are eligible for employment authorization based on either their current immigration status, their employment status, or their temporary immigration status, including while other applications for immigration benefits are pending. *See generally* 8 C.F.R. § 274.12a(a)-(c).

41. Every immigration benefit has enumerated statutory and/or regulatory requirements that applicants must affirmatively establish to demonstrate eligibility. In addition, each applicant generally must show that they are admissible under 8 U.S.C. § 1182 and/or are that any past immigration violation or criminal conduct does not disqualify them for the benefit sought. *See, e.g.*, 8 U.S.C., §§ 1158(b)(2) (precluding asylum eligibility to individuals found to have persecuted others, to have been convicted of "a particularly serious crime," or to present a danger to national security); 1231(b)(3)(B) (precluding applicants from receiving withholding of removal based on national security grounds); 1254a(c)(2)(B)(i) (precluding applicants from qualifying for TPS if they have been convicted of a felony or two or more misdemeanors).

FACTUAL BACKGROUND

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A. Executive Order of January 27, 2017

42. President Donald Trump campaigned for election on promises to ban Muslims from coming to the United States.

43. On December 7, 2015, the Trump campaign issued a press release stating that "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." The press release is attached hereto as Exhibit A.

44. In March 2016, Defendant Trump said, "Frankly, look, we're having problems with the Muslims, and we're having problems with Muslims coming into the country." Alex Griswold, *Trump Responds to Brussels Attacks: 'We're Having Problems with the Muslims*,' MEDIAITE, Mar. 22, 2016, *available at* http://www.mediaite.com/tv/trump-responds-to-brussels-attack-were-having-problems-with-the-muslims/ (last visited: Feb. 1, 2017).

45. On June 14, 2016, Defendant Trump promised to ban all Muslims entering this country until "we as a nation are in a position to properly and perfectly screen those people coming into our country." The transcript of his speech is attached hereto as Exhibit B.

46. In a speech on August 15, 2016, Defendant Trump said that the United States could not "adequate[ly] screen[]" immigrants because it admits "about 100,000 permanent immigrants from the Middle East every year." Defendant Trump proposed creating an ideological screening test for immigration applicants, which would "screen out any who have hostile attitudes towards our country or its principles—or who believe that Sharia law should supplant American law." During the speech, he referred to his proposal as "extreme, extreme vetting." A copy of his prepared remarks are attached hereto as Exhibit C. A video link to the delivered speech is available at: https://www.c-span.org/video/?413977-1/donald-trump-delivers-foreign-policy-address (quoted remarks at 50:46).

47. During an August 2016 speech, Michael Flynn, who is now President Trump's National Security Advisor, called Islam "a political ideology," suggesting it is not a religion, and called it "a vicious cancer inside the body of 1.7 billion people on this planet and it has to be excised." A copy of a news article reporting this speech is attached hereto as Exhibit D. A video link with clips of his speech is available at: http://www.cnn.com/2016/11/22/politics/kfile-michael-flynn-august-speech/.

48. On January 20, 2017, Donald Trump was inaugurated as the President of the United States.

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49. In his first television appearance as President, he again referred to his plan for "extreme vetting." The transcript of this interview is attached hereto as Exhibit E.

50. On January 27, 2017, one week after taking office, Defendant Trump signed an executive order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States." The Executive Order is attached hereto as Exhibit F and is hereinafter referred to as the "EO." On information and belief, and in light of the statements by Mr. Trump and his advisors set forth above, the EO was intended to target Muslims.

51. Citing the threat of terrorism committed by foreign nationals, the EO directs a variety of changes to the processing of certain immigration benefits. Most relevant to the instant action is Section 3 of the EO, which falls within a section entitled "Suspension of Issuance of Visas and Other Immigration Benefits," in which President Trump orders, in Section 3(a), an immediate "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." In Section 3(c), the order then explains that to reduce the burden of the reviews described in Section 3(a), "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 Defendant Trump 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."

52. There are seven countries that fit the criteria in 8 U.S.C. § 1187(a)(12): Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen. The populations of those countries are overwhelmingly Muslim.

53. The EO purports to rely on 8 U.S.C. § 1182(f) for the authority to suspend entry into the United States.

54. On information and belief, USCIS relies on Section 3 of the EO to suspend processing immigrant visas and immigration benefits.

55. Section 4 of the EO orders the creation of a screening program for all immigration benefits applications, which will seek to identify individuals "who are 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

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admission" and "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."

56. Sections 5(a) and (b) of the EO suspends the U.S. Refugee Admissions Program in its entirety for 120 days and then, upon its resumption, directs the program to prioritize refugees who claim persecution 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." Section 5(e) states that notwithstanding the suspension of the Refugee Program, on a case-by-case basis, the United States may admit refugees "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."

57. In a January 27, 2017, interview with the Christian Broadcasting Network, President Trump confirmed his intent to prioritize Christians in the Middle East for admission as refugees. A copy of the report of this interview is attached hereto as Exhibit G (David Brody: "As it relates to persecuted Christians, do you see them as kind of a priority here?" President Trump: "Yes.").

B. Ban on the Adjudication of Immigration Benefits Applications for Immigrants from the Seven Countries

58. After the issuance of the EO, at least two department heads within USCIS sent internal communications barring any final action on any petition or benefits application involving citizens or nationals of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya.

59. On January 28, 2017, Associate Director of Service Center Operations for USCIS, Donald Neufeld, issued instructions to Service Center directors and deputies in an email message directing the suspension of the "adjudication of all applications, petitions or requests involving citizens or nationals of the [seven] listed countries." The email continues, "At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance." Photographs of the internal email communication are attached hereto as Exhibit H.

60. In another email to staff from Daniel M. Renaud, Associate Director of Field Operations for USCIS, on January 28, 2017, Mr. Renaud stated, "Effectively [sic] immediately and until additional

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guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya." Alice Speri and Ryan Devereaux, *Turmoil at DHS and State Department*, THE INTERCEPT, Jan. 30, 2017, *available at* https://theintercept.com/2017/01/30/asylum-officials-and-state-department-in-turmoil-there-are-people-literally-crying-in-the-office-here/. The email continued, "Offices are not permitted [to] make any final decision on affected cases to include approval, denial, withdrawal, or revocation. Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony." *Id.*; *see also* Michael D. Shear and Ron Nixon, *How Trump's Rush to Enact an Immigration Ban Unleashed Global Chaos*, NEW YORK TIMES (Jan. 29, 2017), *available at* https://www.nytimes.com/2017/01/29/us/politics/donald-trump-rush-immigration-order-chaos.html.

61. On January 31, 2017, U.S. Customs and Border Protection, a subdivision of DHS, published a clarification on its website regarding whether the EO applies to people with pending naturalization applications. The site reported that the EO does not so apply and that "USCIS will continue to adjudicate N-400 applications for naturalization and administer the oath of citizenship consistent with prior practices." *Protecting the Nation from Foreign Terrorist Entry into the United States*, CBP, https://www.cbp.gov/border-security/protecting-nation-foreign-terrorist-entry-united-states.

62. Referencing the hold on adjudications for people from the seven countries, a USCIS official told The Intercept, "We know what is coming. These cases will all be denied after significant waits." Alice Speri and Ryan Devereaux, *Turmoil at DHS and State Department*, THE INTERCEPT, Jan. 30, 2017.

63. The application of the EO to immigration benefits applications for immigrants from the seven countries will effectuate the intent of the EO to target Muslims.

C. "Extreme Vetting" of Muslim Immigrants

64. As described above, Section 4 of the EO orders the Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation to "implement a program, as part of the adjudication process for immigration benefits" to identify individuals "who are at risk of causing harm." The EO calls for the implementation of a

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"program [that] will include the development of a uniform screening standard and procedure," including "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," as well as "a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States."

65. Upon information and belief, this "extreme vetting" program will dramatically expand CARRP, an existing program USCIS has implemented since April 2008.

66. CARRP is an agency-wide policy for identifying, processing, and adjudicating immigration applications that raise "national security concerns." As described below, however, CARRP unlawfully imposes extra statutory rules and criteria to delay and deny applicants immigration benefits to which they are entitled.

67. Congress did not enact CARRP, and USCIS did not promulgate it as a proposed rule with the notice-and-comment procedures mandated by the APA. *See* 5 U.S.C. § 553(b)-(c).

68. Upon information and belief, prior to CARRP's enactment, USCIS simply delayed the adjudication of many immigration applications that raised possible national security concerns, in part due to backlogs created by the FBI Name Check process (one of many security checks utilized by USCIS).

69. Indeed, the U.S. District Court for the Western District of Washington previously certified a district class of hundreds of naturalization applicants whose cases were delayed due to FBI Name Checks, *see Roshandel v. Chertoff*, 554 F. Supp. 2d 1194 (W.D. Wash. 2008), and denied the defendants' motion to dismiss the suit, *see Roshandel*, 2008 WL 1969646 (W.D. Wash. May 5, 2008). The case resulted in a settlement in which the defendants agreed to adjudicate class member applications within a specified time period. *See Roshandel*, No. C07-1739MJP, Dkt. 81 (W.D. Wash. Aug. 25, 2008).

70. Now, in lieu of delays based on the FBI Name Check process, USCIS delays applications by applying CARRP. Since CARRP's inception, USCIS has not made information about CARRP available to the public, except in response to Freedom of Information Act ("FOIA") requests and litigation to compel responses to those requests. *See ACLU of Southern California v. USCIS*, No. CV 13-861

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(D.D.C. filed June 7, 2013). In fact, the program was unknown to the public, including applicants for immigration benefits, until it was discovered in litigation challenging an unlawful denial of naturalization in *Hamdi v. USCIS*, No. EDCV 10-894 VAP (DTBx), 2012 WL 632397 (C.D. Cal. Feb. 25, 2012), and then revealed in greater detail through the government's response to a FOIA request.

71. CARRP directs USCIS officers to screen citizenship and immigration benefits applications for national security concerns.

72. If a USCIS officer determines that an application presents a national security concern, he or she will take the application off a routine adjudication track and—without notifying the applicant—place it on a CARRP adjudication track where it is subject to distinct procedures, heightened scrutiny, and, most importantly, extra-statutory criteria that result in lengthy delays and prohibit approvals, except in limited circumstances, regardless of an applicant's statutory eligibility.

1. CARRP's Definition of a National Security Concern

73. According to the CARRP definition, a national security concern arises when an individual or organization has been determined to have an articulable link—no matter how attenuated or unsubstantiated—to prior, current, or planned involvement in, or association with, an activity, individual, or organization described in sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the Immigration and Nationality Act. Those sections of the INA make inadmissible or removable any individual who, *inter alia*, "has engaged in terrorist activity" or is a member of a "terrorist organization." 8 U.S.C. §§ 1182(a)(3) and 1227(a)(4).

74. For the reasons described herein, an individual need not be actually suspected of engaging in any unlawful activity or joining any proscribed organization to be branded a national security concern under CARRP.

75. CARRP distinguishes between two types of national security concerns: those ostensibly involving "Known or Suspected Terrorists" ("KSTs"), and those ostensibly involving "non-Known or Suspected Terrorists" ("non-KSTs").

76. USCIS automatically considers an applicant a KST, and thus a national security concern, if his or her name appears in the Terrorist Screening Database, also referred to as the Terrorist Watchlist ("TSDB" or "Watchlist"). USCIS, therefore, applies CARRP to any applicant whose name appears in

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the TSDB.

77. Upon information and belief, the TSDB includes approximately one million names, many of whom present no threat to the United States.

78. The government's Watchlisting Guidance sets a very low "reasonable suspicion" standard for placement on the Watchlist. Under the Guidance, concrete facts are not necessary to satisfy the reasonable suspicion standard, and uncorroborated information of questionable or even doubtful reliability can serve as the basis for blacklisting an individual. The Guidance further reveals that the government blacklists non-U.S. citizens, including LPRs, even where it cannot meet the already low reasonable suspicion standard of purported involvement with terrorist activity. The Guidance permits the watchlisting of noncitizens simply for being associated with someone else who has been watchlisted, even if there is no known involvement with that person's purportedly suspicious activity. The Guidance also states explicitly that noncitizens may be watchlisted based on information that is very limited or of suspected reliability. These extremely loose standards significantly increase the likelihood that the TSDB contains information on individuals who are neither known nor appropriately suspected terrorists.

79. Furthermore, the Terrorist Screening Center ("TSC"), which maintains the TSDB, has failed to ensure that individuals who do not meet the Watchlist's criteria are promptly removed from the TSDB (or not blacklisted in the first place). In 2013 alone, the watchlisting community nominated 468,749 individuals to the TSDB, and the TSC rejected only approximately one percent of those nominations. Public reports also confirm that the government has nominated or retained people on government watchlists as a result of human error.

80. The federal government's official policy is to refuse to confirm or deny any given individual's inclusion in the TSDB or provide a meaningful opportunity to challenge that inclusion. Nevertheless, individuals can become aware of their inclusion due to air travel experiences. In particular, individuals may learn that they are on the "Selectee List" or the "Expanded Selectee List," subsets of the TSDB, if their boarding passes routinely display the code "SSSS" or they are routinely directed for additional screening before boarding a flight over U.S. airspace. They may also learn of their inclusion in the TSDB if U.S. federal agents regularly subject them to secondary inspection when they enter the United States from abroad. Such individuals are also often unable to check-in for flights online or at airline

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electronic kiosks at the airport.

81. Where the KST designation does not apply, CARRP instructs officers to look for indicators of a non-Known or Suspected Terrorist ("non-KST") concern.

82. These indicators fall into three categories: (1) statutory indicators; (2) non-statutory indicators; and (3) indicators contained in security check results.

83. Statutory indicators of a national security concern arise when an individual generally meets the definitions described in Sections 212(a)(3)(A), (B), and (F), and 237(a)(4)(A) and (B) of the INA (codified at 8 U.S.C. § 1182(a)(3)(A), (B), and (F) and § 1227(a)(4)(A) and (B)), which list the security and terrorism grounds of inadmissibility and removability.[2] However, CARRP expressly defines statutory indicators of a national security concern more broadly than the statute, stating that the facts of the case do not need to satisfy the legal standard used in determining admissibility or removability under those provisions of the INA to give rise to a non-KST national security concern.

84. For example, CARRP policy specifically directs USCIS officers to scrutinize evidence of charitable donations to organizations later designated as financiers of terrorism by the U.S. Treasury Department and to construe such donations as evidence of a national security concern, even if an individual had made such donations without any knowledge that the organization was engaged in proscribed activity. Such conduct would not make an applicant inadmissible for a visa, asylum, or LPR status under the statute, *see* 8 U.S.C. § 1182(a)(3)(B), nor does it have any bearing on a naturalization application.

85. Under CARRP, non-statutory indicators of a national security concern include travel through or residence in areas of known terrorist activity; a large scale transfer or receipt of funds; a person's employment, training, or government affiliations; the identities of a person's family members or close associates, such as a roommate, co-worker, employee, owner, partner, affiliate, or friend; or simply other

[2] These security and terrorism grounds of inadmissibility, if applicable, may bar an applicant from obtaining lawful permanent resident status, asylum, or a visa. However, they do not bar an applicant who is already a lawful permanent resident from naturalization, which is governed by the statutory provisions specific to naturalization. *See* 8 U.S.C. §§ 1421-1458. The security and terrorism provisions may also render a non-citizen removable, *see* 8 U.S.C. § 1227(a)(4), but the government has not charged Plaintiffs with removability under these provisions.

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suspicious activities.

86. Finally, security check results are considered indicators of a national security concern in instances where, for example, the FBI Name Check produces a positive hit on an applicant's name and the applicant's name is associated with a national security-related investigatory file. Upon information and belief, this indicator leads USCIS to label applicants national security concerns solely because their names appear in a law enforcement or intelligence file, even if they were never the subject of an investigation. For example, an applicant's name could appear in a law enforcement file in connection with a national security investigation because he or she once gave a voluntary interview to an FBI agent, he or she attended a mosque that was the subject of FBI surveillance, or he or she knew or was associated with someone under investigation.

87. Upon information and belief, CARRP labels applicants national security concerns based on vague and overbroad criteria that often turn on national origin or innocuous and lawful activities or associations. These criteria are untethered from the statutory criteria that determine whether a person is eligible for the immigration status or benefit they seek, and are so general that they necessarily ensnare individuals who pose no threat to the security of the United States.

2. Delay and Denial

88. Once a USCIS officer identifies a CARRP-defined national security concern, the application is subjected to CARRP's rules and procedures that guide officers to deny such applications or, if an officer cannot find a basis to deny the application, to delay adjudication as long as possible.

a) Deconfliction

89. One such procedure is called "deconfliction," which requires USCIS to coordinate with—and, upon information and belief, subordinate its authority to—the law enforcement agency, often the FBI, that possesses information giving rise to the supposed national security concern.

90. During deconfliction, the relevant law enforcement agency has authority: to instruct USCIS to ask certain questions in an interview or to issue a Request for Evidence ("RFE"); to comment on a proposed decision on the benefit; and to request that USCIS deny, grant, or hold the application in abeyance for an indefinite period of time.

91. Upon information and belief, deconfliction allows law enforcement or intelligence agencies such

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as the FBI to directly affect the adjudication of a requested immigration benefit, and also results in the agencies conducting independent interrogations of the applicant—or the applicant's friends and family.

92. Upon information and belief, USCIS often makes decisions to deny immigration benefit applications because the FBI requests or recommends the denial, not because the person is statutorily ineligible for the benefit.

93. The FBI often seeks to use the pending immigration application to coerce the applicant to act as an informant or otherwise provide information.

b) Eligibility Assessment

94. In addition to deconfliction, once officers identify an applicant as a national security concern, CARRP directs officers to perform an "eligibility assessment" to determine whether the applicant is eligible for the benefit sought.

95. Upon information and belief, at this stage, CARRP instructs officers to look for any reason to deny an application so that time and resources are not expended to investigate the possible national security concern. Where no legitimate reason supports denial of an application subjected to CARRP, USCIS officers often utilize spurious or pretextual reasons to deny the application.

c) Internal Vetting

96. Upon information and belief, if, after performing the eligibility assessment, an officer cannot find a reason to deny an application, CARRP instructs officers to first "internally vet" the national security concern using information available in DHS systems and databases, open source information, review of the applicant's file, RFEs, and interviews or site visits.

97. After conducting the eligibility assessment and internal vetting, USCIS officers are instructed to again conduct deconfliction to determine the position of any interested law enforcement agency.

d) External Vetting

98. If the national security concern remains and the officer cannot find a basis to deny the benefit, the application then proceeds to "external vetting."

99. During external vetting, USCIS instructs officers to confirm the existence of the national security concern with the law enforcement or intelligence agency that possesses the information that created the concern and obtain additional information from that agency about the concern and its relevance to the

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individual.

100. CARRP policy instructs USCIS officers to hold applications in abeyance for periods of 180 days to enable law enforcement agents and USCIS officers to investigate the national security concern. According to CARRP policy, the USCIS Field Office Director may extend the abeyance periods as long as the investigation remains open.

101. Upon information and belief, CARRP provides no outer limit on how long USCIS may hold a case in abeyance, even though the INA requires USCIS to adjudicate a naturalization application within 120 days of examination, 8 C.F.R. § 335.3, and Congress has made clear its intent that USCIS adjudicate immigration applications, including visa petitions and accompanying applications for adjustment of status to lawful permanent residence, within 180 days of filing the application. 8 U.S.C. § 1571(b).

e) Adjudication

102. When USCIS considers an applicant to be a KST national security concern, CARRP policy forbids USCIS adjudications officers from granting the requested benefit even if the applicant satisfies all statutory and regulatory criteria.

103. When USCIS considers an applicant to be a non-KST national security concern, CARRP policy forbids USCIS adjudications officers from granting the requested benefit in the absence of supervisory approval and concurrence from a senior level USCIS official.

104. In *Hamdi*, 2012 WL 632397, when asked whether USCIS's decision to brand naturalization applicant Tarek Hamdi as a national security concern affected whether he was eligible for naturalization, a USCIS officer testified that "it doesn't make him statutorily ineligible, but because he is a—he still has a national security concern, it affects whether or not we can approve him." The officer testified that, under CARRP, "until [the] national security concern [is] resolved, he won't get approved."

105. Upon information and belief, USCIS routinely delays adjudication of applications subject to CARRP when it cannot find a reason to deny the application. When an applicant files a mandamus action to compel USCIS to finally adjudicate his or her pending application, it often has the effect of forcing USCIS to deny a statutorily-eligible application on pretextual grounds because CARRP prevents agency field officers from granting an application involving a national security concern.

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106. CARRP effectively creates two substantive regimes for immigration application processing and adjudication: one for those applications subject to heightened scrutiny and vetting under CARRP and one for all other applications. CARRP rules and procedures create substantive eligibility criteria that indefinitely delay adjudications and unlawfully deny immigration benefits to noncitizens who are statutorily eligible and entitled by law.

107. At no point during the CARRP process is the applicant made aware that he or she has been labeled a national security concern, nor is the applicant ever provided with an opportunity to respond to and contest the classification.

108. Upon information and belief, CARRP results in unauthorized adjudication delays, often lasting many years, and pre-textual denials of statutorily-eligible immigration applications.

B. Facts Specific To Each Plaintiff

Abdiqafar Wagafe

109. Plaintiff Abdiqafar Aden Wagafe is a thirty-two-year-old Somali national who currently resides in SeaTac, Washington.

110. Between 2001 and 2007, Mr. Wagafe lived in refugee camps and temporary refugee housing in Kenya and Ethiopia.

111. On May 24, 2007, he moved to the United States with nine family members and was admitted as a refugee. He has lived in the United States since then.

112. After arriving in the United States, Mr. Wagafe briefly stayed in Minneapolis, Minnesota with his brother. He then moved to Seattle, where his two sisters and another brother live.

113. All of the nine family members who moved to the United States with Mr. Wagafe have become U.S. citizens.

114. From July 2007 until February 2011, Mr. Wagafe worked for Delta Global Services until widespread layoffs left him without a job. Since February 2011, he has worked at a Somali restaurant, which he currently co-owns and manages.

115. On May 28, 2008, Mr. Wagafe filed an application for refugee adjustment of status to become an LPR.

116. USCIS granted his application on November 3, 2008, retroactively granting him LPR status as of

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May 24, 2007, the date he was admitted to the U.S. as a refugee. *See* 8 C.F.R. § 209.1(e).

117. Mr. Wagafe filed his first application for naturalization on July 3, 2012. USCIS interviewed him on October 29, 2012, but he failed the English-language portion of the exam. USCIS interviewed Mr. Wagafe a second time on January 3, 2013, but he again failed the English writing portion of the exam. He also did not understand English sufficiently to comprehend the Oath of Allegiance. On these bases, USCIS denied his first application for naturalization on January 9, 2013.

118. Mr. Wagafe has since improved his English skills significantly.

119. Mr. Wagafe filed a second application for naturalization on November 8, 2013. USCIS scheduled his interview for February 25, 2014, but cancelled it on January 29, 2014 without explanation.

120. Mr. Wagafe has made various inquiries concerning his case to USCIS, but he has not received an explanation for the delay. USCIS last responded to his queries in July 2015, instructing his attorney to have patience and that the agency would let him know when the agency was ready to interview him. His subsequent inquiries have gone unanswered.

121. Mr. Wagafe has resided continuously in the United States for at least five years preceding the date of filing his application for naturalization, and has resided continuously within the United States from the date of filing his application until the present.

122. Mr. Wagafe has never been convicted of a crime.

123. There is no statutory basis for denying his naturalization application.

124. Mr. Wagafe is Muslim and regularly attends Mosque. He also frequently sends small amounts of money to his relatives in Somalia, Kenya, and Uganda. He has been married to a woman in Uganda since December 2015 and makes visits to see her. He has been unable to bring her to the United States because of the delays in his case.

125. Mr. Wagafe's immigration Alien file ("A-file") makes clear that USCIS subjected his pending application to CARRP. The A-file states that a CARRP officer handled his case. In addition, a document in the A-File shows that on December 8, 2013, there was a hit on Mr. Wagafe's name in the FBI Name Check and that the Name Check result contained "derogatory information." The document also states that Mr. Wagafe appears eligible for naturalization absent confirmation of national security issues. The document then states that the case is being forwarded for external vetting.

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126. Upon information and belief, Mr. Wagafe's naturalization application is subject to CARRP or its successor "extreme vetting" program, which is causing the delay in adjudication of his naturalization application, despite the fact that he is statutorily entitled to naturalize.

127. Mr. Wagafe has suffered significant harm due to the delay in adjudication of his naturalization application. Although he is married to a Ugandan woman, he has been unable to bring her to live with him in the United States, because he must become a United States citizen in order for her to qualify as an immediate relative, *see generally* 8 U.S.C. § 1151, and thus avoid the waiting list for petitions filed by lawful permanent residents on behalf of their spouses. CARRP has also has harmed his professional options and prevented him from voting in local and national elections.

Mehdi Ostadhassan

128. Plaintiff Mehdi Ostadhassan is a thirty-three-year-old national of Iran. He resides in Grand Forks, North Dakota.

129. Mr. Ostadhassan moved to the United States in 2009 on a student visa and studied at the University of North Dakota. He earned his Ph.D. in Petroleum Engineering, and, after graduation, was immediately hired by the University of North Dakota as an Assistant Professor of Petroleum Engineering.

130. At the University of North Dakota, Mr. Ostadhassan met Bailey Bubach, a United States citizen. In January 2014, they were married in a small religious ceremony in California, and then obtained their marriage license in Grand Forks, North Dakota. Their first child was born in July 2016.

131. In February 2014, Ms. Bubach filed an immigrant visa petition (USCIS Form I-130) for Mr. Ostadhassan and he concurrently filed an application to adjust status (USCIS Form I-485) based upon his marriage.

132. Mr. Ostadhassan has never been convicted of a crime.

133. USCIS scheduled Mr. Ostadhassan for an interview on May 19, 2014, but when he appeared for the interview, USCIS informed him that it was cancelled.

134. USCIS rescheduled and conducted an interview almost a year and a half later, on September 24, 2015. At that interview, a USCIS officer told Mr. Ostadhassan that the agency still could not make a decision and that it needed to complete further background and security checks. To date, Mr.

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Ostadhassan is still waiting for a decision from USCIS.

135. Mr. Ostadhassan and Ms. Bubach are Muslim and active participants in their religious community. Each year they donate to Muslim charities in accordance with the teachings of Islam. They are both involved in the Muslim Student Association at the University of North Dakota. In addition, they run a Muslim Sunday School. Mr. Ostadhassan also coordinates the Muslim Congress's Koran competition every year.

136. Upon information and belief, USCIS considers Mr. Ostadhassan a non-KST national security concern and is subjecting him to CARRP. USCIS may have subjected Mr. Ostadhassan's adjustment application to CARRP because he has resided in and traveled through what the government considers areas of known terrorist activity—namely, Iran—and because of his donations to Islamic charities and involvement in the Muslim community.

137. In October 2014, an FBI agent contacted Mr. Ostadhassan and asked to meet to discuss his recent trip to Iran to visit family. Mr. Ostadhassan declined to meet with the FBI, and his lawyer informed the agent that any further communications should go through the attorney. The FBI has not contacted Mr. Ostadhassan since.

138. Upon information and belief, the request for a visit by the FBI was a product of CARRP's deconfliction process. As Mr. Ostadhassan is a citizen of Iran, one of the seven countries listed in the EO, his application for adjustment of status is subject to the EO. Upon information and belief, adjudication of his application therefore has been suspended indefinitely.

139. Upon information and belief, Mr. Ostadhassan's application for adjustment of status is also subject to CARRP or its successor "extreme vetting" program, which is has delayed the adjudication of his application, despite the fact that he is statutorily eligible for adjustment of status.

140. Mr. Ostadhassan has been significantly harmed by the delay in adjudication of his adjustment of status application. Because of his temporary nonimmigrant status, and without an approved adjustment application, he cannot travel outside the United States. He recently was unable to travel to Iran to introduce his American wife and infant to his Iranian family; his wife and child traveled to Iran without him. He has also lost out on significant professional opportunities. He is a college professor, and his unapproved adjustment application has prevented him from attending conferences overseas. Due to the

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delay, he and his wife feel that their lives and future in the United States are suspended in limbo, not knowing whether they have a future in the United States.

CLASS ACTION ALLEGATIONS

141. Pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(2), Plaintiffs bring this action on behalf of themselves and all other similarly-situated individuals. Plaintiffs do not bring claims for compensatory relief. Instead, Plaintiffs seek injunctive relief broadly applicable to members of the Plaintiff Classes, as defined below. The requirements for Rule 23 are met with respect to the classes defined below.

142. Plaintiffs seek to represent the following nationwide classes:

> A **Muslim Ban Class** defined as:
> A national class of all persons currently and in the future (1) who are in the United States, (2) have or will have an application for an immigration benefit pending before USCIS that is not a naturalization application, and (3) are a citizen or national of Syria, Iraq, Iran, Yemen, Somalia, Sudan, or Libya.
>
> An **Extreme Vetting Naturalization Class** defined as:
> A national class of all persons currently and in the future (1) who have or will have an application for naturalization pending before USCIS, (2) that is subject to CARRP or its successor "extreme vetting" program, and (3) that has not been or will not be adjudicated by USCIS within six months of having been filed.
>
> An **Extreme Vetting Adjustment of Status Class** defined as:
> A national class of all persons currently and in the future (1) who have or will have an application for adjustment of status pending before USCIS, (2) that is subject to CARRP or its successor "extreme vetting" program, and (3) that has not been or will not be adjudicated by USCIS within six months of having been filed.

143. Plaintiff Ostadhassan is an adequate class representative of the Muslim Ban class. Plaintiff Wagafe is an adequate representative of the Extreme Vetting Naturalization Class. Plaintiff Ostadhassan is also an adequate representation of the Extreme Vetting Adjustment of Status Class.

144. The Proposed Classes are each so numerous that joinder of all members is impracticable.

145. Although Plaintiffs do not know the total number of people from the seven countries targeted in the EO who have *pending* immigration benefits applications (excluding naturalization applications) at any given time, publicly available USCIS data reveals that in 2015, there were 83,109 people from those seven countries who were *granted* applications for lawful permanent residence, asylum, and refugee admission.

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146. Similarly, although Plaintiffs do not know the total number of people subject to CARRP or any successor "extreme vetting" program at any given time, USCIS data reveals that between Fiscal Year 2008 and Fiscal Year 2012, more than 19,000 people from twenty-one Muslim-majority countries or regions were subjected to CARRP. Upon information and belief, between 2008 and 2016, USCIS opened 41,805 CARRP cases.

147. This data includes individuals with pending naturalization and adjustment of status applications. For example, in March 2009, there were 1,437 adjustment of status (I-485) applications subject to CARRP that had been pending for at least six months and 1,065 naturalization (N-400) applications subject to CARRP that had been pending for at least six months.

148. The exact number of individuals subject to the EO, CARRP or any successor "extreme vetting" program at any given time fluctuates as applications are filed and USCIS applies these policies and practices to the applications. Moreover, members of the class reside in various locations across the country. For these and other reasons, joinder of the members of the Classes would create substantial challenges to the efficient administration of justice. Joinder is thus impracticable here.

149. In addition, there are questions of law and fact common to the members of the Classes. The Muslim Ban and Extreme Vetting Adjustment of Status Class are subject to Defendants' unauthorized suspension of immigration benefits adjudications. All classes are subject to CARRP (or a successor "extreme vetting" program). Accordingly, common questions of law and fact include, but are not limited to, the following:

- Whether Defendants' unauthorized suspension of immigration benefits adjudications under the EO violates Defendants' duty to timely adjudicate immigration benefit applications authorized by the Immigration and Nationality Act;

- Whether Defendants' unauthorized suspension of immigration benefits adjudications under the EO to Plaintiff Ostadhassan's application violates the Establishment Clause of the First Amendment to the United States Constitution by not pursuing a course of neutrality with regard to different religious faiths;

- Whether Defendants' unauthorized suspension of immigration benefits adjudications under the EO and application of CARRP (or a successor "extreme vetting" program) to Plaintiffs' applications discriminates against Plaintiffs on the basis of their country of origin, and without sufficient justification, and therefore violates the equal protection component of the Due Process Clause of the Fifth Amendment to the United States Constitution.

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- Whether Defendants' unauthorized suspension of immigration benefits adjudications under the EO and application of CARRP (or a successor "extreme vetting" program) to Plaintiffs' applications is substantially motivated by animus toward—and has a disparate effect on—Muslims in violation of the equal protection component of the Due Process Clause of the Fifth Amendment to the United States Constitution;

- Whether Defendants' unauthorized suspension of immigration benefits adjudications under the EO and application of CARRP or a successor "extreme vetting" program to Plaintiffs' applications for immigration benefits, for which they are statutorily eligible and to which they are legally entitled, constitutes an arbitrary denial in violation of Plaintiffs' right to substantive due process under the Fifth Amendment to the United States Constitution;

- Whether Defendants' unauthorized suspension of immigration benefits adjudications under the EO and application of CARRP (or a successor "extreme vetting" program) to Plaintiffs' applications violates the INA by creating additional, non-statutory, substantive criteria that must be met prior to a grant of a naturalization or adjustment of status application;

- Whether Defendants' unauthorized suspension of immigration benefits adjudications under the EO and application of CARRP (or a successor "extreme vetting" program) to Plaintiffs' applications violates the APA, 5 U.S.C. § 706, as final agency action that is arbitrary and capricious, contrary to constitutional law, and in excess of statutory authority;

- Whether Defendants' the application of CARRP (or a successor "extreme vetting" program) to Plaintiffs' applications constitutes a substantive rule and, as a result, Defendants violated the APA, 5 U.S.C. § 553, when they promulgated CARRP without providing a notice-and-comment period prior to implementing it;

- Whether Defendants' failure to give Plaintiffs notice of their classification under CARRP (or a successor "extreme vetting" program), a meaningful explanation of the reason for such classification, and a process by which Plaintiffs can challenge their classification violates the Due Process Clause of the Fifth Amendment to the United States Constitution; and

- Whether Defendants' application of CARRP (or a successor "extreme vetting" program) to Plaintiff Wagafe's application violates the Uniform Rule of Naturalization, Article I, Section 8, Clause 4 of the United States Constitution by establishing criteria for naturalization not authorized by Congress.

150. The claims of the named Plaintiffs are typical of their respective Plaintiff Classes. Plaintiffs know of no conflict between their interests and those of the Plaintiff Classes they seek to represent. In defending their own rights, the named Plaintiffs will defend the rights of all proposed Plaintiff Class members fairly and adequately. The members of the Classes are readily ascertainable through notice and discovery.

151. Plaintiffs are represented by counsel with particular expertise in immigration and constitutional

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law, and extensive experience in class action and other complex litigation.

152. Defendants have acted or refused to act on grounds generally applicable to each member of the Plaintiff Classes by unlawfully applying the EO and/or CARRP (or its successor "extreme vetting" program) to their immigration applications—thus applying additional non-statutory, substantive requirements for naturalization and adjustment of status, and causing them to have suffered and continue to suffer injury in the form of unreasonable delays and denials of their applications.

153. A class action is superior to other methods available for the fair and efficient adjudication of this controversy because joinder of all members of the Classes is impracticable. Absent the relief they seek here, there would be no other way for the Plaintiff Class members to individually redress the wrongs they have suffered and will continue to suffer.

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF

Immigration and Nationality Act and the Administrative Procedure Act

(Plaintiff Ostadhassan on behalf of himself and the Muslim Ban Class)

154. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

155. Section 212(f) of the Immigration and Nationality, 8 U.S.C. § 1182(f), is entitled "Suspension of Entry or Imposition of Restrictions by President." That provision authorizes the President to suspend entries or impose restrictions on entries. That provision does not authorize the President to suspend adjudication of immigration petitions, applications, or requests of any class of persons.

156. Defendants have interpreted the EO to authorize the suspension of immigration petitions, applications, or requests involving Plaintiff Ostadhassan and members of the Muslim Ban Class.

157. Accordingly, Defendants have suspended adjudication of such immigration benefits petitions, applications, or requests.

158. Defendants' actions in suspending adjudications violates 8 U.S.C. § 1182(f) and is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; and without observance of procedure required by law, in violation of the Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A)-(D).

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SECOND CLAIM FOR RELIEF

Mandamus (28 U.S.C. § 1361)

(Plaintiff Ostadhassan on behalf of himself and the Muslim Ban Class)

159. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

160. Defendants have a duty to adjudicate all immigrant benefits petitions, applications or requests authorized by the Immigration and Nationality Act, implementing regulations, or other law.

161. The EO does not authorize the suspension of adjudication of immigration benefits petitions, applications, or requests.

162. Defendants have interpreted the EO to authorize the suspension of immigration benefit applications for petitions, applications, or requests involving Plaintiff Ostadhassan and members of the Muslim Ban Class.

163. Accordingly, Defendants have suspended adjudication of immigration benefits petitions, applications, or requests.

164. Defendants' refusal to adjudicate immigration benefits petitions, applications, or requests violates Defendants' statutory and constitutional duty to adjudicate these matters, and to do so in a nondiscriminatory manner.

THIRD CLAIM FOR RELIEF

First Amendment (Establishment Clause)

(Plaintiff Ostadhassan on behalf of himself and the Muslim Ban Class)

165. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

166. The EO was intended to target a specific religious faith, Islam, and gives preference to other religious faiths, principally Christianity, and it has that intended effect when applied to Plaintiffs and members of the Muslim Ban Class. Defendants' application of the EO to Plaintiffs and members of the Plaintiff Classes violates the Establishment Clause of the First Amendment to the United States Constitution by not pursuing a course of neutrality with regard to different religious faiths.

FOURTH CLAIM FOR RELIEF

Fifth Amendment (Procedural Due Process)

(All Plaintiffs on behalf of themselves and the Plaintiff Classes)

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167. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

168. Defendants' failure to give Plaintiffs and members of the Extreme Vetting Naturalization and Extreme Vetting Adjustment of Status Classes notice of their classification under CARRP (or successor "extreme vetting" program), a meaningful explanation of the reason for such classification, and any process by which Plaintiffs can challenge their classification, violates the Due Process Clause of the Fifth Amendment to the United States Constitution.

169. The EO's directive to screen applicants for immigration benefits based on "the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest" also is void because it is unconstitutionally vague under the Due Process Clause of the Fifth Amendment to the United States Constitution.

170. Because of these violations of their constitutional rights, Plaintiffs and members of the Plaintiff Classes have suffered and continue to suffer injury in the form of unreasonable delays and unwarranted denials of their immigration applications.

FIFTH CLAIM FOR RELIEF

Fifth Amendment (Substantive Due Process)

(All Plaintiffs on behalf of themselves and the Plaintiff Classes)

171. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

172. Defendants' unauthorized and indefinite suspension of the adjudication of Plaintiffs' and the Proposed Classes' applications for immigration benefits violates their right to substantive due process under the Fifth Amendment to the United States Constitution, because Plaintiffs cannot be denied immigration benefits for which they are statutorily eligible, and to which they are entitled by law, in an arbitrary manner.

SIXTH CLAIM FOR RELIEF

Fifth Amendment (Equal Protection)

(All Plaintiffs on behalf of themselves and the Plaintiff Classes)

173. Plaintiffs incorporate the allegations of the proceeding paragraphs as if fully set forth herein.

174. Defendants' indefinite suspension of the adjudication of Plaintiffs' applications for immigration benefits on the basis of their country of origin, and without sufficient justification, violates the equal

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protection component of the Due Process Clause of the Fifth Amendment.

175. Additionally, Defendants' indefinite suspension of the adjudication of Plaintiff Ostadhassan and the Muslim Ban Class applications for immigration benefits under 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.

176. Applying a general law in a fashion that discriminates on the basis of religion violates Plaintiffs' and the Plaintiff Classes' rights to equal protection under the Fifth Amendment Due Process Clause.

177. The EO is intended and will be applied primarily to exclude individuals on the basis of their national origin and religion. 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 Plaintiffs and the Proposed Classes.

178. Defendants have applied the EO with discriminatory animus and discriminatory intent in violation of the equal protection component of the Fifth Amendment.

SEVENTH CLAIM FOR RELIEF

Immigration and Nationality Act and Implementing Regulations

(Plaintiffs on behalf of themselves and the Extreme Vetting Naturalization and Extreme Vetting Adjustment of Status Classes)

179. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

180. To secure naturalization and adjustment of status, an applicant must satisfy certain statutorily-enumerated criteria.

181. By its terms, CARRP creates additional, non-statutory, substantive adjudicatory criteria.

182. Accordingly, CARRP violates 8 U.S.C. § 1427, 8 C.F.R. § 316.2, and 8 C.F.R. § 335.3, as those provisions set forth the exclusive applicable statutory and regulatory criteria for a grant of naturalization.

183. CARRP also violates 8 U.S.C. § 1255, 8 U.S.C. § 1159, 8 C.F.R. § 245.1, and 8 C.F.R. § 209.1, as those provisions set forth the applicable statutory and regulatory criteria for individuals present in the United States to adjust their status.

184. Because of these violations and/or because CARRP's additional, non-statutory, substantive criteria have been applied to their applications, Plaintiffs and Plaintiff Class members have suffered and

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will continue to suffer injury in the form of unreasonable delays and unwarranted denials of their applications for naturalization and adjustment of status.

EIGHTH CLAIM FOR RELIEF

Administrative Procedure Act (5 U.S.C. § 706)

(Plaintiffs on behalf of themselves and the Extreme Vetting Naturalization and Extreme Vetting Adjustment of Status Classes)

185. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

186. CARRP constitutes final agency action that is arbitrary and capricious because it "neither focuses on nor relates to a [noncitizen's] fitness to" obtain the immigration benefits subject to its terms. *Judulang v. Holder*, 132 S. Ct. 476, 485 (2011).

187. CARRP is also not in accordance with law, is contrary to constitutional rights, and is in excess of statutory authority because it violates the INA and exceeds USCIS's statutory authority to implement (not create) the immigration laws, as alleged herein.

188. As a result of these violations, Plaintiffs and members of the Proposed Extreme Vetting Naturalization and Extreme Vetting Adjustment of Status Classes have suffered and continue to suffer injury in the form of unreasonable delays and unwarranted denials of their immigration applications.

NINTH CLAIM FOR RELIEF

Administrative Procedure Act (Notice and Comment)

(Plaintiffs on behalf of themselves and the Extreme Vetting Naturalization and Extreme Vetting Adjustment of Status Classes)

189. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

190. The APA, 5 U.S.C. § 553, requires administrative agencies to provide a notice-and-comment period prior to implementing a substantive rule.

191. CARRP constitutes a substantive agency rule within the meaning of 5 U.S.C. § 551(4).

192. Defendants failed to provide a notice-and-comment period prior to the adoption of CARRP.

193. Because CARRP is a substantive rule promulgated without the notice-and-comment period, it violates 5 U.S.C. § 553 and is therefore invalid.

194. As a result of these violations, Plaintiffs and members of the Plaintiff Classes have suffered and

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continue to suffer injury in the form of unreasonable delays and unwarranted denials of their immigration applications.

TENTH CLAIM FOR RELIEF

"Uniform Rule of Naturalization"

(Plaintiff Abdiqafar Wagafe on behalf of himself and the Naturalization Class)

195. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

196. Congress has the sole power to establish criteria for naturalization, and any additional requirements not enacted by Congress are ultra vires.

197. By its terms, CARRP creates additional, non-statutory, substantive criteria that must be met prior to a grant of a naturalization application.

198. Accordingly, CARRP violates Article I, Section 8, Clause 4 of the United States Constitution.

199. Because of this violation and because CARRP's additional, non-statutory, substantive criteria have been applied to their applications, Plaintiff Wagafe and Naturalization Plaintiff Class members have suffered and will continue to suffer injury in the form of unreasonable delays and unwarranted denials of their naturalization applications.

200.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court grant the following relief:

1. Certify the case as a class action as proposed herein;
2. Appoint Plaintiff Ostadhassan a representative of the Muslim Ban Class;
3. Appoint Plaintiff Wagafe as representative of the Extreme Vetting Naturalization Class, and Plaintiff Ostadhassan as representative of the Extreme Vetting Adjustment of Status Class;
4. Order Defendants to adjudicate the petitions, applications or requests of Plaintiffs and members of the proposed classes;
5. Order Defendants to adjudicate Plaintiffs' and proposed class members' petitions, applications, or requests based solely on the statutory criteria;
6. Declare that Sections 3(c) and 4 of the Executive Order contrary to the Constitution and the INA;
7. Issue an order enjoining Defendants from applying Section 3(c) and 4 to Plaintiffs and members

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of the proposed classes;

8. Declare that CARRP or any successor "extreme vetting" program violates the Constitution, the INA and the APA;
9. Enjoin Defendants, their subordinates, agents, employees, and all others acting in concert with them from applying CARRP or any successor "extreme vetting" program to the processing and adjudication of the immigration benefit petitions, applications, or requests of Plaintiffs and members of the proposed classes;
10. Order Defendants to rescind CARRP because they failed to follow the process for notice and comment by the public;
11. Alternatively, order Defendants to provide Plaintiffs and members of the proposed classes with notice that they have been subjected to CARRP or any successor "extreme vetting" program, the reasons for subjecting them to CARRP or any successor "extreme vetting" program, and a reasonable opportunity to respond to those allegations before a neutral decisionmaker;
12. Award Plaintiffs and other members of the proposed class reasonable attorneys' fees and costs; and
13. Grant any other relief that this Court may deem fit and proper.

Respectfully submitted this 1st day of February, 2017.

By:

s/Matt Adams

s/Glenda M. Aldana Madrid

Matt Adams, WSBA No. 28287
Glenda M. Aldana Madrid, WSBA No. 46987
Northwest Immigrant Rights Project
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Seattle, WA 98122
Telephone: (206) 957-8611
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s/Emily Chiang
Emily Chiang, WSBA No. 50517
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Jennifer Pasquarella (application for leave to appear *pro hac vice* forthcoming)
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Trina Realmuto (admitted *pro hac vice*)
Kristin Macleod-Ball (admitted *pro hac vice*)
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of the National Lawyers Guild
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Facsimile: (617) 227-5495
trina@nipnlg.org
kristin@nipnlg.org

s/Hugh Handeyside
Hugh Handeyside, WSBA No. 39792
Lee Gelernt (admitted *pro hac vice*)
Hina Shamsi (admitted *pro hac vice*)
American Civil Liberties Union Foundation
125 Broad Street
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s/ Harry H. Schneider, Jr.
s/ Nicholas P. Gellert
s/ David A. Perez
s/ Kathryn Reddy
Harry H. Schneider, Jr. #9404
Nicholas P. Gellert #18041
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Facsimile: 206.359.9000
Email: HSchneider@perkinscoie.com
NGellert@perkinscoie.com
DPerez@perkinscoie.com
KReddy@perkinscoie.com

Referred to Department of Homeland Security

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Referred to Department of Homeland Security

(b)(5

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Gillispie, Anna E

From: Alfonso, Angelica M
Sent: Friday, February 03, 2017 8:51 AM
To: Renaud, Tracy L
Cc: Young, Todd P; Walters, Jessica S
Subject: RE: For today's call

The specifics and briefing papers for this call are forthcoming from DHS....

From: Renaud, Tracy L
Sent: Friday, February 03, 2017 9:37 AM
To: Alfonso, Angelica M
Cc: Young, Todd P; Walters, Jessica S
Subject: RE: For today's call

Very helpful. Thanks, Angie.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Alfonso, Angelica M
Sent: Friday, February 03, 2017 9:31 AM
To: Renaud, Tracy L
Cc: Young, Todd P; Walters, Jessica S
Subject: For today's call

Hi Tracy,
For your awareness and background, Joe Moore and team participated in a call with HAC/SAC on Monday (DHS cleared). The purpose of the call was to clarify sections of the INA. It, of course, strayed beyond that.

The staffers requested information on the number of circuit rides that were in progress, and had to be cancelled, when Friday's Executive Order was issued. They did not indicate whether they would be sending an official request for that information, but did ask us to provide what information we could. These same staffers will be on today's call and I expect it to come up.

Mary Margaret and Jennifer have pulled together the following:

RAD-
At the time the E.O. was signed

- RAD had one single circuit ride in progress in Vienna, Austria. This consisted of 1 single person.
- As the circuit ride interviews in Vienna consisted of religious minorities, the circuit ride was not canceled and is currently in progress.
- RAD canceled all other circuit rides scheduled to deploy on or before February 15. A total of 19 circuit rides (Middle East, Africa, Asia, and Latin America) were canceled.
- All circuit rides scheduled to deploy after February 15 are being reviewed in light of the E.O. There are 11 circuit rides under this review.

- RAD is now considering adding two additional adjudicators to the Vienna circuit ride.
- RAD is also planning toward staffing an upcoming circuit ride to Nauru (it was one that was originally canceled) as it falls within one of the E.O.'s stated exceptions as this location's processing is pursuant to an international agreement.

IO-

IO curtailed one circuit ride that had been taking place in Cape Town, South Africa. There were 4 members on the team.

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

Gillispie, Anna E

From: Busch, Philip B
Sent: Thursday, February 02, 2017 6:04 PM
To: Walters, Jessica S; Farnam, Julie E; Young, Todd P
Cc: Groom, Molly M; Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

Good to know, thank you. Phil

From: Walters, Jessica S
Sent: Thursday, February 02, 2017 6:16:44 PM
To: Busch, Philip B; Farnam, Julie E; Young, Todd P
Cc: Groom, Molly M; Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

Hi Phil:

Lori/Tracy discussed this exact issue with the Department. Lori pointed out that people who leave with advance parole may not be able to return. The parole document includes language to that effect also so I think the person is on notice that he/she might not be able to come back.
Jess

From: Busch, Philip B
Sent: Thursday, February 02, 2017 5:28 PM
To: Farnam, Julie E; Walters, Jessica S; Young, Todd P
Cc: Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Yes, as it's an application by an alien in the United States. It's not barred by the EO.

However, the more I think about this one the more I think some further discussion is warranted on whether we should be doing this as a matter of policy since it would be taken as approval to return which it really wouldn't be.

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

(b)(6)

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From: Farnam, Julie E
Sent: Thursday, February 02, 2017 5:17 PM
To: Walters, Jessica S; Busch, Philip B; Young, Todd P
Cc: Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

One question already came in—can we approve advance parole for the seven countries or not?

From: Walters, Jessica S
Sent: Thursday, February 02, 2017 5:06 PM
To: Alfonso, Angelica M; Busch, Philip B; Arditti, Avi; Young, Todd P; Torres, Juan J
Cc: Groom, Molly M; Farnam, Julie E; Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

Please see attached. FYI – Julie is coordinating with OCOMM and OLA for distribution. Lori confirmed LG and broadcast.

From: Alfonso, Angelica M
Sent: Thursday, February 02, 2017 5:03 PM
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Subject: RE: USCIS Guidance on 1/27 executive order

Thanks – Juan will need the signed .PDF for connect and the LG.

From: Walters, Jessica S
Sent: Thursday, February 02, 2017 4:58 PM
To: Alfonso, Angelica M; Busch, Philip B; Arditti, Avi; Young, Todd P
Cc: Groom, Molly M; Farnam, Julie E; Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

Yes, I think so.

Lori just signed it. I have to clean up one edit and will send to this group.

From: Alfonso, Angelica M
Sent: Thursday, February 02, 2017 4:55 PM
To: Busch, Philip B; Arditti, Avi; Young, Todd P
Cc: Walters, Jessica S; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

do you all anticipate the guidance clearing tonight?

From: Busch, Philip B
Sent: Thursday, February 02, 2017 3:38 PM
To: Arditti, Avi; Alfonso, Angelica M; Young, Todd P
Cc: Walters, Jessica S; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Some suggestions attached. Also FYI the latest version of the guidance. Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel

Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

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Sent: Thursday, February 02, 2017 2:27 PM
To: Alfonso, Angelica M; Young, Todd P
Cc: Walters, Jessica S; Busch, Philip B; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

There's a missing letter in the answer to Q2. Also, the answer is mislabeled as A1:

A~~1~~2. Yes. For individuals outside the country, USCIS will only process applications and petitions (including immigrant and nonimmigrant petitions) that do not confer an immigration benefit. Examples of applications and petitions that do not confer an immigration benefit include, but are not limited to, Form 130, Petition for Alien Relative; Form I-140, Immigrant Petition for Alien Worker; and Form I-129F, Petition for Alien Fiancé(e).

Avi Arditti
Deputy Chief, Plain Language and Content Division | *Office of Communications*
[redacted] (b)(6)

From: Alfonso, Angelica M
Sent: Thursday, February 02, 2017 2:08 PM
To: Arditti, Avi; Young, Todd P
Cc: Walters, Jessica S; Busch, Philip B; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Thanks, Avi!
Molly, per our discussion...

From: Arditti, Avi
Sent: Thursday, February 02, 2017 2:07 PM
To: Young, Todd P; Alfonso, Angelica M
Cc: Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

Many thanks, Todd. Clean version with your edits.

Avi Arditti
Deputy Chief, Plain Language and Content Division | *Office of Communications*

[redacted] (b)(6)

From: Young, Todd P
Sent: Thursday, February 02, 2017 1:50 PM
To: Arditti, Avi; Alfonso, Angelica M
Cc: Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

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Thanks,
Todd

Gillispie, Anna E

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Sent: Thursday, February 02, 2017 5:47 PM
To: Walters, Jessica S; Busch, Philip B; Young, Todd P
Cc: Groom, Molly M; Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

Thank you for the clarification.

From: Walters, Jessica S
Sent: Thursday, February 02, 2017 6:19:31 PM
To: Busch, Philip B; Farnam, Julie E; Young, Todd P
Cc: Groom, Molly M; Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

Yes, they also agree with Phil that AP for the 7 countries is ok if it is a person applying in the US.

From: Walters, Jessica S
Sent: Thursday, February 02, 2017 6:17 PM
To: Busch, Philip B; Farnam, Julie E; Young, Todd P
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Philip B. Busch
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[redacted]

(b)(6)

[redacted] (b)(6)

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Avi Arditti
Deputy Chief, Plain Language and Content Division | *Office of Communications*
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Deputy Chief, Plain Language and Content Division | *Office of Communications*
[redacted]
(b)(6)

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Philip B. Busch
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Sent: Thursday, February 02, 2017 5:03 PM
To: Walters, Jessica S; Busch, Philip B; Arditti, Avi; Young, Todd P; Torres, Juan J
Cc: Groom, Molly M; Farnam, Julie E
Subject: RE: USCIS Guidance on 1/27 executive order

Thanks – Juan will need the signed .PDF for connect and the LG.

From: Walters, Jessica S
Sent: Thursday, February 02, 2017 4:58 PM
To: Alfonso, Angelica M; Busch, Philip B; Arditti, Avi; Young, Todd P
Cc: Groom, Molly M; Farnam, Julie E; Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

Yes, I think so.

Lori just signed it. I have to clean up one edit and will send to this group.

From: Alfonso, Angelica M
Sent: Thursday, February 02, 2017 4:55 PM
To: Busch, Philip B; Arditti, Avi; Young, Todd P
Cc: Walters, Jessica S; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

do you all anticipate the guidance clearing tonight?

From: Busch, Philip B
Sent: Thursday, February 02, 2017 3:38 PM
To: Arditti, Avi; Alfonso, Angelica M; Young, Todd P
Cc: Walters, Jessica S; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Some suggestions attached. Also FYI the latest version of the guidance. Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

(b)(6)

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From: Arditti, Avi
Sent: Thursday, February 02, 2017 2:27 PM
To: Alfonso, Angelica M; Young, Todd P
Cc: Walters, Jessica S; Busch, Philip B; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

There's a missing letter in the answer to Q2. Also, the answer is mislabeled as A1:

A12. Yes. For individuals outside the country, USCIS will only process applications and petitions (including immigrant and nonimmigrant petitions) that do not confer an immigration benefit. Examples of applications and petitions that do not confer an immigration benefit include, but are not limited to, Form 130, Petition for Alien Relative; Form I-140, Immigrant Petition for Alien Worker; and Form I-129F, Petition for Alien Fiancé(e).

Avi Arditti
Deputy Chief, Plain Language and Content Division | *Office of Communications*
[redacted]
(b)(6)

From: Alfonso, Angelica M
Sent: Thursday, February 02, 2017 2:08 PM
To: Arditti, Avi; Young, Todd P
Cc: Walters, Jessica S; Busch, Philip B; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Thanks, Avi!
Molly, per our discussion...

From: Arditti, Avi
Sent: Thursday, February 02, 2017 2:07 PM
To: Young, Todd P; Alfonso, Angelica M
Cc: Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

Many thanks, Todd. Clean version with your edits.

Avi Arditti
Deputy Chief, Plain Language and Content Division | *Office of Communications*
[redacted]
(b)(6)

From: Young, Todd P
Sent: Thursday, February 02, 2017 1:50 PM
To: Arditti, Avi; Alfonso, Angelica M
Cc: Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

Hi – Here are my initial comments that will likely need to be revisited once we have a final guidance document. I included clarification within the attachment addressing Avi's Q below.

Thanks,
Todd

Gillispie, Anna E

From: Farnam, Julie E
Sent: Thursday, February 02, 2017 4:17 PM
To: Walters, Jessica S; Busch, Philip B; Young, Todd P
Cc: Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

One question already came in—can we approve advance parole for the seven countries or not?

From: Walters, Jessica S
Sent: Thursday, February 02, 2017 5:06 PM
To: Alfonso, Angelica M; Busch, Philip B; Arditti, Avi; Young, Todd P; Torres, Juan J
Cc: Groom, Molly M; Farnam, Julie E; Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

Please see attached. FYI – Julie is coordinating with OCOMM and OLA for distribution. Lori confirmed LG and broadcast.

From: Alfonso, Angelica M
Sent: Thursday, February 02, 2017 5:03 PM
To: Walters, Jessica S; Busch, Philip B; Arditti, Avi; Young, Todd P; Torres, Juan J
Cc: Groom, Molly M; Farnam, Julie E
Subject: RE: USCIS Guidance on 1/27 executive order

Thanks – Juan will need the signed .PDF for connect and the LG.

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Sent: Thursday, February 02, 2017 4:58 PM
To: Alfonso, Angelica M; Busch, Philip B; Arditti, Avi; Young, Todd P
Cc: Groom, Molly M; Farnam, Julie E; Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

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do you all anticipate the guidance clearing tonight?

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To: Arditti, Avi; Alfonso, Angelica M; Young, Todd P
Cc: Walters, Jessica S; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Some suggestions attached. Also FYI the latest version of the guidance. Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
[redacted] (b)(6)

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Sent: Thursday, February 02, 2017 2:27 PM
To: Alfonso, Angelica M; Young, Todd P
Cc: Walters, Jessica S; Busch, Philip B; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

There's a missing letter in the answer to Q2. Also, the answer is mislabeled as A1:

A~~1~~2. Yes. For individuals outside the country, USCIS will only process applications and petitions (including immigrant and nonimmigrant petitions) that do not confer an immigration benefit. Examples of applications and petitions that do not confer an immigration benefit include, but are not limited to, Form 130, Petition for Alien Relative; Form I-140, Immigrant Petition for Alien Worker; and Form I-129F, Petition for Alien Fiancé(e).

Avi Arditti
Deputy Chief, Plain Language and Content Division | *Office of Communications*
[redacted] (b)(6)

From: Alfonso, Angelica M
Sent: Thursday, February 02, 2017 2:08 PM
To: Arditti, Avi; Young, Todd P
Cc: Walters, Jessica S; Busch, Philip B; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Thanks, Avi!
Molly, per our discussion...

From: Arditti, Avi
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To: Young, Todd P; Alfonso, Angelica M
Cc: Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

Many thanks, Todd. Clean version with your edits.

Avi Arditti
Deputy Chief, Plain Language and Content Division | *Office of Communications*
[redacted] (b)(6)

From: Young, Todd P
Sent: Thursday, February 02, 2017 1:50 PM
To: Arditti, Avi; Alfonso, Angelica M
Cc: Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

Hi – Here are my initial comments that will likely need to be revisited once we have a final guidance document. I included clarification within the attachment addressing Avi's Q below.

Thanks,
Todd

Referred to Department of Homeland Security

(b)(6

Referred to Department of Homeland Security

Gillispie, Anna E

From: Busch, Philip B
Sent: Thursday, February 02, 2017 8:46 AM
To: Scialabba, Lori L; Renaud, Tracy L; Groom, Molly M
Cc: Alfonso, Angelica M; Farnam, Julie E; Swanson, Toni; Young, Todd P; Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

(b)(5)

How about changing the relevant part of #1 to this:

[redacted]

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Scialabba, Lori L
Sent: Thursday, February 02, 2017 9:40 AM
To: Busch, Philip B; Renaud, Tracy L; Groom, Molly M
Cc: Alfonso, Angelica M; Farnam, Julie E; Swanson, Toni; Young, Todd P; Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

I can do that since the WH has said the EO does not apply to LPRs. But since that's been made public I I think it can go into the memo without going back to DHS.

From: Busch, Philip B
Sent: Thursday, February 02, 2017 9:32:58 AM
To: Scialabba, Lori L; Renaud, Tracy L; Groom, Molly M
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

On the second point, that is what this guidance provides.

On the first one, if you want more clarity based on the evolving guidance we have been getting about LPRs in this document, that can be done, but I think it would need to go through DHS clearance again. Perhaps it is more efficient to clarify that particular point with RAIO than revise the guidance to all employees again.

Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
[redacted] (b)(6)

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From: Scialabba, Lori L
Sent: Thursday, February 02, 2017 9:23 AM
To: Renaud, Tracy L; Groom, Molly M; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

I was specifically told we can issue a boarding letter to an LPR and WH clarified this doesn't apply to LPRs.

I was also told we could issue refugee travel document to anyone in the U.S. As well as an I-730.

From: Renaud, Tracy L
Sent: Thursday, February 02, 2017 8:28:29 AM
To: Groom, Molly M; Scialabba, Lori L; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

So how do we know when/if they get a waiver so that we then issue the boarding letter/parole?

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Groom, Molly M
Sent: Thursday, February 02, 2017 8:07:02 AM

To: Renaud, Tracy L; Scialabba, Lori L; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

It's saying what is barred so those adjudications are barred but the individual could get a waiver so I think it is fine.

From: Renaud, Tracy L
Sent: Thursday, February 02, 2017 7:43:52 AM
To: Groom, Molly M; Scialabba, Lori L; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

Molly - What does the edit to bullet number one where OGC changed "benefit" to "travel authorization" do to the RAIO processing of travel letters and/or humanitarian parole?

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Groom, Molly M
Sent: Thursday, February 02, 2017 12:11:26 AM
To: Scialabba, Lori L; Busch, Philip B
Cc: Renaud, Tracy L; Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

OGC has just asked that we discuss any changes that concern you and that they feel some of the edits are necessary. Please let me know if you want to discuss any of them. Molly

---

From: Groom, Molly M
Sent: Thursday, February 02, 2017 12:07:30 AM
To: Scialabba, Lori L; Busch, Philip B
Cc: Renaud, Tracy L; Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

Lori, we discussed some changes with OGC later which are attached. Please consider them before you issue. We agree that issuing these instructions are the highest priority for the agency. Thanks.

From: Scialabba, Lori L
Sent: Wednesday, February 01, 2017 11:19:50 PM
To: Hamilton, Gene; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen
Cc: Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Thank you Gene. Have a good evening.

Lori

From: Hamilton, Gene
Sent: Wednesday, February 01, 2017 10:41:34 PM
To: Scialabba, Lori L; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen
Cc: Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Thanks, Lori. This is good to go.

From: Scialabba, Lori L
Sent: Tuesday, January 31, 2017 3:55:57 PM
To: Hamilton, Gene; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen
Cc: Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M
Subject: FW: USCIS Guidance on 1/27 executive order

Please see the attached guidance that I would like to send to USCIS staff. It does not answer all questions but it will address the vast majority. Please let me know if you'd like to discuss. OCC and our politicals have reviewed.

I plan to send our parole program paper in the next day or so with our recommendations for consideration. Once decisions are made I'll have guidance drafted for implementation and sent up for review.

I know everyone is very busy but if I can get a clearance on the attached memo we'll be out in front of what may be the next round of questions regarding the EO that was signed on Friday.

Regards,
Lori

From: Walters, Jessica S
Sent: Tuesday, January 31, 2017 3:36 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Young, Todd P; Farnam, Julie E; Walters, Jessica S
Subject: USCIS Guidance on 1/27 executive order

Lori and Tracy:

Please see the proposed USCIS guidance on implementation of the 1/27 executive order. It's been reviewed by OCC (Molly/Phil) and Craig/Carl.

Thanks,

Jess

Jessica S. Walters
Senior Advisor| Office of the Director and Deputy Director
U.S. Citizenship and Immigration Services| U.S. Department of Homeland Security|
[redacted]
(b)(6)

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Gillispie, Anna E

From: Young, Todd P
Sent: Tuesday, January 31, 2017 8:04 AM
To: Walters, Jessica S
Subject: FW: Application processing statement

Importance: High

What do you think of my edits? Going to send this one to Tracy, Lori, and our political points for review as well.

From: Carter, Jeffrey T (Jeff)
Sent: Monday, January 30, 2017 8:50 PM
To: Young, Todd P
Cc: Alfonso, Angelica M; Valverde, Michael; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Hatchett, Dolline L; Gwathmey, Carolyn S (CeCe)
Subject: Application processing statement
Importance: High

Todd:

OCOMM received inquiries from the Arizona Republic and Law360 asking if USCIS has been directed to stop processing applications for green cards, status adjustments, etc. The following statement, which has been developed with FOD, addresses the question:

"USCIS continues to adjudicate and administer the oath of allegiance for all citizenship cases. Final adjudication on other applications, including adjustment of status applications, continues up to final decision for certain classes of foreign nationals specified in the President's executive order. [redacted]

(b)(5)

I will send to OPA for clearance with your approval.

Thanks,

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services

[redacted]

(b)(6)

Please visit www.uscis.gov for news and information.

Gillispie, Anna E

From: Young, Todd P
Sent: Tuesday, January 31, 2017 8:19 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S
Subject: FW: Application processing statement

Importance: High

Lori and Tracy,

We received an inquiry from the Arizona Republic and Law360 asking if USCIS has been directed to stop processing applications for green cards, status adjustments, etc. Below is the original response language developed by FOD addressing the issue along with my recommended edits. Let me know if you're comfortable with sending the revised statement along to OPA for clearance.

---Original Version---
"USCIS continues to adjudicate and administer the oath of allegiance for all citizenship cases. Final adjudication on other applications, including adjustment of status applications, continues up to final decision. USCIS believes this temporary pause in issuing final decisions will not result in noticeable delays for applicants and petitioners."

---Proposed Revisions---
"USCIS continues to adjudicate and administer the oath of allegiance for all citizenship cases. Final adjudication on other applications, including adjustment of status applications, continues up to ~~final~~ decision for certain classes of foreign nationals specified in the President's executive order. [redacted]

(b)(5)

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Sent: Monday, January 30, 2017 8:50 PM
To: Young, Todd P
Cc: Alfonso, Angelica M; Valverde, Michael; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Hatchett, Dolline L; Gwathmey, Carolyn S (CeCe)
Subject: Application processing statement
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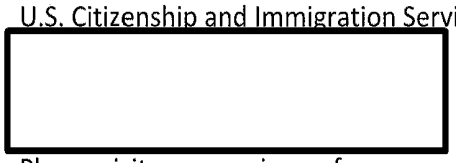
Thanks,

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services



(b)(6)

Please visit www.uscis.gov for news and information.

Gillispie, Anna E

From: Renaud, Tracy L
Sent: Tuesday, January 31, 2017 8:27 AM
To: Young, Todd P; Scialabba, Lori L
Cc: Walters, Jessica S
Subject: RE: Application processing statement

Todd – How much of a hurry are they in? Lori is pushing DHS to get clearance to message out business as usual and it would be good if we could hold this a few hours so we can indicate that we had a short-term hold on final decisions which has since been lifted and we are back to processing as usual.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Young, Todd P
Sent: Tuesday, January 31, 2017 9:19 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S
Subject: FW: Application processing statement
Importance: High

Lori and Tracy,

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Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

Please visit www.uscis.gov for news and information.

Gillispie, Anna E

From: Young, Todd P
Sent: Tuesday, January 31, 2017 8:53 AM
To: Renaud, Tracy L; Scialabba, Lori L
Cc: Walters, Jessica S
Subject: RE: Application processing statement

We can put this on the back burner for a bit. It's important that we get these statements right, including the most recent guidance.

From: Renaud, Tracy L
Sent: Tuesday, January 31, 2017 9:27 AM
To: Young, Todd P; Scialabba, Lori L
Cc: Walters, Jessica S
Subject: RE: Application processing statement

Todd – How much of a hurry are they in? Lori is pushing DHS to get clearance to message out business as usual and it would be good if we could hold this a few hours so we can indicate that we had a short-term hold on final decisions which has since been lifted and we are back to processing as usual.

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Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

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[redacted]

(b)(5)

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Sent: Monday, January 30, 2017 8:50 PM
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Cc: Alfonso, Angelica M; Valverde, Michael; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Hatchett, Dolline L; Gwathmey, Carolyn S (CeCe)
Subject: Application processing statement
Importance: High

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Thanks,

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

Please visit www.uscis.gov for news and information.

Referred to Department of Homeland Security

(b)(6

(b)(6

Referred to Department of Homeland Security

(b)(6

(b)(6

Referred to Department of Homeland Security

(b)(6

Referred to Department of Homeland Security

Referred to Department of Homeland Security

Gillispie, Anna E

From: Bardini, Emilia M
Sent: Sunday, January 29, 2017 5:56 PM
To: Lafferty, John L; RAIO - Asylum Field Office Managers
Cc: Kim, Ted H; Caudill-Mirillo, Ashley B; Mura, Elizabeth E; Roberts, Rhonda J; Kirkland, Brooke A; Pilotti, David A; Tanner, Rebecca S; Potts-Hansen, Stephanie N; Ho, Cheri L
Subject: RE: Follow-up questions needing response ASAP

We're at the office, and we've not received anything from CPB.

Emilia

Emilia M. Bardini
Director,
San Francisco Asylum Office
Refugee, Asylum and International Operations
USCIS

From: Lafferty, John L
Sent: Sunday, January 29, 2017 10:10 AM
To: RAIO - Asylum Field Office Managers
Cc: Kim, Ted H; Caudill-Mirillo, Ashley B; Mura, Elizabeth E; Roberts, Rhonda J; Kirkland, Brooke A; Pilotti, David A; Tanner, Rebecca S; Potts-Hansen, Stephanie N
Subject: Follow-up questions needing response ASAP

Everyone,

I need answer to 2 questions:

1. Have you or someone from you office been contacted by any attorneys representing people who have arrived or are expected to arrive at airports in the coming days who are requesting CF interviews for their clients?

2. Has your office received any CF referral documents from ICE or CBP related to people stopped from entry in the aftermath of Friday's EO?

Thanks!!

From: Lafferty, John L
Sent: Sunday, January 29, 2017 12:10:54 PM
To: RAIO - Asylum Field Office Managers
Cc: Kim, Ted H; Caudill-Mirillo, Ashley B; Mura, Elizabeth E; Roberts, Rhonda J; Kirkland, Brooke A; Pilotti, David A; Tanner, Rebecca S; Potts-Hansen, Stephanie N
Subject: FW: RAIO's most time sensitive issues for Executive Order Implementation

Everyone,

As of the moment, the instructions I sent out yesterday stay in place until we get further instruction from agency/department leadership. As you can see from the below chain, Joanna has notified leadership of our present instructions and is seeking further guidance.

Given what is happening at the airports, I understand that some additional guidance is needed on CF/RF processing. CF/RF screenings should continue for anyone who is placed into ER and is referred to us after making a fear claim, or anyone subject to reinstatement or admin removal order who is referred to us after making a fear claim. We confer no benefit in the screening process, so our work in these areas should continue unless/until we are instructed otherwise.

Please feel free to continue to submit any questions that you may have.

John

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 8:42:27 PM
To: Walters, Jessica S
Cc: Strack, Barbara L; Stone, Mary M; Lafferty, John L; Kim, Ted H; Nicholson, Maura J; Scialabba, Lori L; Renaud, Tracy L
Subject: RAIO's most time sensitive issues for Executive Order Implementation

Jessica,

Attached please find a preliminary list of implementation issues for RAIO. These are ones that are most time sensitive, in that we need to get guidance out to the field as soon as possible – by Sunday evening, if possible.

This does not include the most urgent issue regarding the list of individuals State is requesting to exempt so they can travel, which is being worked separately.

Let me know if you have questions. Also including content in the message in case that is helpful for those on phones.

Thanks,

Joanna

RAIO Time Sensitive Questions on the Executive Order

Refugee Processing – what can continue?

For reference - current circuit rides:

1. Cape Town, South Africa (total number of cases is 166) – deployed through February 3:
    a. 92% nationality is Somali – Claims are mostly based on religious beliefs (different interpretations of Islam than Al Shabaab)
    b. 8% nationality is Democratic Republic of Congo – Claims are nationality claims based on tribe.
2. Indonesia (total number of cases is 130) – deployed through February 10:
    a. 95% nationality is Burmese – religious minority Rohingya population
    b. 5% nationality is Afghan – No claim info available
3. Vienna (RAD CR – one officer is currently onsite processing cases) – deployed through February 24:
    a. 100% from Iran – claims are religious persecution as either Assyrian/Armenian Christians or Bahai
    b. Note that these cases must obtain special visas to enter Austria and can only remain in Vienna for a very limited amount of time.

Urgent time-sensitive questions (need answers by Sunday evening, if possible):

1. Can the officer in Vienna resume interview on Monday? In light of the "notwithstanding" language at Sec. 5(e), we propose that he continue w/interviews as planned.

   In particular, that section says that the USRAP can use discretion to admit refugees during the 120-day suspension "when admitting the person would enable the United States to conform its conduct to a preexisting international agreement..." We have such an agreement w/Austria. What we are proposing is not actually ADMISSIONS, however, but continuing w/RAD interviews, which seems in keeping with the intent and spirit of this provision. Since these applicants are Iranian religious minorities, we believe that their future admission would need to be assessed under the 90-day rule in Sec. 3.

2. Can we continue interviewing in Indonesia? We recommend that we continue, at least for the Rohingya population. PRM's guidance to RSC's is to continue processing around the world and just to cancel travel for the affected population, and we are working with them on determining best course of action for this caseload.

3. Should we continue interviews in South Africa? We think it would not be the best use of resources to continue to interview this population and intend to move forward to curtail those interviews. We are consulting with PRM.

4. Should we continue interviews in Moscow? We have Lautenberg interviews scheduled in Moscow all week. This includes P1s and Lautenberg (largely Ukrainian religious minorities traveling in from the Ukraine for their interviews). Some of the P-1s travel in from remote areas. Our proposed plan:

   Where someone may already be in transit, we intend to continue with the interview if the individual was a Lautenberg or other religious minority, even though we are all still awaiting guidance on how the religious minority exception may be defined. For those other P1s, we intend to collect prints and inform them of the suspension, but not conduct an interview. We don't want to continue interviewing if we may have to do reinterviews later based on a new or amended approach to processing.

5. We believe we have P-1s also scheduled in New Delhi. Would follow same approach as above.

Less Urgent:

6. Should we resume planning scheduling CR for Nauru (originally planned for Feb. 5-6, but suspended). We believe this falls under the "preexisting international agreement" provision is the USG agreement w/Australia concerning Nauru. State believes that having visible evidence of progress is important to both the Australian gov't and to the refugees, whose hopelessness has led to violence, self-harm, non-compliance, etc.

Asylum Processing:

1. Does the suspension apply to processing affirmative asylum applications filed by individuals from the countries on the list?

   - We have notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise.
   - We have told them to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

Refugee Travel Documents:

Should USCIS continue to issue refugee travel documents (domestically and abroad) to those not on the list? IO currently has a number of pending requests for refugee documents and the vast majority are Iraqi and the individuals are currently in Iraq. Will issue guidance to suspend processing those on the list, but what about the others?

TRIG:

Should we tell staff to hold off on approving cases for existing TRIG exemptions while all exemptions are being reviewed for possible rescission?

I-730's Processed Abroad:

1. Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list (e.g., China)? State's guidance to consular officers is to continue processing those. We have not issued any yet.
2. If we issued a travel document to a refugee FTJ or an asylee FTJ from one of the 7 countries before the 1/27/17 E.O. and the beneficiary hasn't traveled yet, should we try to get the travel document or packet back?

Referred to Department of Homeland Security

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Referred to Department of Homeland Security

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Referred to Department of Homeland Security

Referred to Department of Homeland Security

Gillispie, Anna E

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 10:54 AM
To: Neufeld, Donald W; Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc: Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S; Lafferty, John L; Strack, Barbara L; Stone, Mary M; Nicholson, Maura J
Subject: RE: Executive Order

Asylum has notified field leadership that they should arrange to stop any decision-issuance to asylum applicants from the listed countries until they are instructed otherwise. They also told leadership to review their upcoming schedules and prepare to cancel any interviews for nationals from the listed countries. They were told not to actually begin cancelling the interviews until they received further guidance from HQ.

IO is working with front office on guidance for international staff and ongoing refugee interviews. We have greenlight for refugee interviews in Vienna to continue tomorrow.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Sunday, January 29, 2017 11:52 AM
To: Renaud, Daniel M; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Same here Larry. We have put a full stop on everything involving the 7 countries at the centers pending further guidance.

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 11:40:01 AM
To: Levine, Laurence D; Groom, Molly M; Neufeld, Donald W; Walters, Jessica S
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

As of right now, we are holding all applications and petitions from led by individuals from the 7 countries. We did let an N-400 ceremony and an N-600 ceremony go forward yesterday.

We expect today to put out general guidance that the EO does not impact citizenship cases. DHS is reviewing the language. Everything else is on hold.

From: Levine, Laurence D
Sent: Sunday, January 29, 2017 11:24:57 AM
To: Groom, Molly M; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Has anything gone out to our field folks at this point about pendings?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 9:21:08 PM
To: Levine, Laurence D; Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Walters, Jessica S
Subject: RE: Executive Order

Trying to get best information.

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:20:37 PM
To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Reuters is reporting that the stay covers holders of valid IV and NIVs and arriving refugees

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Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Levine, Laurence D
Sent: Saturday, January 28, 2017 9:08:36 PM

To: Neufeld, Donald W; Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

I've only seen this on Twitter, but it looks like a judge in EDNY has granted a nationwide stay of the refugee EO. I haven't been able to nail down a copy of the actual order, so I have no actual details. Anyone else hear anything?

Larry Levine
Acting Chief
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 12:54:08 PM
To: Walters, Jessica S; Renaud, Daniel M
Cc: Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Yes, thanks. I've shared with my folks too.

From: Walters, Jessica S
Sent: Saturday, January 28, 2017 12:41:04 PM
To: Renaud, Daniel M
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M; Walters, Jessica S
Subject: RE: Executive Order

Thanks very much.

Jessica S. Walters
Senior Advisor
Office of the USCIS Deputy Director
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:16 AM
To: Walters, Jessica S
Cc: Neufeld, Donald W; Ruppel, Joanna; Young, Todd P; Slattery, Shannon E; Valverde, Michael; Levine, Laurence D; Groom, Molly M
Subject: FW: Executive Order

FOD will be using the attached matrix to help identify questions and track implementation timelines. You may find is useful as well as we identify questions, develop guidance, and implementation plans.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Slattery, Shannon E
Sent: Saturday, January 28, 2017 12:16:07 PM
To: Valverde, Michael; Renaud, Daniel M
Cc: Farnam, Julie E; Kvortek, Lisette E
Subject: RE: Executive Order

The attached document is a matrix breaking down the EO into its component parts and action items. I've added columns for QAs and started compiling those I saw come across this morning and some early ones I saw from Div. 1.

The Policy and general objectives language at the beginning pulls key language from the EO for quick reference when we're drafting statements. The date conversion chart indicates the calendar dates associated with any specific timeframe mentioned in the EO.

I am working to convert this to Excel over the weekend so it's a little more scalable, but wanted to pass it on for initial use.

Please let me know if you have any questions or see anything that needs editing.

Thanks,

Shannon E. Slattery
Field Operations Directorate | U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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From: Valverde, Michael
Sent: Saturday, January 28, 2017 11:42 AM
To: Renaud, Daniel M; Kvortek, Lisette E
Cc: Farnam, Julie E; Slattery, Shannon E
Subject: RE: Executive Order

For section 4, do we need to take any actions prior to the"plan" described in section four being developed and implemented? And who is responsible for developing the plan?

For section 6, should we adjudicate cases in TRIG hold? It doesn't seem like exemptions are forthcoming.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:34:15 AM
To: Kvortek, Lisette E

Cc: Valverde, Michael; Farnam, Julie E; Slattery, Shannon E
Subject: FW: Executive Order
To start and just on this part of the EO:

1. Are the following forms impacted: N-400s, N-336, I-601A, I-131, I-765, N-565, I-130, ...?
2. Should we deschedule oath ceremonies for individuals from the 7?
3. How do we handle N-400s 120+ days from interview?
4. Should we stop RFEs?
5. Should we stop scheduling interviews?

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 11:21:12 AM
To: Ruppel, Joanna; Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: McCament, James W; Nicholson, Maura J; Kliska, Jennifer R; Walters, Jessica S
Subject: RE: Executive Order
Everyone should be compiling a list of all of their questions and getting them to Jess so Lori and I have a complete list. If there are URGENT questions that we need answers to before Monday go ahead and flag those for us but I'm not sure the Department is going to get to us immediately, they are likely dealing with issues at the POEs which have a bit more urgency. I did send the question of whether this impact naturalization or not to the Department in an attempt to get an answer this weekend only because we have oath ceremonies scheduled for Monday.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order
I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order
I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order
I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted]
We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

(b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

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Gillispie, Anna E

From: Davidson, Andrew J
Sent: Thursday, January 26, 2017 1:50 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L; Walters, Jessica S
Subject: RE: Designated Countries of Concerns

Including Lori and Jess

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

From: Davidson, Andrew J
Sent: Thursday, January 26, 2017 2:43 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M
Subject: Designated Countries of Concerns

Tracy,

We will need official confirmation from the Department but here are the three major lists of the designated countries of concerns. One lists the consesus countries of state sponsored terrorism and the other two are maintained by DOS for the SAO process and CBP for ESTA. I am pretty sure this will be close to the inclusive list. In reading the Executive Order we should confirm with the Department as soon as possible if the 30 day suspension of immigrants and non-immigrants from these countries extends to those adjusting status.

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

State sponsor of terrorism (https://www.state.gov/j/ct/list/c14151.htm):

- Iran
- Sudan
- Syria

SAO:

- Cuba
- Egypt
- Iran
- Iraq
- Libya
- North Korea
- Somalia
- Sudan
- Republic of South Sudan
- Syria
- Yemen
- Mali

CBP list for ESTA limitations/restrictions (https://www.cbp.gov/travel/international-visitors/visa-waiver-program/visa-waiver-program-improvement-and-terrorist-travel-prevention-act-faq):

- Iraq
- Syria
- Sudan
- Libya
- Somalia
- Yemen

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

TAREQ AQEL MOHAMMED AZIZ, et al.,	)	
	)	
Plaintiffs/Petitioners	)	
	)	
v.	)	1:17-cv-116 (LMB/TCB)
	)	
DONALD TRUMP, President of the United States, et al.,	)	
	)	
	)	
Defendants/Respondents.	)	

MEMORANDUM OPINION

In this civil action, the Commonwealth of Virginia ("Commonwealth") alleges that Executive Order 13,769, entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" ("the EO"), violates the First and Fifth Amendments to the United States Constitution, as well as the Immigration and Nationality Act and Religious Freedom Restoration Act. Before the Court is the Commonwealth's Motion for a Preliminary Injunction, to which defendants have responded and on which oral argument has been held. Attached to the Commonwealth's motion were multiple exhibits and declarations. The defendants have responded with no evidence other than the EO, which they have defended primarily with arguments attacking the Commonwealth's standing to oppose the EO and emphasizing the authority of the president to issue such an EO. For the reasons that follow, the Commonwealth's Motion for a Preliminary Injunction will be granted.

I. FINDINGS OF FACT

A. The Executive Order

On January 20, 2017, Donald Trump ("Trump") was inaugurated as the 45th President of the United States. On January 27, 2017, he signed the EO. Section 3 of the EO "proclaim[ed]

that the immigrant and nonimmigrant entry into the United States of aliens from" Syria, Iraq, Iran, Libya, Sudan, Yemen, and Somalia "would be detrimental to the interests of the United States" and "suspend[ed] entry into the United States, as immigrants and nonimmigrants, of such persons for 90 days from the date of this order." [Dkt. 7-1] § 3(c). Although the EO specifically excludes "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"[1] from the ban on entry, it does not list lawful permanent residents ("LPRs") among those excluded. Id. Section 5 of the EO suspends the United States Refugee Assistance Program ("USRAP") for persons from all countries for 120 days. Id. at § 5(a). Once the suspension has ended, the EO directs the Secretaries of State and Homeland Security "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." Id. at § 5(b).

Section 1 describes the stated purpose for the EO as follows:

> 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.

[Dkt. 31-1] § 1. Section 2 goes on to declare it to be "the policy of the United States to protect its citizens from foreign nationals who intend to commit terrorist attacks in the United States;

[1] The "G" series of visas are available to qualifying representatives of foreign governments and international organizations.

and to prevent the admission of foreign nationals who intend to exploit United States immigration laws for malevolent purposes." Id. § 2.

The EO was initially applied to LPRs, and the defendants have since conceded that Customs and Border Patrol ("CBP") initially stopped several LPRs at the border in the 24 to 48 hours after the EO was signed, although they represent that all such persons have since been permitted to enter the United States. After initial confusion within the executive branch, [Dkt. 61-17], Homeland Security Secretary John Kelly released a statement on Sunday, January 29, announcing that he "deem[ed] the entry of lawful permanent residents to be in the national interest" and that "lawful permanent resident status will be a dispositive factor in our case-by-case determinations," [Dkt. 61-1].

The next day, White House Counsel Donald F. McGahn II issued a memorandum stating that "there has been reasonable uncertainty about whether [Section 3 of the EO] appl[ies] to lawful permanent residents of the United States. Accordingly, to remove any confusion, I now clarify that Section 3(c) . . . do[es] not apply to such individuals." [Dkt. 34-1]. Defendants have argued that in light of this memorandum, the EO cannot be interpreted to apply to LPRs; however, a voluntary change of policy cannot be taken as binding unless it is "absolutely clear" that the government will not revert to its original position. Friends of the Earth, Inc. v. Laidlaw Envt'l Servs. (TOC), Inc., 528 U.S. 167, 189 (2000). As the Ninth Circuit observed in related litigation, defendants have "offered no authority establishing that the White House counsel is empowered to issue an amended order superseding the Executive Order signed by the president . . . and that proposition seems unlikely," nor have they "established that the White House counsel's interpretation of the Executive Order is binding on all executive branch officials responsible for enforcing" it. Washington v. Trump, __ F.3d __, 2017 WL 526497, at *8 (9th

Cir. 2017). Accordingly, the Court finds that the EO presents an ongoing risk to the status of LPRs from the seven countries covered by the EO.

B. Injuries to the Commonwealth and its Residents

The Commonwealth has produced evidence of the EO being disruptive to the operation of its public colleges and universities. As the declaration of W. Taylor Reveley III ("Reveley"), who is president of the College of William & Mary and the chair of the Council of Presidents, a group consisting of the presidents and chancellors of Virginia's 14 public universities and colleges and 23 community colleges, [Dkt. 32] at ¶¶ 1–2, explains, the EO affects international travel of at least 350 students attending Virginia Commonwealth University, Virginia Tech, George Mason University, the University of Virginia, and William & Mary combined.[2] [Dkt. 32] at ¶ 5. That number includes at least two students who were abroad when the EO was issued and were denied reentry to the United States on its authority. Id. at ¶ 6.[3] At one university, Iranian-born faculty and students "have had to cancel their plans to present their work at an international conference on engineering" because they believe they are likely to be denied reentry to the United States. Id. at ¶ 7. The EO is also disrupting the process by which medical students "match" with academic hospitals for their residency, which takes place this month. Id. at ¶ 8. At least two Virginia universities have already had to cancel appearances by foreign scholars as a result of the EO. Id. at ¶ 9. Students have also begun withdrawing applications to attend Virginia schools as a result of the travel ban, and at least two students who had already announced an intention to enroll in Virginia schools have now abandoned those plans. Id. at

[2] At oral argument, the Commonwealth represented that across all of its schools its estimate of affected persons has grown to 1,000 students and 66 faculty and staff members.

[3] One of these students, Najwa Elyazgi, has since entered the United States, but only as a result of the District of Washington's order staying enforcement of the EO. [Dkt. 54] ¶ 11.

¶ 11. The affected students and faculty "must refrain from leaving the United States for fear of not being able to return," id. at ¶ 7, and "are unsure whether they should take the trips they had planned to visit family and fulfill research obligations, whether future trips should be planned, and whether members of their family or research partners will be able to visit the United States," id. at ¶ 14. The defendants provided no evidence to counter these representations.

The Commonwealth has also presented evidence that enforcement of § 3(c) of the EO will have a financial impact on its colleges and universities. Most concretely, the EO will result in reduced revenue from tuition money from students who cannot return to continue their studies or who are unable to enroll. [Dkt. 32] at ¶ 11. Department of Homeland Security data from 2015, the most recent year available, shows that 465 student visa holders from the affected countries were enrolled in Virginia schools. [Dkt. 61-15] at 4. College Factual, a company that specializes in higher education analytics, estimates that this could result in up to $20.8 million in lost tuition and fees. Id.; [Dkt. 61-16] at 1. Although the Commonwealth has not identified any specific grants or contracts that are in immediate jeopardy, it also argues that the EO may inhibit the ability of research universities to fulfill the terms of various grants and contracts. [Dkt. 32] at ¶ 12.

Reveley also avers that university personnel are experiencing "anxiety, confusion, and distress" because of the uncertainty introduced by the EO, such that some universities "have experienced an uptick in students, employees, and faculty using their counseling services." Id. at ¶ 14. Finally, Reveley and other administrators are concerned that the EO could imperil Virginia students who are studying abroad, by inflaming "anti-American sentiment[.]" Id. at ¶ 15. Again, defendants have not tendered any evidence to refute these concerns.

C. The Government's Asserted Rationale for the EO

Defendants have maintained that the EO is necessary to protect the United States from terrorist attacks to be carried out by nationals of the seven affected countries [Dkts. 31-1, 80]; however, they have not offered any evidence to identify the national security concerns that allegedly prompted this EO, or even described the process by which the president concluded that this action was necessary.[4]

And contrary to the national security concerns recited in the EO, the only evidence in the record on this subject is a declaration of 10 national security professionals who have served at the highest levels of the Department of State, the Department of Homeland Security, the Central Intelligence Agency, and the National Security Council through both Republican and Democratic administrations, [Dkt. 57], and at least four of whom "were current on active intelligence regarding all credible terrorist threat streams directed against the [United States] as recently as one week before the issuance of the" EO. Id. at ¶ 2. They write

> We all agree that the United States faces real threats from terrorist networks and must take all prudent and effective steps to combat them, including the appropriate vetting of travelers to the United States. We all are nevertheless unaware of any specific threat that would justify the travel ban established by the Executive Order issued on January 27, 2017. We view the Order as one that ultimately undermines the national security of the United States, rather than making us safer. In our professional opinion, this Order cannot be justified on national security or foreign policy grounds.

Id. at ¶ 3. They also observe that since September 11, 2011, "not a single terrorist attack in the United States has been perpetrated by aliens from the countries named in the Order." Id. at ¶ 4.

[4] To the extent that such evidence might be classified, "the Government may provide a court with classified information. Courts regularly receive classified information under seal and maintain its confidentiality. Regulations and rules have long been in place for that." Washington, 2017 WL 526497, at *10 n.8.

D. The President's Public Comments

The Commonwealth's evidence also contains several statements by the president and his senior advisors on the subject of immigration to the United States by Muslims. Although defendants dispute the relevance of these statements, as discussed below, they have not contested their accuracy.

On December 7, 2015, then-candidate Trump issued a press released titled "Donald J. Trump's Statement on Preventing Muslim Immigration." [Dkt. 61-12]. In the statement, he called "for a total and complete shutdown of Muslims entering the United States until our country's representatives can figure out what is going on." Id.

The latter statement is consistent with views that the president has expressed on various occasions over the last six years. A representative example[5] can be found in a 2011 interview with Fox News's Bill O'Reilly ("O'Reilly"). A portion of that interview reads:

> O'Reilly: Is there a Muslim problem in the world?
> Trump: Absolutely. Absolutely. I don't notice Swedish people knocking down the World Trade Center.
> . . .
> O'Reilly: But you do believe overall there is a Muslim problem in the world.
> Trump: Well, there is a Muslim problem. Absolutely. You just have to turn on your television set.
> O'Reilly: And do you think it encompasses all Muslims?
> Trump: No. And that's the sad part about life. Because you have fabulous Muslims. I know many Muslims and they're fabulous people. They're smart. They're industrious. They're great. Unfortunately, at this moment in time, there is a Muslim problem in the world. And by the way, and you know it and I [sic] and I know it and some people don't like saying it because they think it's not politically correct.

[Dkt. 61-19] at 5.

[5] The attachments to the Declaration of Mona Siddiqui [Dkt. 61] collect several other examples, although the Court does not consider every document in the Siddiqui declaration to be relevant.

As the campaign proceeded, there were fewer references to an outright ban on Muslim immigration, with the focus switched to a ban on persons from territories that have a Muslim majority. Mr. Trump and then-vice-presidential candidate Mike Pence ("Pence") were asked about this evolution in an interview with Lesley Stahl ("Stahl") on July 17, 2016. The relevant portion reads:

> Stahl: [I]n December, you [i.e., Pence] tweeted, and I quote you, "Calls to ban Muslims from entering the U.S. are offensive and unconstitutional."
> Trump: So you call it territories. OK? We're gonna do territories. We're not gonna let people come in from Syria that nobody knows who they are.
> . . .
> Stahl: [S]o you're changing . . . your position.
> Trump: --No, I—call it whatever you want. We'll call it territories, OK?
> Stahl: So not Muslims?
> Trump: You know—the Constitution—there's nothing like it. But it doesn't necessarily give us the right to commit suicide, as a country, OK? And I'll tell you this. Call it whatever you want, change territories [sic], but there are territories and terror states and terror nations that we're not gonna allow the people to come into our country.

[Dkt. 61-22] at 9–10.

On the morning of Friday, January 27, 2017, the president gave an interview with the Christian Broadcasting Network's David Brody ("Brody"):

> Brody: Persecuted Christians, we've talked about this, the refugees overseas. The refugee program, or the refugee changes you're looking to make. As it relates to persecuted Christians, do you see them as kind of a priority here?
> Trump: Yes.
> Brody: You do?
> Trump: They've been horribly treated. Do you know if you were a Christian in Syria it was impossible, at least very tough to get into the United States? If you were a Muslim you could come in, but if you were a Christian, it was almost impossible and the reason that was so unfair [sic], everybody was persecuted in all fairness, but they were chopping off the heads of everybody but more so the Christians. And I thought it was very, very unfair. So we are going to help them.

[Dkt. 61-6] at 2. That evening, the EO was signed.

On Sunday, January 29, 2017, two days after the EO was signed, former Mayor of New York City Rudolph Giuliani ("Giuliani") said in an interview on Fox News, "'I'll tell you the whole history of it[.]' . . . 'So when [Trump] first announced it, he said 'Muslim ban.' He called me up. He said, 'Put a commission together. Show me the right way to do it legally.' . . . 'And what we did was, we focused on, instead of religion, danger—the areas of the world that create danger for us[.]' . . . 'Which is a factual basis, not a religious basis. Perfectly legal, perfectly sensible. And that's what the ban is based on. It's not based on religion. It's based on places where there are [sic] substantial evidence that people are sending terrorists into our country.'" [Dkt. 61-4] at 1–2 (emphasis in original).

The president and his advisors deny that the EO represents the Muslim ban that the president spoke about during his campaign. Secretary Kelly said in an interview on Tuesday, January 31, 2017, "'This is not, I repeat not, a ban on Muslims.' . . . 'We cannot gamble with American lives. I will not gamble with American lives. These orders are a matter of national security, and it is my sworn responsibility as secretary of homeland security to protect and defend the American people.'" [Dkt. 61-17] at 3.

II. CONCLUSIONS OF LAW

A. Justiciability

As a threshold matter, defendants argue that courts "lack jurisdiction to review the Executive Branch's decisions concerning visa revocation and entry," at least in part because those decisions involve national security judgments. [Dkt. 80] at 14.

The word "jurisdiction" was once a "word of many, too many, meanings." Steel Co. v. Citizens for a Better Environment, 523 U.S. 83, 90 (1998) (internal citation and quotation marks omitted). Accordingly, the Supreme Court "has endeavored in recent years to 'bring some

discipline' to the use of the term 'jurisdictional.'" Gonzalez v. Thaler, 132 S. Ct. 641, 648 (2012) (quoting Henderson v. Shinseki, 562 U.S. 428, 435 (2011)). Because the modern concept addresses "a court's adjudicatory capacity," it refers to either "subject matter jurisdiction" or "personal jurisdiction." Henderson, 562 U.S. at 435.

Defendants have argued that exercising jurisdiction in this case would be "an impermissible intrusion on the political branches' plenary constitutional authority over foreign affairs, national security, and immigration." [Dkt. 80] at 14. By advancing this argument, defendants appear to be invoking the political question doctrine, under which a court lacks subject matter jurisdiction over "a controversy . . . where there is a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it[.]" Zivotofsky v. Clinton, 566 U.S. 189, 195 (2012) (internal quotation marks and citations omitted).

The issues in this case are not textually committed to another department by the Constitution. To the contrary, the Commonwealth argues that the EO is in violation of constitutional and statutory law, and that resolving these claims requires interpreting the EO, the Immigration and Nationality Act, and the Constitution. "This is a familiar judicial exercise." Zivotofsky, 566 U.S. at 196. "At least since Marbury v. Madison, [the Supreme Court has] recognized that when" government action "is alleged to conflict with the Constitution, 'it is emphatically the province and duty of the judicial department to say what the law is.'" Id. (quoting Marbury, 1 Cranch 137, 177 (1803)). "That duty will sometimes involve the '[r]esolution of litigation challenging the constitutional authority of one of the three branches,' but courts cannot avoid their responsibility merely 'because the issues have political implications.'" Id. (quoting INS v. Chadha, 462 U.S. 919, 943 (1983)).

At oral argument, defendants suggested that their justiciability arguments were limited to the context of 8 U.S.C. § 1182(f), which is the statutory authority that the president invokes for the EO. Section 1182(f) provides that "[w]henever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants[.]" Defendants urge that this statutory grant of authority places the president at the zenith of his power, citing the framework first articulated by Justice Jackson in his concurrence in Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952). Under Youngstown Sheet & Tube, "[w]hen the President acts pursuant to an express . . . authorization of Congress, his authority is at its maximum, for it includes all that he possesses in his own right plus all that Congress can delegate." 343 U.S. at 635.

Maximum power does not mean absolute power. Every presidential action must still comply with the limits set by Congress' delegation of power and the constraints of the Constitution, including the Bill of Rights.[6] It is a bedrock principle of this nation's legal system that "the Constitution ought to be the standard of construction for the laws, and that wherever there is evident opposition, the laws ought to give place to the Constitution." The Federalist No. 81, at 481 (Alexander Hamilton) (Clinton Rossiter ed., 1999). Defendants have cited no authority for the proposition that Congress can delegate to the president the power to violate the

[6] Youngstown Sheet & Tube is better known as the Steel Seizure Case. In that case, President Truman ordered the Secretary of Commerce to seize control of most of the country's steel mills because he felt that an impending strike would jeopardize the military's ability to wage the Korean War. The Supreme Court struck the order, holding that although "[t]he power of Congress to . . . authorize the taking of private property for public use" was beyond question, the president did not have power to do so without Congress' approval, even in wartime. Id. at 588.

Constitution and its amendments and the Supreme Court has made it clear that even in the context of immigration law, congressional and executive power "is subject to important constitutional limitations." Zadvydas v. Davis, 533 U.S. 678, 695 (2001).

Indeed, the Supreme Court has refused to hold that the president is exempt from compliance with the Due Process Clause even when he is exercising a pure Article II power, such as the detention of persons deemed "enemy combatants." In Hamdi v. Rumsfeld, 542 U.S. 507, 509 (2004), for example, the Supreme Court was confronted with the constitutional claims of an "enemy combatant." The Court recognized the government's "critical . . . interest in detaining those who actually pose an immediate threat to the national security of the United States during ongoing international conflict," id., but still held that the president must comply with the Fifth Amendment, id. at 524. If the president's actions can be subject to judicial review when he is exercising his core Article II powers, as in Hamdi, it follows that his actions are also subject to such review when he exercises Article I powers delegated to him by Congress. As the Ninth Circuit has explained, "the Supreme Court has repeatedly and explicitly rejected the notion that the political branches . . . are not subject to the Constitution when policymaking in [the immigration] context." Washington, 2017 WL 526497, at *5.

The defendants also continue to dispute the Commonwealth's Article III standing to challenge the EO. The Court has already held that the Commonwealth has pleaded facts sufficient to establish standing under both a parens patriae theory and proprietary theory. See Mem. Op., [Dkt. 42] at 11. Because the pending motion is for a preliminary injunction, the Commonwealth may no longer rest on its pleadings but must "set forth by affidavit or other evidence specific facts, which for purposes of the [preliminary injunction] will be taken to be true." Cacchillo v. Insmed, Inc., 638 F.3d 401, 404 (2d Cir. 2011) (internal quotation marks and

citations omitted). As discussed above, the Commonwealth has submitted sufficient evidence in the form of Reveley's declaration to establish at this early point in the litigation standing under the standards articulated in this Court's memorandum opinion dated February 3, 2017. See Mem. Op., [Dkt. 42] at 11.

B. Preliminary Injunction

"A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of the equities tips in his favor, and that an injunction is in the public interest." Winter v. Nat. Res. Def. Council, Inc., 555 U.S. 7, 20 (2008). "While plaintiffs seeking preliminary injunctions must demonstrate that they are likely to succeed on the merits, they 'need not show a certainty of success." League of Women Voters of N.C. v. North Carolina, 769 F.3d 224, 247 (4th Cir. 2014) (internal quotation marks and citation omitted).

C. Likelihood of Success on the Merits

The First Amendment to the United States Constitution provides that "Congress shall make no law respecting an establishment of religion." U.S. Const. amend. I.[7] "The clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another." Larson v. Valente, 456 U.S. 228, 244 (1982). The Supreme Court has articulated various tests for determining whether that command has been violated. The first such test is that the law "must have a secular . . . purpose." Lemon v. Kurtzman, 403 U.S. 602, 612 (1971).

[7] Although the First Amendment only addresses Congress by its terms, it has long been held to apply to executive action as well. See, e.g., New York Times Co. v. United States, 403 U.S. 713, 714 (1971).

"In the past, [this] test has not been fatal very often, presumably because government does not generally act unconstitutionally, with the predominant purpose of advancing" one religion over another. McCreary County v. Am. Civil Liberties Union of Ky., 545 U.S. 844, 863 (2005). The secular purpose requirement "'nevertheless serves an important function,'" id. at 859 (quoting Wallace v. Jaffree, 472 U.S. 38, 75 (1985) (O'Connor, J., concurring in the judgment)), because "[b]y showing a purpose to favor religion, the government sends the . . . message to . . . nonadherents that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members," id. at 860 (internal citations and quotation marks omitted). This message of exclusion from the political community is all the more conspicuous when the government acts with a specific purpose to disfavor a particular religion.

Defendants have argued that the Court may not go beyond the text of the EO in assessing its purpose, or look behind its proffered national security rationale,[8] but the Supreme Court has rejected that position. Although courts "often . . . accept governmental statements of purpose, in keeping with the respect owed in the first instance to such official claims, . . . in those unusual cases where the claim was an apparent sham, or the secular purpose secondary, the unsurprising results have been findings of no adequate secular object." McCreary, 545 U.S. at 865. When determining what purpose motivates governmental action, "an understanding of official objective emerges from readily discoverable fact, without any judicial psychoanalysis of a drafter's heart of hearts." McCreary, 545 U.S. at 862. In other words, what matters is what an "objective observer" would draw from the text of the policy, enlightened by historical context and "the

[8] The District of Massachusetts apparently agreed in Louhghalam v. Trump, as it referred only to the text of the EO, but the court did not explain why it did not consider any other evidence. See __ F. Supp. 3d __, 2017 WL 479779, at *4–*5 (D. Mass 2017).

specific sequence of events leading to" its adoption. Id. (internal citations and quotation marks omitted). This historical context can include statements by relevant policymakers. Id. at 870 (considering resolutions authorizing a Ten Commandments display by county boards); see also Washington, 2017 WL 526497 at *10 (sanctioning the consideration of "statements by decisionmakers").

Defendants argue that an elected official's statements before he took the oath of office are irrelevant, but that position also runs counter to McCreary. 545 U.S. at 866. Just as the Supreme Court has held that "the world is not made brand new every morning[,]" id., a person is not made brand new simply by taking the oath of office. Limiting the temporal scope of the purpose inquiry "bucks common sense: reasonable observers have reasonable memories, and [Supreme Court] precedents sensibly forbid an observer 'to turn a blind eye to the context in which [the] policy arose.'" Id. (quoting Santa Fe Ind. Sch. Dist. v. Doe, 530 U.S. 290, 315 (2000)). For example, in McCreary, the American Civil Liberties Union ("ACLU") sought to enjoin a display including the Ten Commandments in two counties' courthouses. Id. at 855. The Supreme Court examined the history of interactions between county executives, the ACLU, and the federal district court for a one-year period before the challenged display was erected, id. at 851–57, and determined from that history that "the [c]ounties were simply reaching for any way to keep a religious document on the walls of courthouses constitutionally required to embody religious neutrality," id. at 873. Further, in Santa Fe, the Court examined over a year's worth of events leading up to a school district's adoption of the challenged "Prayer at Football Games" policy to conclude that it "unquestionably ha[d] the purpose and create[d] the perception of encouraging the delivery of prayer at a series of important school events." Santa Fe, 530 U.S. at 294–98, 317.

This Court is similarly not free to "ignore perfectly probative evidence" from statements made by the president before he took office. See McCreary, 545 U.S. at 866.

Defendants have repeatedly cited Kleindienst v. Mandel, 408 U.S. 753 (1972), arguing that when facing constitutional scrutiny in an immigration context, the government must only supply a "facially legitimate and bona fide reason" for its action, but Mandel is inapplicable to this litigation. By its terms, Mandel does not apply to the persons who have already been granted visas because it involved an as-applied challenge to executive action by a person who had not been granted a visa. Id. at 758–60. Here, by contrast, the allegations involve persons who have passed through extensive vetting requirements and been granted visas. Accordingly, the limitation Mandel imposes on constitutional review of executive action does not apply to the class of persons relevant to this action. Moreover, even if Mandel did apply, it requires that the proffered executive reason be "bona fide." Id. at 770. As the Second and Ninth Circuits have persuasively held, if the proffered "facially legitimate" reason has been given in "bad faith," it is not "bona fide." Am. Academy of Religion v. Napolitano, 573 F.3d 115, 126 (2d Cir. 2009); Bustamente v. Mukasey, 531 F.3d 1059, 1062 (9th Cir. 2008). That leaves the Court in the same position as in an ordinary secular purpose case: determining whether the proffered reason for the EO is the real reason.

Defendants argue that permitting a court to "look behind" the president's national security judgments will result in a trial de novo of the president's national security determinations.[9] No party has asked the Court to engage in such an exercise, nor would

[9] Similar concerns were raised in one of the wartime detention cases, Boumediene v. Bush, 553 U.S. 723, 831 (2008) (Scalia, J., dissenting), but lower courts have proven capable of conducting the required due process analysis without supplanting the executive branch, see e.g., Bensayah v. Obama, 610 F.3d 718, 723–27 (D.C. Cir. 2010).

precedent permit it to do so. As in the Ninth Circuit, this court's "jurisprudence has long counseled deference to the political branches on matters of immigration and national security[.]" Washington, 2017 WL 526497, at *5. The Establishment Clause concerns discussed above do not involve an assessment of the merits of the president's national security judgment. Instead, the question is whether the EO was animated by national security concerns at all, as opposed to the impermissible motive of, in the context of entry, disfavoring one religious group and, in the area of refugees, favoring another religious group.

The Commonwealth has produced unrebutted evidence supporting its position that it is likely to succeed on an Establishment Clause claim. The "Muslim ban" was a centerpiece of the president's campaign for months, and the press release calling for it was still available on his website as of the day this Memorandum Opinion is being entered. See [Dkt. 61-12]. The president connected that policy to this EO when, asked last July if he had abandoned his plan for a Muslim ban, he responded "Call it whatever you want. We'll call it territories, OK?" [Dkt. 61-22] at 10. Giuliani said two days after the EO was signed that Trump's desire for a Muslim ban was the impetus for this policy. [Dkt. 61-4] at 1. And on the same day that the president signed the EO, he lamented that under the old policy, "If you were a Muslim you could come in, but if you were a Christian, it was almost impossible," and said his administration was "going to help" make persecuted Christians a priority. [Dkt. 61-6] at 2. Defendants have not denied any of these statements or produced any evidence, beyond the text of the EO itself, to support their contention that the EO was primarily motivated by national security concerns.[10]

[10] The Court gives little weight to the post hoc statements by Secretary Kelly and other administration officials that this is not a Muslim ban. See [Dkt. 61-17] at 3. Such rationalizations, coming after the litigation had already been challenged on First Amendment and other legal grounds, are typically afforded little weight in an intent inquiry. See Peacock v. Duval, 694 F.2d 644, 646 (9th Cir. 1982).

The "specific sequence of events" leading to the adoption of the EO bolsters the Commonwealth's argument that the EO was not motivated by rational national security concerns. As the declaration from the national security experts states, ordinarily an executive order prioritizing national security is based "on cleared views from expert agencies with broad experience on the matters presented to [the president]." [Dkt. 57] at ¶ 7. But here there is no evidence that such a deliberative process took place. Id. To the contrary, there is evidence that the president's senior national security officials were taken by surprise. See [Dkt. 61-17]. Although Giuliani suggested that the EO was formulated by a "whole group of very expert lawyers" and at least two members of Congress, this process appears to have taken place during the campaign and there is no evidence that this commission was privy to any national security information when developing the policy. See [Dkt. 61-4]. Once again, defendants have offered no evidence to the contrary.

Defendants argue that the list of countries affected by the EO was singled out by Congress and the previous administration for special scrutiny and therefore cannot reflect religious prejudice. Giuliani advanced a similar argument in his interview after the EO was signed—that as long as the policy was given an outwardly legal form, it is constitutional. [Dkt. 61-4] at 1–2. Once again, McCreary is to the contrary:

> One consequence of taking account of the purpose underlying past actions is that the same government action may be constitutional if taken in the first instance and unconstitutional if it has a sectarian heritage. This presents no incongruity, however, because purpose matters.

545 U.S. at 866 n.14. Absent the direct evidence of animus presented by the Commonwealth, singling out these countries for additional scrutiny might not raise Establishment Clause concerns; however, with that direct evidence, a different picture emerges. In Giuliani's own account, the origin of this EO was a statement by the president that he wanted a legal way to

impose a ban on Muslims entering the United States. [Dkt. 61-4] at 1. The president himself acknowledged the conceptual link between a Muslim ban and the EO when, asked if he had changed his position, he said "Call it whatever you want. We'll call it territories, OK?" [Dkt. 61-22] at 10. That the same list might have been created by constitutionally legitimate concerns does not alter the legal analysis under McCreary.

The argument has also been made that the Court cannot infer an anti-Muslim animus because the EO does not affect all, or even most, Muslims. The major premise of that argument—that one can only demonstrate animus toward a group of people by targeting all of them at once—is flawed. For example, it is highly unlikely that the Supreme Court considered the displays of the Ten Commandments erected by the Kentucky counties in McCreary, which had a localized impact, to be targeted at all persons outside the Judeo-Christian traditions. See 545 U.S. at 851. Moreover, the Supreme Court has never reduced its Establishment Clause jurisprudence to a mathematical exercise. It is a discriminatory purpose that matters, no matter how inefficient the execution. See id. at 860.

Finally, defendants argue that the evidence on which the Commonwealth relies proves too much, because it would render every policy that the president makes related to Muslim-majority countries open to challenge. This fear is exaggerated. The Court's conclusion rests on the highly particular "sequence of events" leading to this specific EO and the dearth of evidence indicating a national security purpose. See McCreary, 545 U.S. at 862. The evidence in this record focuses on the president's statements about a "Muslim ban" and the link Giuliani established between those statements and the EO. Based on that evidence, at this preliminary

of the litigation, the Court finds that the Commonwealth has established a likelihood of success on the merits.[11]

D. Irreparable Harm

As a matter of law, the threat of an Establishment Clause violation in and of itself constitutes irreparable harm. Newsom v. Albemarle Cnty. Sch. Bd., 354 F.3d 249, 261 (4th Cir. 2003) (citing Elrod v. Burns, 427 U.S. 347, 373 (1976)). But it is not the only irreparable harm that the Commonwealth is experiencing. As discussed above, the travel ban applies to hundreds of students at the Commonwealth's universities, and is already preventing the exchange of faculty on which such universities thrive, by significantly straining freedom of movement. Moreover, Virginia's schools have begun to lose students, and have credibly stated that they expect to continue losing students and medical residents in the coming months if the travel ban is not lifted. Students are not fungible, thus these losses cannot be compensated by money damages, even if money damages were available in this civil action, which they are not. In light of the likelihood of an Establishment Clause violation and the restraint on liberty imposed by the travel ban, the Commonwealth has established irreparable harm.

E. Balance of the Equities

As the Fourth Circuit has held, "a state is in no way harmed by the issuance of a preliminary injunction which prevents the state from enforcing restrictions likely to be found unconstitutional[.]" Giovani Carandola, Ltd. v. Bason, 303 F.3d 507, 521 (4th Cir. 2002) (internal quotation marks and citation omitted). Moreover, in contrast to the evidence of irreparable harm to the Commonwealth from the EO, the defendants have failed to present any

[11] Because the Commonwealth has established a likelihood of success on its Establishment Clause claim, the Court does not need to address its equal protection, due process, or statutory claims at this stage.

evidence of harm they or the nation will suffer if enforcement of § 3(c) of the EO is preliminarily enjoined beyond bare assertions that the EO is necessary for national security. Although there is no interest more weighty than a bona fide national security concern, the defendants have presented no evidence to support their contention that the EO is necessary to national security. And as the Ninth Circuit observed, there is no evidence that the procedures in place before the EO was signed were inadequate, as the government has not pointed to any attacks perpetrated by nationals of the affected countries since September 11, 2001. Washington, 2017 WL 526497 at *10. Ironically, the only evidence in this record concerning national security indicates that the EO may actually make the country less safe. As the former national security officials have stated: "[The EO] ultimately undermines the national security of the United States, rather than mak[ing] us safer. In our professional opinion, this Order cannot be justified on national security or foreign policy grounds." [Dkt. 57] at ¶ 3. The Commonwealth therefore prevails on the balance of the equities.

F. Public Interest

The Fourth Circuit has held that "upholding constitutional rights surely serves the public interest." Giovani Carandola, 303 F.3d at 521 (internal quotation marks and citation omitted). The Court therefore finds that enjoining an action that is likely a violation of the Establishment Clause serves the public interest, particularly in the absence of evidence to support the government's asserted national security interest as discussed above.

G. Scope of Relief

The Commonwealth originally sought an order enjoining enforcement of § 3(c) of the EO at any port of entry against Virginia residents who lawfully held either LPR status, a valid student visa, or a valid work visa at the time that the EO was signed. At oral argument, it

amended its request to include a request for a nationwide injunction applying to all persons, not just Virginia residents. Although "[n]ationwide injunctions are appropriate if necessary to afford relief to the prevailing party," Va. Soc'y for Human Life v. Fed. Election Comm'n, 263 F.3d 379, 393 (2001), injunctive relief must be no broader than necessary to avoid encroaching "on the ability of other circuits to consider the" questions raised. Id. The relief originally requested by the Commonwealth is appropriately tailored to the basis for the Commonwealth's standing and its claims relating to its residents, colleges, and universities. Moreover, the nationwide temporary restraining order entered in the District of Washington provides the broader protection sought by the Commonwealth. To avoid any claim that the preliminary injunction to be entered in this litigation is defective because of overbreadth, this Court declines the Commonwealth's invitation to impose broader relief.

III. CONCLUSION

For the reasons discussed in this Memorandum Opinion, the Court holds that the unrefuted evidence presented by the Commonwealth establishes that there is a likelihood the Commonwealth will prevail on the merits of its Establishment Clause claim; that it will suffer irreparable injury if the enforcement of § 3(c) of the EO is not enjoined as it relates to Virginia residents, Virginia institutions, and persons connected to those persons and institutions; that the defendants will not suffer any harm from imposing the injunction; and that enjoining unconstitutional action by the Executive Branch is always in the public's interest. Accordingly, the Court will enter a separate order granting a modified version of the injunction sought by the Commonwealth.

Entered this 13th day of February, 2017.

Alexandria, Virginia

/s/
Leonie M. Brinkema
United States District Judge

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

TAREQ AQEL MOHAMMED AZIZ, et al.,	)	
	)	
Petitioners,	)	
	)	
v.	)	1:17-cv-116 (LMB/TCB)
	)	
DONALD TRUMP, President of the United States, et al.,	)	
	)	
	)	
Defendants.		

PRELIMINARY INJUNCTION

For the reasons stated in the accompanying Memorandum Opinion, the Court finds that the Commonwealth of Virginia has standing to maintain this civil action and has established that it is likely to prevail on the merits, that it is likely to suffer irreparable harm in the absence of injunctive relief, and that the balance of the equities and the public interest favor an injunction. Accordingly, the Commonwealth's Motion for a Preliminary Injunction [Dkt. 23] is GRANTED and it is hereby

ORDERED that respondents, and all officers, agents, and employees of the Executive Branch of the United States government, and anyone acting under their authorization or direction be and are ENJOINED from enforcing § 3(c) of Executive Order 13,769 against any person who has a Virginia residence or is employed by or attends an educational institution administered by the Commonwealth of Virginia, and who, as of 5:00 p.m. Eastern Standard Time on Friday, January 27, 2017, was lawfully admitted for permanent residency in the United States, held an immigrant visa that would entitle the bearer to be lawfully admitted for permanent residency upon admission to the United States, held a valid student visa (or accompanying family or spousal visa), or held a valid work visa (or accompanying family or spousal visa); and it is further

ORDERED that nothing in this Order affects the statutes or regulations relating to immigration in effect before Executive Order 13,769 went into effect; and it is further

ORDERED that the Commonwealth of Virginia is not required to deposit a security.

The Clerk is directed to forward copies of this Preliminary Injunction and the accompanying Memorandum Opinion to counsel of record.

Entered this 13th day of February, 2017.

Alexandria, Virginia

/s/

Leonie M. Brinkema
United States District Judge

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FILED

FEB 09 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

STATE OF WASHINGTON and STATE OF MINNESOTA, Plaintiffs-Appellees, v. DONALD J. TRUMP, President of the United States; et al., Defendants-Appellants.	No. 17-35105 D.C. No. 2:17-cv-00141 Western District of Washington, Seattle ORDER

Before: CANBY, CLIFTON, and FRIEDLAND, Circuit Judges.

The motions for leave to file amicus curiae briefs, to file a substitute or amended amicus curiae brief, and for an extension of time to file an amicus curiae brief, are granted (Docket Entry Nos. 19, 20, 22, 24, 26, 43, 49, 53, 55, 58, 62, 65, 66, 68, 69, 76, 79, 82, 87, 90, 91, 103, 113, 132). In light of the filing of a corrected amicus brief, the motions at Docket Entry Nos. 23 and 25 are denied as moot.

David Golden's motion to intervene is denied (Docket Entry No. 112).

Any motion for reconsideration or reconsideration en banc of the court's February 9, 2017 order denying the motion for stay is due within 14 days. *See* 9th

MOATT

Cir. R. 27-10(a)(2). If a motion for reconsideration or reconsideration en banc is filed, a response to the motion shall be filed within 7 days after service of the motion. *See* 9th Cir. R. 27-10(b).

The following briefing schedule shall govern this appeal: the opening brief is due March 3, 2017; the answering brief is due March 24, 2017; and the optional reply brief is due March 29, 2017.

Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON
Administration Division
PO Box 40100 • Olympia, WA 98504-0100 • (360) 753-6200

February 9, 2017

The Clerk of the Court
United States Court Clerk's Office
700 Stewart Street, Suite 2310
Seattle, WA 98101-9906

RE: ***State of Washington et al. v. Donald J. Trump, et al.*****, Case No. 2:17-cv-00141JLR**

Dear Clerk:

This afternoon, the Ninth Circuit denied an emergency motion for a stay of the temporary injunction imposed by Judge Robart. The Court of Appeals held that the district court order "possesses the qualities of an appealable preliminary injunction" and established a briefing schedule for the appeal of the district court order. *Washington v. Trump*, Case No. 17-35105, slip op. at 8, Dkt. Entry 134 (9th Cir. 2017); *id.* at Dkt. Entry 135 (ECF Nos. 68, 69). In light of the Court of Appeals decision, the States assume the district court briefing schedule is no longer applicable. The States will not be filing a preliminary injunction motion and brief in the district court tonight, unless we receive contrary guidance from the district court.

Sincerely,

s/ Noah G. Purcell
NOAH G. PURCELL
Solicitor General

Cc: Michelle Bennett
Jacob Campion

The Honorable James L. Robart

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON,

Plaintiff,

v.

DONALD TRUMP, in his official capacity as President of the United States; U.S. DEPARTMENT OF HOMELAND SECURITY; JOHN F. KELLY, in his official capacity as Secretary of the Department of Homeland Security; TOM SHANNON, in his official capacity as Acting Secretary of State; and the UNITED STATES OF AMERICA,

Defendants.

NO. 2:17-cv-00141-JLR

THIRD DECLARATION OF ASIF CHAUDHRY

I, Asif Chaudhry, hereby declare and affirm:

1. I am the Vice President for International Programs at Washington State University (WSU). I have made further inquiries regarding current applicants to WSU from countries targeted by the Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry Into the United States." Based on those inquiries, I provide the following additional information. I have personal knowledge of the facts set forth in this declaration, and I am competent to testify about them.

ATTORNEY GENERAL OF WASHINGTON
332 French Administration Building
PO Box 641031
Pullman, WA 99164-1031
(509) 335-2636

2. Several WSU students from targeted countries have had to forego international travel and conference activities related to their research. One student in WSU's College of Agricultural, Human, and Natural Resource Sciences, who is from Iran, was registered for an academic conference in Canada scheduled to take place February 5 - 8, 2017. His WSU department paid for the conference. The receipt, made out to his department chair, is attached as **Exhibit A**. The department also planned to cover his travel expenses. Due to the executive order, the student was unable to attend the conference.

3. WSU currently has one (1) graduate student applicant for the 2017 summer term and fifty-three (53) graduate student applicants for the 2017 fall semester from the countries targeted by the Executive Order. If these students were offered admission and accepted, they would pay a minimum of $42,216 per academic year in tuition and fees to WSU. If they were unable to obtain visas, were denied entry, or decided that study in the United States was no longer feasible, WSU could lose as much as $2,279,664 per academic year in revenue.

4. In addition, WSU currently has one (1) admitted undergraduate and six (6) undergraduate applications pending for the 2017 fall semester from prospective students from the countries targeted by the Executive Order. These students would pay a minimum of $41,628 per academic year in tuition and fees to WSU. If these students were unable to obtain visas, were denied entry, or decided that study in the United States was no longer feasible due to the Executive Order, WSU could lose as much as $291,396 in revenue per academic year.

5. Ten (10) of the applicants, graduate and undergraduate, currently are already in the United States.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and complete to the best of my knowledge.

Dated this 9th day of February, 2017.

Asif Chaudhry, Ph.D.

ATTORNEY GENERAL OF WASHINGTON
332 French Administration Building
PO Box 641031
Pullman, WA 99164-1031
(509) 335-2636

Chaudhry Declaration Exhibit A

Reçu de
Received from [redacted]

Date 06-Feb-2017

One Hundred Dollar 100 Dollars

$ 100.00 No.

N° d'enr. de taxe
Tax Reg. No.:

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON and STATE OF MINNESOTA

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as President of the United States; U.S. DEPARTMENT OF HOMELAND SECURITY; JOHN F. KELLY, in his official capacity as Secretary of the Department of Homeland Security; TOM SHANNON, in his official capacity as Acting Secretary of State; and the UNITED STATES OF AMERICA,

Defendants.

DECLARATION OF ROVY BRANON

I, Rovy Branon, hereby declare and affirm:

1. I am over the age of 18 and am competent to testify.

2. I am the Vice Provost for the Continuum College, a self-sustaining unit of the University of Washington (UW). Continuum College operates a broad range of fee-based programs for the UW, including a large International English Language Program (IELP) that attracts students from around the world.

3. I have reviewed the provisions of the Presidential Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry Into the United States" ("Order") and I understand that, among other things, it imposes a 90-day ban on the entry into the U.S. by persons from the countries of Syria, Iran, Sudan, Somalia, Iraq, Libya, and Yemen.

4. Continuum College's IELP has routinely enrolled students from several of these countries. The students who come to the UW for the IELP pay a program fee of $3,680 per quarter and a registration fee of $45.00 per quarter. The IELP offers entry to students at the beginning of each quarter during the academic year, including summer quarter. A copy of the IELP website pages showing general IELP information, including current tuition fees is attached hereto as Exhibit 1.

5. While Continuum College cannot know how many prospective students for its programs have chosen not to apply at all since the promulgation of the Order, we do know specifically of four students (three from Libya and one from Yemen) who, before the Order was issued, did apply to the IELP, were accepted for this coming Spring Quarter (which begins on March 22, 2017) and have been issued F-1 visas, but who would not be able to travel to the U.S. under the Order. True and accurate copies of the e-mail messages (with personally identifying information redacted) that were sent to these students informing them of their acceptance for Spring Quarter are attached hereto as Exhibits 2-5.

6. I am also aware of one student from Iran who has been accepted into the IELP for Summer Quarter 2017 and also has been issued an F-1 visa. Again, if the travel ban were to remain in place into Summer Quarter (which begins June 13, 2017) this student would not be able to enter the U.S. to participate in the program. A true and accurate copy of the acceptance letter to this student (with personally identifiable information redacted) is attached hereto as Exhibit 6.

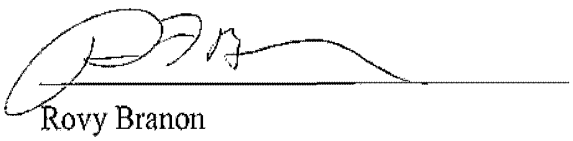
7. A majority of students who enroll in IELP for a particular quarter continue to participate in the program for subsequent quarters. Accordingly, I believe that it is probable that

some of the students referenced above would enroll for subsequent quarters if they were able to enroll in Spring and Summer Quarters, respectively.

8. In addition, Continuum College has sponsored a professional instructor from Waseda University in Japan (Waseda) who is a citizen of Iran to participate in a regular short term faculty training program offered through Continuum College under an agreement with Waseda. This individual has been issued a B-1 visa and was scheduled to commence the training program on February 27, 2017. If this individual is unable to attend the training program because of the travel ban, Continuum College will lose the fee amount of $3,600 it expects to receive from Waseda for his participation.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and complete to the best of my knowledge.

Dated this 9th day of February, 2017.



Rovy Branon

Exhibit 1
to Declaration of Rovy Branon

Intensive English Program (IEP)

Overview Program Details How to Apply

Come study in a beautiful region of the United States and improve your English language skills with the Intensive English Program (IEP) at the University of Washington. Our high-quality program will help you prepare for studies at an American college or university or assist you in reaching your personal or career goals.

Founded in 1977, the IEP is one of the most established English language programs in the United States. Students from all over the world come to Seattle every year and enjoy our scenic campus in one of the most culturally vibrant cities in the country.

Program Tracks

We offer three different tracks within the Intensive English Program. Choose the track that best meets your goals. Click on the links below to view more details about each track.

- University Track: Prepare for undergraduate or graduate studies at an American college or university
- Business English Track: Develop the spoken and written English skills needed for the business world
- Communication & Culture Track: Improve your practical English skills for use in real-life situations, with a focus on learning about American culture

QUICK FACTS

Location:	Varies – UW Seattle campus and downtown campus
Length:	10 weeks (9 weeks in summer)
Hours/Week:	20
Upcoming Sessions:	Spring 2017: Mar 22 –Jun 2 Summer 2017: Jun 13 –Aug 18 Autumn 2017: Sep 21 –Dec 8
Application Deadline:	Open until filled
Costs:	See Details

CONNECT WITH US

Email Updates

Sign up to stay informed about the Intensive English Program.

EXHIBIT

Intensive English Program (IEP)

Overview | Program Details | How to Apply

The UW Intensive English Program (IEP) has multiple levels of instruction to serve students who range from beginning to advanced English proficiency. Depending on the track you select, you will take a combination of core courses covering listening, speaking, reading and writing, along with elective courses on different topics.

The IEP offers three different tracks. Click on the links below to get more information about each track.

- University Track
- Business English Track
- Communication & Culture Track

Placement

Before classes begin, students will take a placement test to evaluate their English reading, writing and listening skills. The test will determine your level in each area. You will choose or be assigned to classes based on your test results. You may be higher in one skill area than another.

Students who have a TOEFL iBT of 84-91 or IELTS of 6.5 may be eligible for the accelerated University Track. Contact us if you meet these requirements and are interested in learning more.

Students interested in the Business English Track who meet certain English proficiency requirements may also apply directly to the Intensive Business English Program (IBEP). See the IBEP How to Apply page for more details.

Location

IEP classes are held in several locations.

Level 1 courses for all tracks meet at UW's downtown Seattle location, located in the Puget Sound Plaza Building, 1325 4th Ave., Suite 400 (map). Located in the busy heart of Seattle, not far from the waterfront, the UW's downtown location offers the best of our city's culture and events, food and drink, and business community. The downtown location is easily accessed by the bus and light rail.

Take a video tour of our downtown location.

Other University Track classes typically meet on the University of Washington campus in Seattle or in the nearby 45th Street Plaza building (map).

Classes for the Business English and Communication & Culture tracks are held either on the main campus, the 45th Street Plaza building or the UW downtown Seattle location, depending on the level.

Be sure to check your schedule to determine the exact location of your classes.

COSTS PER QUARTER

Tuition*:	$3,680
Nonrefundable application fee**:	$50
Nonrefundable registration fee:	$45
International Student Health Insurance Plan (Required):	$310
Room and board (estimated):	$3,423
Books and supplies (estimated):	$200
Bus pass (U-PASS):	$150
Other expenses (estimated):	$778
TOTAL:	**$8,636**

* Tuition for IEP courses only. Learn more about tuition rates for the Intensive Business English Program and optional business certificates on the Details pages f those programs.

** One-time fee

Note: Fees subject to change

CONNECT WITH US

Email Updates

Sign up to stay informed about the Intensive English Program

Email Address

Get Updates

Learn about our privacy policy

Exhibit 2
to Declaration of Rovy Branon

IELPAdmissions

From: IELPAdmissions
Sent: Monday, April 18, 2016 10:00 AM
To: [redacted]@gmail.com'
Subject: Acceptance to IEP for Spring Quarter 2017
Attachments: IEP Model 111015.pdf; MIRF 2015.pdf

Dear [redacted]

We are pleased to inform you that you have been accepted to our Intensive English Program (IEP) - University Track for Spring Quarter 2017, which begins March 22, 2017. Your I-20 and acceptance packet will be mailed within one business day.

This e-mail contains information about:

- Your UW Student ID Number and Your SEVIS ID Number
- Schedule for IEP Spring Quarter 2017
- Office Location and Hours
- IEP Tracks
- Placement Test
- Registration and Advising
- Payment for Program Fees
- Housing
- Health Insurance
- Measles Immunization
- Commuting to Campus
- Cancellations or Deferrals

For more information on arrival, details of the program and what you need to bring with you, please visit our website: http://www.ielp.uw.edu/student-life/arrival-info/.

Your UW Student ID Number and Your SEVIS ID Number

Your UW Student ID number is [redacted]. Please use your UW Student ID number when contacting our office.

For your reference, your SEVIS ID number is [redacted] and our School Code is SEA214F00516000.

Schedule for IEP Spring Quarter 2017

March 22-28	New Student Placement Test, Orientation, and Registration
March 29	Classes begin
June 2	Last day of Spring Quarter

Check-in for the placement test will begin at 8:30 a.m. on March 22, location To Be Announced (TBA). We will send a detailed schedule for Orientation and Registration closer to your program start date.

Please bring the following documents to the placement test and all orientation and registration activities:

- Your passport *(your passport must be valid for **six months** beyond the period of your intended stay in the U.S.)*

EXHIBIT 2

- Your F-1 visa
- The I-20 form issued from our program or your previous school
- Your dependents' passport(s), F-2 visa(s), and any other immigration documents that you may have
- Your home country address (in English) & your current address in the U.S.
- Your email address

IMPORTANT: All F-1 visa holders are required by law to begin full-time studies within 30 days of their initial arrival to the US. **Please do NOT attempt to enter the United States more than 30 days before the program start date listed on your I-20; you may be denied entry.**

Office Location and Hours

UW Seattle Campus
UW Tower, 13th Floor
4333 Brooklyn Ave NE
Seattle, Washington 98105

Downtown Campus
Puget Sound Plaza Building
Suite 400 (4th Floor)
1325 4th Ave
Seattle, Washington 98101

Monday - Friday, 8:00 a.m. - 5:00 p.m.
(206) 543-6242

IEP Tracks

The IEP offers three tracks that are designed to help students meet their educational goals. The three tracks are: University Track, Business English Track, Communication & Culture Track. For your reference, we have attached a diagram of the three tracks to this e-mail. More information is available on our website (http://www.ielp.uw.edu/programs/academic-prep/iep/) and will be provided during orientation.

The location of your classes will depend on your track and current level. Your initial level will be determined by the results for your placement test (see below).

Placement Test

All IEP students take a placement test at the beginning of the program to determine their level. You will be tested on your reading, writing, and listening skills. (There is no speaking assessment on the placement test. Listening and speaking classes are integrated.) Based on your results, you will be placed into a level from 1 to 5.

All students who test into Level 1 begin in General English classes at our UW downtown Seattle campus. All students who test into Level 2 begin in General English classes at our UW Seattle campus. Students who test into the higher levels take classes that are specific to their track.

If your score is lower than level 1, you cannot study in IEP. *F-1 visa holders with placement test results lower than level 1 will be required to study at another SEVP-approved program for **at least one quarter** before returning to IEP. We will assist such students with the transfer process.*

NOTE: Only students taking the IEP placement test are allowed in the testing room. Children, spouses, family members, friends, and any other non-test-takers will NOT be allowed in the testing room. If you have children, you must make your own childcare arrangements in advance of the test. Do not bring your children to the test.

Registration and Advising

At the placement test, you will be assigned a registration appointment. During your registration appointment, you will receive the results of your placement test, choose your classes, and pay your tuition.

F-1 visa holders are required to study full-time. Full-time study in IEP is 20 hours per week.

Payment for Program Fees

You will pay for your classes at the time of your registration appointment. These are the fees you can expect to pay:

- **Tuition (20 hours/week) & registration fee: $3725**
- **Health insurance: $310** (see Health Insurance below)
- **U-PASS: $150** (see Commuting to Campus below)

Fees above are per quarter and are subject to change without notice.

Payments can be made by traveler's checks, certified bank checks, personal checks, or Visa/MasterCard. IMPORTANT: We can ONLY accept VISA or MASTERCARD. We CANNOT accept American Express, Discover, or any other type of credit/debit card.

IMPORTANT: If you plan to pay by credit card, you should inform your credit card company of the date and amount so that they will be sure to honor the charge.

Refer to our website for further information about paying for program fees (http://www.ielp.uw.edu/student-services/registration-payment/).

Housing

Students must make their own housing arrangements. The options are university dormitory, host family, or individual house or apartment. You will need to make housing arrangements **before** you arrive in the US. Our office does not make hotel, housing, home stay, or dormitory reservations for students.

Refer to our website for further information about housing arrangements (http://www.ielp.uw.edu/housing/). Dormitory housing is usually not available during Autumn Quarter.

Health Insurance

The UW International Student Health Insurance Plan (ISHIP) is required for all international students with F-1 visa status who are enrolled full-time. Eligible international students will be enrolled automatically for quarterly, student-only coverage for each quarter they register for classes. The current rate for ISHIP is $310 per quarter.

Dependents: If you want to enroll your spouse and/or children, you must indicate this during registration. Insurance for dependents is $300 per person, per quarter.

NOTE: This requirement will only be waived for students who are funded by their government or by the U.S. government.

Measles Immunization

All UW IELP students are required to provide proof of Measles (Rubeola) immunity by filling out the UW Measles Immunity Requirement Form (MIRF). A copy of the MIRF is attached to this e-mail.

WHAT do you need to do?

- Complete the MIRF with the following information:
  - Date of two live virus measles (rubeola) vaccinations, both given after January 1, 1968
  - Vaccines must have been given no earlier than 12 months of age (on or after first birthday) with at least 28 days between doses.
- Submit your completed MIRF and a copy of your immunization records to the IELP office by e-mail or fax:
  - E-mail: IELPAdmissions@pce.uw.edu
  - Fax: (206) 685-9572

NOTE: If you are not able to get the vaccination because you are pregnant or you have a compromised immune system, you can take a measles (rubeola) titer blood test. If you take a titer test, write the date of the test on your MIRF and submit a copy of the titer lab result.

WHEN do you need to do this?

- **BEFORE** your program begins
- If you are not able to complete the MIRF before you arrive, you may get vaccinated at the UW Hall Health Center

NOTE: Students born before January 1, 1957 are considered immune to measles and are not required to submit proof of immunity.

In addition, it is recommended that international students also get a health certificate (in English) from their doctor that lists all immunizations and diseases they have had or have been exposed to, and bring this with them to the University of Washington.

Commuting to Campus

The University of Washington has a special discounted bus pass, called the U-PASS, which is $150 per quarter (3 months) for students. You are not required to purchase the U-PASS. However, even if you drive a car, having a U-PASS has its advantages. You will learn more about the U-PASS at orientation. You will be able to purchase the U-PASS when you pay for your classes.

Cancellations or Deferrals

If you decide not to attend our program, please let us know so that we can cancel your reservation.

If you need to defer your admission to a later quarter, you MUST contact us no later than the **fifth day** of the quarter you are accepted to. Otherwise, you will need to reapply to our program.

We look forward to meeting you and having you study with us!

Sincerely,

James Cody Evans
Director of International & English Language Programs

UW Tower Box 359450
4333 Brooklyn Ave NE, Seattle, WA 98195-9450
206.543.6242 / fax 206.685.9572
IELPAdmissions@pce.uw.edu / ielp.uw.edu

UNIVERSITY of WASHINGTON

Connect with us:

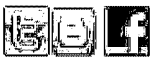


Exhibit 3
to Declaration of Rovy Branon

IELPAdmissions

From: IELPAdmissions
Sent: Thursday, December 29, 2016 8:29 AM
To: [redacted]@gmail.com'
Subject: Acceptance to IEP for Summer Quarter 2017
Attachments: MIRF 2015.pdf; IEP Chart 08.03.16.pdf

Dear [redacted]

We are pleased to inform you that you have been accepted to our Intensive English Program (IEP) – Business English Track for **Summer Quarter 2017**, which begins June 13, 2017. Your I-20 and acceptance packet will be ready for pick up by Sareh Abdolyousefi in 2 business days. Please note that she will need to bring photo ID to pick up your I-20. Our office hours are Monday – Friday, 8am-5pm. We will be closed on Monday, January 2.

This e-mail contains information about:

- Your UW Student ID Number and Your SEVIS ID Number
- Schedule for IEP Summer Quarter 2017
- Office Location and Hours
- IEP Tracks
- Placement Test
- Registration and Advising
- Payment for Program Fees
- Housing
- Health Insurance
- Measles Immunization
- Commuting to Campus
- Cancellations or Deferrals

For more information on arrival, details of the program and what you need to bring with you, please visit our website: http://www.ielp.uw.edu/student-life/arrival-info/.

Your UW Student ID Number and Your SEVIS ID Number

Your UW Student ID number is [redacted]. Please use your UW Student ID number when contacting our office.

For your reference, your SEVIS ID number is [redacted] and our School Code is SEA214F00516000.

Schedule for IEP Summer Quarter 2017

June 13-16 New Student Placement Test, Orientation, and Registration
June 19 Classes begin
August 18 Last day of Summer Quarter

All IEP students must attend the placement test and orientation. Check-in for the placement test will begin at 8:30 a.m. on June 13, location To Be Announced (TBA). We will send a detailed schedule for Orientation and Registration closer to your program start date.

EXHIBIT 3

Please bring the following documents to the placement test and all orientation and registration activities:

- Your passport *(your passport must be valid for **six months** beyond the period of your intended stay in the U.S.)*
- Your F-1 visa
- The I-20 form issued from our program or your previous school
- Your dependents' passport(s), F-2 visa(s), and any other immigration documents that you may have
- Your home country address (in English) & your current address in the U.S.
- Your email address

IMPORTANT: All F-1 visa holders are required by law to begin full-time studies within 30 days of their initial arrival to the US. **Please do NOT attempt to enter the United States more than 30 days before the program start date listed on your I-20; you may be denied entry.**

Office Location and Hours

UW Seattle Campus
UW Tower, 13th Floor
4333 Brooklyn Ave NE
Seattle, Washington 98105

Downtown Campus
Puget Sound Plaza Building
Suite 400 (4th Floor)
1325 4th Ave
Seattle, Washington 98101

Monday - Friday, 8:00 a.m. - 5:00 p.m.
(206) 543-6242

IEP Tracks

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- **Health insurance: $310** (see Health Insurance below)
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Fees above are per quarter and are subject to change without notice.

Payments can be made by traveler's checks, certified bank checks, personal checks, or Visa/MasterCard. IMPORTANT: We can ONLY accept VISA or MASTERCARD. We CANNOT accept American Express, Discover, or any other type of credit/debit card.

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Measles Immunization

All UW IELP students are required to provide proof of Measles (Rubeola) immunity by filling out the UW Measles Immunity Requirement Form (MIRF). A copy of the MIRF is attached to this e-mail.

WHAT do you need to do?

- Complete the MIRF with the following information:
  - Date of two live virus measles (rubeola) vaccinations, both given after January 1, 1968
  - Vaccines must have been given no earlier than 12 months of age (on or after first birthday) with at least 28 days between doses.
- Submit your completed MIRF and a copy of your immunization records to the IELP office by e-mail or fax:
  - E-mail: IELPAdmissions@pce.uw.edu
  - Fax: (206) 685-9572

NOTE: If you are not able to get the vaccination because you are pregnant or you have a compromised immune system, you can take a measles (rubeola) titer blood test. If you take a titer test, write the date of the test on your MIRF and submit a copy of the titer lab result.

WHEN do you need to do this?

- **BEFORE** your program begins
- If you are not able to complete the MIRF before you arrive, you may get vaccinated at the UW Hall Health Center

NOTE: Students born before January 1, 1957 are considered immune to measles and are not required to submit proof of immunity.

In addition, it is recommended that international students also get a health certificate (in English) from their doctor that lists all immunizations and diseases they have had or have been exposed to, and bring this with them to the University of Washington.

Commuting to Campus

The University of Washington has a special discounted bus pass, called the U-PASS, which is $150 per quarter (3 months) for students. You are not required to purchase the U-PASS. However, even if you drive a car, having a U-PASS has its advantages. You will learn more about the U-PASS at orientation. You will be able to purchase the U-PASS when you pay for your classes.

Cancellations or Deferrals

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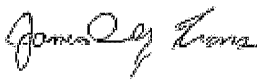
We look forward to meeting you and having you study with us!

Sincerely,



James Cody Evans
Director of International & English Language Programs

UW Tower Box 359450
4333 Brooklyn Ave NE, Seattle, WA 98195-9450
206.543.6242 / fax 206.685.9572
IELPAdmissions@pce.uw.edu / ielp.uw.edu

UNIVERSITY of WASHINGTON

Connect with us:

Exhibit 4
to Declaration of Rovy Branon

IELPAdmissions

From: IELPAdmissions
Sent: Friday, July 1, 2016 2:04 PM
To: [redacted]@gmail.com; [redacted]
Subject: Acceptance to IEP for Spring Quarter 2017
Attachments: IEP Model 111015.pdf; MIRF 2015.pdf

Dear [redacted]

We are pleased to inform you that you have been accepted to our Intensive English Program (IEP) - University Track for Spring Quarter 2017, which begins March 22, 2017. Your I-20 and acceptance packet will be mailed within one business day.

This e-mail contains information about:

- Your UW Student ID Number and Your SEVIS ID Number
- Schedule for IEP Spring Quarter 2017
- Office Location and Hours
- IEP Tracks
- Placement Test
- Registration and Advising
- Payment for Program Fees
- Housing
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For more information on arrival, details of the program and what you need to bring with you, please visit our website: http://www.ielp.uw.edu/student-life/arrival-info/.

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Your UW Student ID number is [redacted]. Please use your UW Student ID number when contacting our office.

For your reference, your SEVIS ID number is [redacted] and our School Code is SEA214F00516000.

Schedule for IEP Spring Quarter 2017

March 22-28	New Student Placement Test, Orientation, and Registration
March 29	Classes begin
June 2	Last day of Spring Quarter

Check-in for the placement test will begin at 8:30 a.m. on March 22, location To Be Announced (TBA). We will send a detailed schedule for Orientation and Registration closer to your program start date.

Please bring the following documents to the placement test and all orientation and registration activities:

- Your passport *(your passport must be valid for **six months** beyond the period of your intended stay in the U.S.)*

EXHIBIT 4

- Your F-1 visa
- The I-20 form issued from our program or your previous school
- Your dependents' passport(s), F-2 visa(s), and any other immigration documents that you may have
- Your home country address (in English) & your current address in the U.S.
- Your email address

IMPORTANT: All F-1 visa holders are required by law to begin full-time studies within 30 days of their initial arrival to the US. **Please do NOT attempt to enter the United States more than 30 days before the program start date listed on your I-20; you may be denied entry.**

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We look forward to meeting you and having you study with us!

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UNIVERSITY of WASHINGTON

Connect with us:

Exhibit 5
to Declaration of Rovy Branon

IELPAdmissions

From: IELPAdmissions
Sent: Wednesday, December 28, 2016 2:45 PM
To: [redacted]
Subject: Acceptance to IEP for Spring Quarter 2017
Attachments: MIRF 2015.pdf; IEP Chart 08.03.16.pdf

Dear [redacted]

We are pleased to inform you that you have been accepted to our Intensive English Program (IEP) - University Track for Spring Quarter 2017, which begins **March 22, 2017**. Your I-20 and acceptance packet will be mailed within one business day.

This e-mail contains information about:

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Please bring the following documents to the placement test and all orientation and registration activities:

EXHIBIT 5

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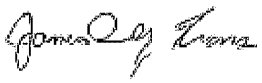

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UNIVERSITY of WASHINGTON

Connect with us:

Exhibit 6
to Declaration of Rovy Branon

IELPAdmissions

From: IELPAdmissions
Sent: Friday, February 3, 2017 3:57 PM
To: [redacted]
Subject: Acceptance to IEP for Summer Quarter 2017
Attachments: MIRF 2015.pdf; IEP Chart 08.03.16.pdf

Dear [redacted]

We are pleased to inform you that you have been accepted to our Intensive English Program (IEP) - University Track for **Summer Quarter 2017**, which begins June 13, 2017. Your I-20 and acceptance packet will be mailed within two business days.

This e-mail contains information about:

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Schedule for IEP Summer Quarter 2017

June 13-16	New Student Placement Test, Orientation, and Registration
June 19	Classes begin
August 18	Last day of Summer Quarter

All IEP students must attend the placement test and orientation. Check-in for the placement test will begin at 8:30 a.m. on June 13, location To Be Announced (TBA). We will send a detailed schedule for Orientation and Registration closer to your program start date.

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- **U-PASS: $150** (see Commuting to Campus below)

Fees above are per quarter and are subject to change without notice.

Payments can be made by traveler's checks, certified bank checks, personal checks, or Visa/MasterCard. IMPORTANT: We can ONLY accept VISA or MASTERCARD. We CANNOT accept American Express, Discover, or any other type of credit/debit card.

IMPORTANT: If you plan to pay by credit card, you should inform your credit card company of the date and amount so that they will be sure to honor the charge.

Refer to our website for further information about paying for program fees (http://www.ielp.uw.edu/student-services/registration-payment/).

Housing

Students must make their own housing arrangements. The options are university dormitory, host family, or individual house or apartment. You will need to make housing arrangements **before** you arrive in the US. Our office does not make hotel, housing, home stay, or dormitory reservations for students.

Refer to our website for further information about housing arrangements (http://www.ielp.uw.edu/housing/). Dormitory housing is usually not available during Autumn Quarter.

Health Insurance

The UW International Student Health Insurance Plan (ISHIP) is required for all international students with F-1 visa status who are enrolled full-time. Eligible international students will be enrolled automatically for quarterly, student-only coverage for each quarter they register for classes. The current rate for ISHIP is $310 per quarter.

Dependents: If you want to enroll your spouse and/or children, you must indicate this during registration. Insurance for dependents is $300 per person, per quarter.

NOTE: This requirement will only be waived for students who are funded by their government or by the U.S. government.

Measles Immunization

All UW IELP students are required to provide proof of Measles (Rubeola) immunity by filling out the UW Measles Immunity Requirement Form (MIRF). A copy of the MIRF is attached to this e-mail.

WHAT do you need to do?

- Complete the MIRF with the following information:
  - Date of two live virus measles (rubeola) vaccinations, both given after January 1, 1968
  - Vaccines must have been given no earlier than 12 months of age (on or after first birthday) with at least 28 days between doses.
- Submit your completed MIRF and a copy of your immunization records to the IELP office by e-mail or fax:
  - E-mail: IELPAdmissions@pce.uw.edu
  - Fax: (206) 685-9572

NOTE: If you are not able to get the vaccination because you are pregnant or you have a compromised immune system, you can take a measles (rubeola) titer blood test. If you take a titer test, write the date of the test on your MIRF and submit a copy of the titer lab result.

WHEN do you need to do this?

- **BEFORE** your program begins
- If you are not able to complete the MIRF before you arrive, you may get vaccinated at the UW Hall Health Center

NOTE: Students born before January 1, 1957 are considered immune to measles and are not required to submit proof of immunity.

In addition, it is recommended that international students also get a health certificate (in English) from their doctor that lists all immunizations and diseases they have had or have been exposed to, and bring this with them to the University of Washington.

Commuting to Campus

The University of Washington has a special discounted bus pass, called the U-PASS, which is $150 per quarter (3 months) for students. You are not required to purchase the U-PASS. However, even if you drive a car, having a U-PASS has its advantages. You will learn more about the U-PASS at orientation. You will be able to purchase the U-PASS when you pay for your classes.

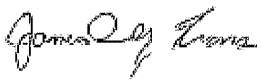
Cancellations or Deferrals

If you decide not to attend our program, please let us know so that we can cancel your reservation.

If you need to defer your admission to a later quarter, you MUST contact us no later than the **fifth day** of the quarter you are accepted to. Otherwise, you will need to reapply to our program.

We look forward to meeting you and having you study with us!

Sincerely,



James Cody Evans
Director of International & English Language Programs

UW Tower Box 359450
4333 Brooklyn Ave NE, Seattle, WA 98195-9450
206.543.6242 / fax 206.685.9572
IELPAdmissions@pce.uw.edu / ielp.uw.edu

UNIVERSITY of WASHINGTON

Connect with us:

Referred to THE WHITE HOUSE

(b)(6

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Referred to THE WHITE HOUSE

Gillispie, Anna E

From: Scialabba, Lori L
Sent: Tuesday, February 07, 2017 9:54 PM
To: Alfonso, Angelica M
Subject: FW: update to RAIO staff on refugee processing

what are your thoughts on this?

From: Ruppel, Joanna
Sent: Tuesday, February 07, 2017 7:37:22 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Groom, Molly M
Subject: update to RAIO staff on refugee processing

Tracy and Lori,

I would like to send the message below to RAIO staff who have been asking their managers about the state of play of refugee processing. Given sensitivity with the litigation, I wanted to check with you and Molly (copied here) to see if there are any concerns with me sending out the message below. Thanks for your consideration. Of course, by the time you read this, we may have another court order . . . . . Still, staff would really like some info. (b)(5)

Proposed message:

Gillispie, Anna E

From: Busch, Philip B
Sent: Tuesday, February 07, 2017 3:36 PM
To: Groom, Molly M; Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Scialabba Memo

Thanks

From: Groom, Molly M
Sent: Tuesday, February 07, 2017 4:34:58 PM
To: Renaud, Tracy L; Busch, Philip B; Scialabba, Lori L
Subject: RE: Scialabba Memo

She said yes. Thanks

From: Renaud, Tracy L
Sent: Tuesday, February 07, 2017 4:32:48 PM
To: Busch, Philip B; Scialabba, Lori L
Cc: Groom, Molly M
Subject: RE: Scialabba Memo

I have no objection, especially because it is already in the public forum as you note, Phil. Of course, it isn't my signature on the document so you may want to wait for Lori to respond. Molly is with her now and may get a verbal from her.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Busch, Philip B
Sent: Tuesday, February 07, 2017 3:15 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Groom, Molly M
Subject: FW: Scialabba Memo (b)(5)

Lori and Tracy, [redacted]

Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel

Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

This communication, along with any attachments, may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message.

From: Miller, Caitlin E
Sent: Tuesday, February 07, 2017 3:04 PM
To: Groom, Molly M; Busch, Philip B
Cc: Zill, Katherine F; Roll, Annemarie E; Malashock, Moshe Y; Franke, Evan R
Subject: Scialabba Memo

Hi Molly and Phil,

One of our EO cases, and the one that affects USCIS most directly, makes allegations about the EO affecting adjudications within the U.S. Plaintiffs somehow had the hold emails from SCOPS and FOD, and cited to those in the (b)(5) complaint.

[redacted]

Thanks!

Caitlin Miller (formerly Shay)
Associate Counsel, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Ave., NW, Suite 3100
Mail Stop 2121
Washington, DC 20529-2121

[redacted] (b)(6)

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Gillispie, Anna E

From: Groom, Molly M
Sent: Friday, February 03, 2017 9:13 PM
To: Carter, Jeffrey T (Jeff); Renaud, Tracy L; Torres, Juan J; Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

I support your goals.

From: Carter, Jeffrey T (Jeff)
Sent: Friday, February 03, 2017 10:10:43 PM
To: Renaud, Tracy L; Torres, Juan J; Alfonso, Angelica M; Groom, Molly M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Being in contempt of an injunction is not my goal. ;-)

We will stand down on posting and await guidance.

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services
[redacted] (b)(6)
Please visit www.uscis.gov for news and information.

From: Renaud, Tracy L
Sent: Friday, February 03, 2017 10:07:42 PM
To: Carter, Jeffrey T (Jeff); Torres, Juan J; Alfonso, Angelica M; Groom, Molly M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
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Thanks Jeff. I get it and if it had been posted prior to us. Ring aware of the injunction it would be normal course of business posting it after, even if a re-post of a DHS post might give the impression that we are not completely compliant. I tend to be super conservative on this stuff which is why I'm deferring to OCC. Molly, you don't need the link, the press statement is at the bottom of this email chain.

Tracy L. Renaud
Acting Deputy Director

US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Carter, Jeffrey T (Jeff)
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To: Renaud, Tracy L; Torres, Juan J; Alfonso, Angelica M; Groom, Molly M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
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The press release was sent out by DHS to the media and I asked Juan to post it, has we have other DHS statements, to the Connect page. We do not have to post it by any means but, again, the press release was distributed by DHS.

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Department of Homeland Security

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To: Alfonso, Angelica M; Renaud, Tracy L; Groom, Molly M; Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Scialabba, Lori L
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Apologies – doing some catch up here. I do have someone available to issue an internal message (just need a cleared message). Meanwhile, should I move forward with posting the below DHS press release to our "Presidential Actions" Connect page?

Juan

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Sent: Friday, February 03, 2017 9:48 PM
To: Renaud, Tracy L; Groom, Molly M; Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Scialabba, Lori L
Cc: Torres, Juan J
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

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Cc: Torres, Juan J
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

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To: Renaud, Tracy L; Carter, Jeffrey T (Jeff); Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L
Cc: Torres, Juan J
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

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FYSA.

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Thanks,

Jeff

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Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services
[redacted] (b)(6)
Please visit www.uscis.gov for news and information.

From: DHS Press Office
Sent: Friday, February 03, 2017 5:40:00 PM
To: Carter, Jeffrey T (Jeff)
Subject: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Press Office
U.S. Department of Homeland Security

Press Release

February 3, 2017
Contact: DHS Press Office, 202-282-8010

STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

WASHINGTON - The Department of Homeland Security (DHS) would like to clarify the classes of aliens affected by the 90-day temporary pause on travel, with case-by-base exceptions and waivers, as outlined in the President's Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States."

To ensure that the U.S. government can conduct a thorough analysis of the national security risks faced by our immigration system, the Executive Order imposes a 90-day pause on the entry into the United States of nationals from Iraq, Syria, Sudan, Iran, Somalia, Libya, and Yemen. This pause does not apply to Lawful Permanent Residents, dual citizens with passports from a country other than the seven listed, or those traveling on diplomatic, NATO or UN visas. Special Immigrant Visa holders who are nationals of these seven countries may board U.S.-bound planes, and apply for and receive a national interest exception to the pause upon arrival.

Importantly, these seven countries are the only countries to which the pause on entry applies. No other countries face such treatment. Nor have any other countries been identified as warranting future inclusion at this time, contrary to false reports.

As directed by the Executive Order, DHS is working with the Department of State and the Office of the Director of National Intelligence to conduct a country-by-country review of the information provided by countries in order for their nationals to apply for myriad visas, immigration benefits, or otherwise seek admission into the United States. This review is needed to ensure that individuals seeking to enter the U.S. are who they claim to be and do not pose a security or public-safety threat.

The results of this review will be provided to the President within 30 days of the Executive Order's signing. This review, conducted in consultation with our interagency partners, will determine which countries do not provide adequate information on their nationals seeking immigration benefits or admission into the United States. Principally, the goal is to ensure that those admitted to this country do not bear hostile attitudes toward the United States and its founding principles.

Based on that report, the State Department will ask any foreign governments who were determined to not be supplying adequate information on their nationals to begin providing such information within 60 days.

In order to protect Americans, and to advance the national interest, the United States must ensure that we have adequate information about individuals seeking to enter this country to ensure that they do not bear malicious intent toward the United States and its people.

###

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U.S. Department of Homeland Security · Washington, DC 20016

Gillispie, Anna E

From: Groom, Molly M
Sent: Friday, February 03, 2017 9:12 PM
To: Renaud, Tracy L; Carter, Jeffrey T (Jeff); Torres, Juan J; Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

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Press Release

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Unsubscribe

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U.S. Department of Homeland Security · Washington, DC 20016

Gillispie, Anna E

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Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Thanks Jeff. Molly, presumably the DHS release has been superseded by the injunction? I'll send you the actual release under separate cover (but know that many employees and the public receive the DHS press office alerts)

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U.S. Citizenship and Immigration Services

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Sent: Friday, February 03, 2017 10:01:30 PM
To: Torres, Juan J; Alfonso, Angelica M; Groom, Molly M; Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

I think us posting this, even internally, after the injunction is ill advised but defer to OCC. Molly and Phil copied.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Torres, Juan J
Sent: Friday, February 03, 2017 9:56:29 PM
To: Alfonso, Angelica M; Renaud, Tracy L; Groom, Molly M; Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Scialabba, Lori L
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

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Juan

From: Alfonso, Angelica M
Sent: Friday, February 03, 2017 9:48 PM
To: Renaud, Tracy L; Groom, Molly M; Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Scialabba, Lori L
Cc: Torres, Juan J
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

This would have only posted to internal connect page (vs .gov)

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

From: Renaud, Tracy L
Sent: Saturday, February 04, 2017 2:45:11 AM
To: Groom, Molly M; Carter, Jeffrey T (Jeff); Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L
Cc: Torres, Juan J
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Added you for your awareness. The question was really for OCOM.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Groom, Molly M
Sent: Friday, February 03, 2017 9:44:24 PM
To: Renaud, Tracy L; Carter, Jeffrey T (Jeff); Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L
Cc: Torres, Juan J
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

I never saw this.

From: Renaud, Tracy L
Sent: Friday, February 03, 2017 9:43:39 PM
To: Carter, Jeffrey T (Jeff); Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Groom, Molly M
Cc: Torres, Juan J
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

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Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Carter, Jeffrey T (Jeff)
Sent: Friday, February 03, 2017 6:44:52 PM
To: Alfonso, Angelica M; Hatchett, Dolline L; Renaud, Tracy L; Scialabba, Lori L
Cc: Torres, Juan J
Subject: FW: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

FYSA.

Juan - please have this posted on the EO Connect page.

Thanks,

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services
[redacted]
(b)(6)
Please visit www.uscis.gov for news and information.

From: DHS Press Office
Sent: Friday, February 03, 2017 5:40:00 PM

To: Carter, Jeffrey T (Jeff)
Subject: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Press Office
U.S. Department of Homeland Security

Press Release

February 3, 2017
Contact: DHS Press Office, 202-282-8010

STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

WASHINGTON - The Department of Homeland Security (DHS) would like to clarify the classes of aliens affected by the 90-day temporary pause on travel, with case-by-base exceptions and waivers, as outlined in the President's Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States."

To ensure that the U.S. government can conduct a thorough analysis of the national security risks faced by our immigration system, the Executive Order imposes a 90-day pause on the entry into the United States of nationals from Iraq, Syria, Sudan, Iran, Somalia, Libya, and Yemen. This pause does not apply to Lawful Permanent Residents, dual citizens with passports from a country other than the seven listed, or those traveling on diplomatic, NATO or UN visas. Special Immigrant Visa holders who are nationals of these seven countries may board U.S.-bound planes, and apply for and receive a national interest exception to the pause upon arrival.

Importantly, these seven countries are the only countries to which the pause on entry applies. No other countries face such treatment. Nor have any other countries been identified as warranting future inclusion at this time, contrary to false reports.

As directed by the Executive Order, DHS is working with the Department of State and the Office of the Director of National Intelligence to conduct a country-by-country review of the information provided by countries in order for their nationals to apply for myriad visas, immigration benefits, or otherwise seek admission into the United States. This review is needed to ensure that individuals seeking to enter the U.S. are who they claim to be and do not pose a security or public-safety threat.

The results of this review will be provided to the President within 30 days of the Executive Order's signing. This review, conducted in consultation with our interagency partners, will determine which countries do not provide adequate information on their nationals seeking immigration benefits or admission into the United States. Principally, the goal is to ensure that those admitted to this country do not bear hostile attitudes toward the United States and its founding principles.

Based on that report, the State Department will ask any foreign governments who were determined to not be supplying adequate information on their nationals to begin providing such information within 60 days.

In order to protect Americans, and to advance the national interest, the United States must ensure that we have adequate information about individuals seeking to enter this country to ensure that they do not bear malicious intent toward the United States and its people.

###

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U.S. Department of Homeland Security · Washington, DC 20016

Gillispie, Anna E

From: Hatchett, Dolline L
Sent: Friday, February 03, 2017 9:04 PM
To: Renaud, Tracy L; Torres, Juan J; Alfonso, Angelica M; Groom, Molly M; Carter, Jeffrey T (Jeff); Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

To clarify - and Juan has confirmed - the statement has not posted. I agree that we should hold, Tracy. Will wait for Molly and Phil to weigh in.

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Sent: Friday, February 03, 2017 10:01:30 PM
To: Torres, Juan J; Alfonso, Angelica M; Groom, Molly M; Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
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US Citizenship & Immigration Services
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Acting Deputy Director
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Department of Homeland Security
[redacted] (b)(6)

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[redacted] (b)(6)

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Cc: Torres, Juan J
Subject: FW: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

FYSA.

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Thanks,

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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Press Office
U.S. Department of Homeland Security

Press Release

February 3, 2017
Contact: DHS Press Office, 202-282-8010

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###

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U.S. Department of Homeland Security · Washington, DC 20016

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Referred to Department of Justice

Referred to Department of Justice

(b)(5

Referred to Department of Justice

Gillispie, Anna E

From: Scialabba, Lori L
Sent: Friday, February 03, 2017 12:47 PM
To: Ruppel, Joanna; Renaud, Tracy L
Cc: Walters, Jessica S; Farnam, Julie E; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Strack, Barbara L; Stone, Mary M; Chiorazzi, Anne; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: RE: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

I'm checking on it.

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 11:32:33 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Farnam, Julie E; Young, Todd P; Nicholson, Maura J; Benedict, Deborah L; Strack, Barbara L; Stone, Mary M; Chiorazzi, Anne; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: URGENT TIME SENSTIIVE: Proposed Language for CAM parolees

Here is our proposed language, based on what we understand the current thinking to be. Is this your understanding of the decision and can we message this as noted below? We have people scheduled to travel on Monday. IOM has booked and the beneficiaries have paid for their travel. Please note that approximately 190 people have booked travel. Of those, only one individual would be traveling with a refugee family member. [note, our numbers are from IOM, so we may be off a bit, but this is close]

SUSPENSION OF TRAVEL FOR INDIVIDUALS GRANTED PAROLE UNDER THE CENTRAL AMERICAN MINORS REFUGEE/PAROLE PROGRAM (CAM)

On January 27, 2017, President Donald J. Trump signed an Executive Order, "Protecting the Nation From Terrorist Entry into the United States" that called for an immediate suspension of the U.S. Refugee Admissions Program (USRAP) for 120 days. In light of this temporary suspension, USCIS will also be pausing travel to the United States for all individuals granted parole under the Central American Minors Refugee/Parole Program. USCIS will act as follows:

- During this suspension, an applicant whose parole request has been approved by USCIS will be permitted to travel with any refugee family member who is permitted to travel pursuant to an exemption.
- The travel for all other individuals who were granted parole by USCIS under this program will be suspended until the U.S. Refugee Admission Program resumes for this population.

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

Referred to Department of Justice

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Gillispie, Anna E

From: Scialabba, Lori L
Sent: Thursday, February 02, 2017 8:31 AM
To: Higgins, Jennifer; Hamilton, Gene
Subject: FW: The Guardian: Trump lashes 'dumb deal' with Australia on refugees after fraught call with Turnbull

Any advice? We were planning to go out and do the interviews. It does not assure admission but thought I should check in light of this information.

Thanks
Lori

From: Strack, Barbara L
Sent: Thursday, February 02, 2017 9:12:04 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Ruppel, Joanna; Stone, Mary M; Gulati, Sonia
Subject: FW: The Guardian: Trump lashes 'dumb deal' with Australia on refugees after fraught call with Turnbull

Lori and Tracy - we are working to reschedule the Nauru circuit ride for departure on Feb. 13 or 21.

Please advise if we should change gears.

From: Tintary, Ruth E
Sent: Thursday, February 02, 2017 12:52:19 AM
To: Strack, Barbara L; Stone, Mary M
Cc: Alfonso, Angelica M; Atkinson, Ronald A; Brown, Katherine H
Subject: The Guardian: Trump lashes 'dumb deal' with Australia on refugees after fraught call with Turnbull

Whole article: https://www.theguardian.com/us-news/donaldtrump/2017/feb/02/all

Half of article copied below.

"Trump lashes 'dumb deal' with Australia on refugees after fraught call with Turnbull"

Katharine Murphy and Ben Doherty
Wednesday 1 February 2017 23.30 EST First published on Wednesday 1 February 2017 20.25 EST

- Trump tweets fury at agreement to resettle refugees from Nauru and Manus
- Washington Post says he told Australian PM their conversation was 'worst call'

Donald Trump has torn into the US agreement to resettle refugees from Australia's offshore detention centres, calling it a "dumb deal" and describing the refugees as illegal immigrants.

Trump took to Twitter to voice his displeasure at a deal he had pledged to uphold in a phone call with the Australian prime minister on Sunday.

"Do you believe it? The Obama administration agreed to take thousands of illegal immigrants from Australia. Why? I will study this dumb deal."

Less than two hours previously, the US State Department had insisted the deal was on in response to a Washington Post report of a fraught phone call between Trump and Australia's prime minister, Malcolm Turnbull.

"President Trump's decision to honour the refugee agreement has not changed," a US embassy spokesperson in Canberra said in a statement.

The deal brokered between former president Barack Obama and Turnbull originally forecast the resettlement of up to 1,250 refugees from Australia's offshore detention islands of Manus Island and Nauru.

According to the Washington Post, Trump told Turnbull the refugee resettlement agreement was "the worst deal ever" and warned he was going to "get killed" politically for it during their one-on-one call last weekend, according to a detailed account of the conversation in the Washington Post.

The Post reported that Trump had fumed during his Sunday phone call with the Australian prime minister telling Turnbull he'd spoken to other world leaders on the same day, and this was "this was the worst call by far".

Trump, according to the report, accused Australia of seeking to export the "next Boston bombers".

The report says the friction between the two leaders "reflected Trump's anger over being bound by an agreement reached by the Obama administration to accept refugees from Australian detention sites even while Trump was issuing an executive order suspending such arrivals from elsewhere in the world".

The White House declined to comment on the report on Thursday.

The "one-off" refugee resettlement deal was announced in November with Obama agreeing to take an unspecified number of refugees from Australia's offshore detention centres on Manus Island and Nauru.

Both Australian-run detention camps have been the subject of sustained criticism by the UN, human rights groups and other nations over systemic sexual and physical abuse of those detained, including rapes, beatings and the murder of one asylum seeker by guards; child sexual abuse; chronic rates of self-harm and suicide; dangerous levels of sustained mental illness, harsh conditions and inadequate medical treatment leading to several deaths.

The report on the phone call says Turnbull insisted the new administration honour the agreement, and allow refugees to enter the country on the normal vetting arrangements, which prompted Trump to declare they would be subjected to "extreme vetting".

The call, scheduled for an hour, was terminated after 25 minutes, the Post said. The source of the account is attributed as a "senior US official".

Turnbull declined to comment on the report, saying the resettlement deal remained on track and it was best that conversations between leaders remained private.

"I'm not going to comment on the conversation," Turnbull told reporters in Melbourne. "During the course of the conversation, as you know and it was confirmed by the president's official spokesman, the president assured

me that he would continue with, honour the agreement we entered into with the Obama administration, with respect to refugee resettlement."

Asked whether Trump had hung up on him, Turnbull again declined to comment, but he suggested he had argued Australia's corner. "Australians know me very well. I always stand up for Australia in every forum."

The new report significantly intensifies the government's woes over the refugee deal, which has been the subject of confusing accounts out of Washington over the past few days.

The Turnbull government has been at pains to stress the deal is on track despite the contradictory statements out of Washington, and Turnbull has not referenced any tension between the two leaders, despite the fact the deal clearly contradicts Trump's anti-immigrant messaging throughout the presidential campaign.

Ruth E. Tintary
Associate Chief, OLA
USCIS
[redacted] (b)(6)

(b)(6

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Referred to Department of Homeland Security

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Gillispie, Anna E

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 5:32 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Nicholson, Maura J
Subject: RE: Interim guidance for IO

We can also say they can process a request for boarding letter from LPR per existing guidance (our existing guidance directs them to contact HQ if there is significant derog). Would be consistent with press release Tracy just forwarded.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 3:12:32 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Nicholson, Maura J
Subject: RE: Interim guidance for IO

Do you want us to send a simply message like FOD and SCOPS and Asylum did to their leadership to just hold all decisions for cases from affected countries and proceed otherwise?

Note we have no cases for boarding letters pending from the affected countries.

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 6:10 PM
To: Ruppel, Joanna; Renaud, Tracy L
Cc: Nicholson, Maura J
Subject: RE: Interim guidance for IO

I don't think you can send this as it is.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 6:01:45 PM
To: Renaud, Tracy L; Scialabba, Lori L
Cc: Nicholson, Maura J
Subject: FW: Interim guidance for IO

Tracy and Lori,

Just as FOD, SCOPs and Asylum have sent out guidance to staff to hold certain cases tomorrow, IO plans to send out the following tonight to address the questions we have been getting and ensure staff do not violate the E.O. Please let me know if you have any objections.

The guidance is only intended for cases this week, until we can issue cleared guidance.

Thanks,

Joanna

From: Nicholson, Maura J
Sent: Sunday, January 29, 2017 5:48 PM
To: Ruppel, Joanna
Subject: Interim guidance for IO
Importance: High

Joanna – this is what I'd like to send to the Field Managers. I'll attach the EO when I send it for their reference.

International Managers,

We continue to work as rapidly as possible to get clarification on implementation of the Executive Order signed on January 27, 2017 (attached for reference), and are working on detailed guidance to help field staff address various scenarios you may be encountering overseas. In the meantime, please follow the below guidance for the next few days until more complete guidance is available:

1. Refugee-Related Processing

A. For all I-590 Refugee Cases (all nationalities), all I-730 Refugee Follow-to-Join cases (all nationalities), and I-730 Asylee Follow-to-Join cases where the beneficiary is a national of Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen:

1. *Interview already scheduled this week, sufficient time to cancel*

   - Cancel interview, even if Lautenberg or other religious minority case. We will offer further guidance on these types of cases as soon as it is available.

   - If I-730 cases, pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".

2. *Interview already scheduled, insufficient time to cancel*

- Collect fingerprints, review bio-data on case for accuracy and completeness, and notify applicant that he/she will be contacted with additional information in the future when we are able to proceed in the processing of his or her case.

- For I-730 cases, pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".

3. *Interview not yet scheduled*

- Do not schedule any cases until further notice.

- For I-730 cases, pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".

4-6 below relate to I-730 Refugee Follow-to-Joins (all nationalities) and I-730 Asylee Follow-to-Joins of the 7 nationalities (Only)

4. *Already interviewed, pending decision or travel packet issuance*

- No final decisions or travel packets should be issued. Pause CAMINO Clock effective 1/27/2017; enter note "Per Executive Order".

5. *If new cases received*

- Immediately pause the Clock upon case entry, noting 1/27/2017 E.O.

Note: I-730 Asylee Follow-to-Join cases of all other nationalities can continue processing to completion, as usual.

B. I-590 Adjudications, I-590 Supervisory Review and I-602 Adjudications

- Staff should stop making decisions or completing supervisory review until further notice.

C. RFR Adjudications

- You may continue to process RFR adjudications to completion if they are denials. All others should be held until further notice and the Clock in CAMINO paused as of 1/27/2017.

2. All Other Benefit Types where the Applicant/Beneficiary is a national or dual national of Iraq, Iran, Libya, Somalia, Sudan, Syria, or Yemen

You may continue processing other case types but do not issue any final decisions until further notice, including I-131A boarding letters. If you receive an I-131A boarding letter request from a national or dual national of one of the 7 countries listed above, please contact me and Jen Kliska for guidance. I-407 abandonments can continue to be processed.

3. Handling of Inquiries

If you receive inquiries from foreign governments about any DHS equities related to the Executive Orders, please direct those inquiries to Matt King, Deputy Assistant Secretary, Policy at [redacted] Please do not provide his contact information to parties external to USCIS.

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The above guidance is only a stop-gap to assist in addressing the most urgent needs for the next few days or even this week when more detailed cleared guidance can be issued. Also, for awareness, OCOMM is also working on talking points and FAQs related to the Executive Order, which should be issued via USCIS Broadcast soon.

If districts can continue to collect and consolidate questions from the field, that would be helpful. I appreciate the difficulty of being on the front line and getting inquiries from the public and others for which we don't yet have complete answers. Many people throughout the Agency and Department are working hard to sort out impact of the E.O. on the Agency. I appreciate your patience during this effort!

More to follow soon. Thank you for your continued support and dedication as we navigate the current policy changes!

Maura

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Maura J. Nicholson
Deputy Chief, International Operations Division
USCIS/Refugee, Asylum & International Operations
[redacted]

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Referred to Department of Homeland Security

Gillispie, Anna E

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 3:00 PM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

Field Offices may continue to adjudicate N-400 and N-600 applications and administer the oath of citizenship for approved candidates who remain eligible. This message lifts the hold on citizenship applications and petitions.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 11:12:16 AM
To: Cowan, Robert M; Looney, Robert V; Muzyka, Carolyn L; Pietropaoli, Lori A; Redman, Kathy A; Gallagher, Kevin E; Goodwin, Shelley M; Robinson, Terri A; Tierney, Therese A; Woo, Ellen Y; FOD-DDs-DDDs-COS; FOD-FODs
Cc: Dominguez, Kathleen P; Upchurch, Evelyn M; Kendrick, Rose M; Quimby, Christopher M (Chris); Rinehart, Brett R; Sapko, Jeffrey M; Spencer, Julie C; Young, Claudia F; Valverde, Michael; Neufeld, Donald W; Kvortek, Lisette E; Farnam, Julie E; Slattery, Shannon E; Renaud, Tracy L; Davidson, Andrew J; Scialabba, Lori L
Subject: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Field Operations Instructions

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. At that point, cases shall be placed on hold until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Offices. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been

approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Offices through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Gillispie, Anna E

From: Renaud, Tracy L
Sent: Sunday, January 29, 2017 12:42 PM
To: Melero, Mariela; Alfonso, Angelica M; Scialabba, Lori L
Cc: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Atkinson, Ronald A; Rogers, Debra A; Martin, Heather A; Herrmann, Mary K
Subject: RE: Quick read out: 10 am call

Thanks Mariela. We may have our own capacity issues but we won't know for sure until we see what our volume is tomorrow. We can extend the offer to CBP with the caveat that we may also be overwhelmed when our lines open tomorrow.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Melero, Mariela
Sent: Sunday, January 29, 2017 1:38:27 PM
To: Alfonso, Angelica M; Scialabba, Lori L; Renaud, Tracy L
Cc: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Atkinson, Ronald A; Rogers, Debra A; Martin, Heather A; Herrmann, Mary K
Subject: RE: Quick read out: 10 am call

Ladies,
I suspect that CBP's Call Center will be overwhelmed this week. We are happy to support as appropriate.

Mariela

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 1:26:59 PM
To: Melero, Mariela; Scialabba, Lori L; Renaud, Tracy L
Cc: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Atkinson, Ronald A; Rogers, Debra A; Martin, Heather A
Subject: RE: Quick read out: 10 am call

Thank you, adding Heather. I've asked her to track all of the reporting on the external side (OLA/CSPE/OCOMM)

We don't have a good format yet so just send info in a format that makes sense and is easy to understand. THANK YOU!!

From: Melero, Mariela
Sent: Sunday, January 29, 2017 1:25 PM
To: Scialabba, Lori L; Renaud, Tracy L; Alfonso, Angelica M
Cc: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Atkinson, Ronald A; Rogers, Debra A
Subject: RE: Quick read out: 10 am call

We will track and report on volume and relevant inquiries during the ay. Pressing inquiry from Catholic Charities and others is; "are we still processing applications and petitions from the seven countries or have we segregated them as sources close to the administration are suggesting".

Best,

Mariela

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 11:40:43 AM
To: Melero, Mariela; Renaud, Tracy L; Alfonso, Angelica M
Cc: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Atkinson, Ronald A
Subject: RE: Quick read out: 10 am call

Mariela,

Please keep track of the questions we are getting so we can develop scripts for the call centers. If you already have an idea of the questions let me know and I'll see if we can get some stock answers for our staff.

From: Melero, Mariela
Sent: Sunday, January 29, 2017 11:02:31 AM
To: Renaud, Tracy L; Alfonso, Angelica M; Scialabba, Lori L
Cc: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Atkinson, Ronald A
Subject: RE: Quick read out: 10 am call

Dear Angie,
Please let us know how to best support your efforts. We anticipate high volume at the Call Center tomorrow and will keep all posted.

Best,

Mariela

From: Renaud, Tracy L
Sent: Sunday, January 29, 2017 10:14:39 AM
To: Alfonso, Angelica M; Scialabba, Lori L
Cc: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Melero, Mariela; Atkinson, Ronald A
Subject: RE: Quick read out: 10 am call

Thanks Angie. Just to solidify one issue, we need to have a single individual working our communications on this issue with DHS and that person will be Angie given her expertise in multiple varieties of external engagement. She will need assistance and perhaps back-up from OCOM and/or CSPE as we negotiate these and perhaps future EOs. I'm asking all of you to support Angie in her role and keep her informed and copied on all exchanges with DHS. If you have questions/concerns let me know.

Tracy L. Renaud

Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 10:08:52 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Melero, Mariela; Atkinson, Ronald A
Subject: Quick read out: 10 am call

No action necessary. It just wrapped up. My quick notes below. Lots of fact sheet/reports/ matrix reporting tasked out. For now, we (OCOMM) just needs to inventory existing fact sheets and pull what may be pertinent to issues of the day. Jeff was on as well.

Headline: confusion
Need to tell. Our story. CBP on camera interview last night
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No SIV denied entry
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DHS statement from last night?
Hill inquiries from MOCs and staff. Sen Schumer: spoke to s1 last night. 4 Iranians who boarded flight from jfk to Istanbul. Senator wants flight manifest. Gillian noted draft q/A and the need to push it out to staffers. Would alleviate flow of inquires. Also tracking recommended phone calls.
Need to tier and prioritize calls backs (s1/s2/below). Will to to catalogue and have a read out of each call.
Separate matrix for topic area.
Member of Congress(SJL and Nadler) holding pressers at airports.
What is proper term? Detain? Secondary? Need to flesh out vernacular

Possibility of external stakeholders call this week (S&L/LE/academia/HSAC)
Scott: leading outreach. calls to hill, stakeholders, hsac, etc
Read outs from Sunday shows - Liz (OPA) will be tracking this
Need to draft and send Regular guidance to field pao's.
RTQs almost ready. Social media. Gene: yes start asap, directed to share S1 statement via social media. S1 personally blessed.
Continue normal practice. If concerned, flag it, raise it.
Alan: need to track "myths" - "11 detainees released at Atlanta airport"
Alan has tasked the drafting of at least 10 fact sheets
212F - fact sheet
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All component comms need to pass forward existing fact sheets that are pertinent (jenny burke)

Dual citizens
Judges orders

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 2:09:14 PM
To: Alfonso, Angelica M
Subject:

Headline: confusion
Need to tell our story. Reality on the ground is critical. Kevin/CBP did interview last night. Need to get facts across, make it a fact based story.
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2 briefs at 10 and 4.

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

Gillispie, Anna E

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 11:48 AM
To: Melero, Mariela; Renaud, Tracy L; Scialabba, Lori L
Cc: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Atkinson, Ronald A; Herrmann, Mary K; Rogers, Debra A
Subject: RE: Quick read out: 10 am call

OK, we may need to start reporting on some of these inquiries today. I'll let you know.

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Melero, Mariela
Sent: Sunday, January 29, 2017 5:46:57 PM
To: Alfonso, Angelica M; Renaud, Tracy L; Scialabba, Lori L
Cc: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Atkinson, Ronald A; Herrmann, Mary K; Rogers, Debra A
Subject: RE: Quick read out: 10 am call

No guidance whatsoever. We are planning to draft some generic language from the press release and circulate internally for quick clearance.
We also have a number of pending inquiries from stakeholders. We can further discuss tomorrow.

Mariela

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 11:05:20 AM
To: Melero, Mariela; Renaud, Tracy L; Scialabba, Lori L
Cc: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Atkinson, Ronald A
Subject: RE: Quick read out: 10 am call

Thanks, MAriela. Call centers are on my list...what has been the guidance over the weekend?

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Melero, Mariela
Sent: Sunday, January 29, 2017 4:02:31 PM
To: Renaud, Tracy L; Alfonso, Angelica M; Scialabba, Lori L
Cc: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Atkinson, Ronald A
Subject: RE: Quick read out: 10 am call

Dear Angie,
Please let us know how to best support your efforts. We anticipate high volume at the Call Center tomorrow and will keep all posted.

Best,

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Thanks Angie. Just to solidify one issue, we need to have a single individual working our communications on this issue with DHS and that person will be Angie given her expertise in multiple varieties of external engagement. She will need assistance and perhaps back-up from OCOM and/or CSPE as we negotiate these and perhaps future EOs. I'm asking all of you to support Angie in her role and keep her informed and copied on all exchanges with DHS. If you have questions/concerns let me know.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 10:08:52 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Melero, Mariela; Atkinson, Ronald A
Subject: Quick read out: 10 am call

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Dual citizens
Judges orders

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

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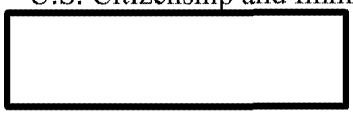

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Referred to Department of Homeland Security

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Gillispie, Anna E

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 11:07 AM
To: Hatchett, Dolline L; Scialabba, Lori L; Melero, Mariela; Renaud, Tracy L
Cc: Carter, Jeffrey T (Jeff); Atkinson, Ronald A; Martin, Heather A
Subject: RE: Quick read out: 10 am call

Wonderful, thanks!
Alan and I just participated in the leg affairs call. His excellent notes below:

1). Press Release distributed to Hill and Press. Need to advance as broadly as possible as quickly as possible.

2). NJIC activated yesterday, expected to be operational for 5-7 days. Staffed 24/7 with all components staffing. NJIC working closely with WH Comms, WH Policy, and WH Leg. CBP provided numbers regarding detentions. Stay is being reviewed to see how it affects the EOs.

3). Fact sheets being developed and hopefully will be distributed today (1/29). Fact Sheets will address which countries are affected and why (7 countries), LPRs, and provide greater context to decisions and implementation.

4). NOT using word "ban," but referring to section 212(f) "suspension of entry."

5). DHS OLA collecting information on contacts from the Hill. Roll-ups due to DHS at 3:00 p.m. And 3:00 a.m. each day. DHS OLA will send out a template to collect critical information. Tier 1 calls should be flagged for OLA and NJIC to alert S1 staff and consider direct calls to Members. Case inquiries should be included in the roll-up, but also sent to the responsible agencies.

6). CBP is not providing information on individual cases. Need talking points. DFOs are not meeting with Members who are at ports of entry. 9:00 a.m. - Fewer than 40 in custody/detention. CBP processing waivers on all who have not yet been admitted.

7). FAQs being developed on issues regarding LPRs, Refugee processing, and a myriad of CBP-specific matters.

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Hatchett, Dolline L
Sent: Sunday, January 29, 2017 5:04:04 PM
To: Alfonso, Angelica M; Scialabba, Lori L; Melero, Mariela; Renaud, Tracy L

Cc: Carter, Jeffrey T (Jeff); Atkinson, Ronald A; Martin, Heather A
Subject: RE: Quick read out: 10 am call

Thanks Angie. Jeff continues to be the POC for OCOM on this. I will work closely with him to ensure things are tracked and responded to. Will also determine if other OCOM assets need to be tapped to fulfill the various requests that may come in for these EOs and any future ones.

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 11:56:49 AM
To: Scialabba, Lori L; Melero, Mariela; Renaud, Tracy L
Cc: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Atkinson, Ronald A; Martin, Heather A
Subject: RE: Quick read out: 10 am call

A few updates:
We have been asked to ensure that the DHS statement is shared far and wide. Jeff is aware and will make sure CSPE and OLA govdel boxes are checked. MAriela, what is the current guidance for the call centers?
We will be pulling together various reports (due at 3pm and 3am) capturing Hill requests. I am told we will have the Q/As TODAY. We will be asked to distribute. We will also have various fact sheets.
Please identify a person on your staff who will run point and be responsible for submitting info. I'll have more detail on what specific info we will need to submit shortly but the general issue are hill/press/s&l/private sector.

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Scialabba, Lori L
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US Citizenship & Immigration Services
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Angelica Alfonso-Royals
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No SIV denied entry
No LPR denied entry
109 denied entry in total out of 100's of 1000
2 briefs at 10 and 4.

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

Referred to U.S. Department of State

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Referred to U.S. Department of State

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Referred to U.S. Department of State

Referred to U.S. Department of State

Referred to U.S. Department of State

Gillispie, Anna E

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 9:38 AM
To: Valverde, Michael; Renaud, Daniel M; Renaud, Tracy L
Cc: Kvortek, Lisette E; Farnam, Julie E; Neufeld, Donald W
Subject: RE: Cases Pending in Field Offices and NBC

Good point.

From: Valverde, Michael
Sent: Sunday, January 29, 2017 10:30:17 AM
To: Renaud, Daniel M; Scialabba, Lori L; Renaud, Tracy L
Cc: Kvortek, Lisette E; Farnam, Julie E; Neufeld, Donald W
Subject: RE: Cases Pending in Field Offices and NBC

I'd remove a reference to the previous message to avoid getting caught up in a loop where DHS wants to see that as well, not that there's anything wrong with the first message.

Michael Valverde
DHS USCIS
Field Operations Directorate, Deputy Associate Director

[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 10:21:48 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Valverde, Michael; Kvortek, Lisette E; Farnam, Julie E; Neufeld, Donald W
Subject: RE: Cases Pending in Field Offices and NBC

How about this:

We have received clarifying information since my previous message.

Applications for Naturalization (Form N-400) and Applications for Certificate of Citizenship (Form N-600) are not impacted by the Executive Order. USCIS will continue to adjudicate these applications and administer the oath of citizenship for approved candidates who remain eligible.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 10:19:47 AM
To: Renaud, Daniel M; Renaud, Tracy L
Cc: Valverde, Michael; Kvortek, Lisette E; Farnam, Julie E; Neufeld, Donald W
Subject: RE: Cases Pending in Field Offices and NBC

We're a go on natz interviews and ceremonies but they want to see the message. Keep is short and simple.

thanks Dan

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 9:47:02 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Valverde, Michael; Kvortek, Lisette E; Farnam, Julie E; Neufeld, Donald W
Subject: RE: Cases Pending in Field Offices and NBC

I am going to send out a message today instructing offices to proceed with scheduled naturalization ceremonies until further notice. I think they need clarity on how to handle early-week ceremonies.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 9:44:02 AM
To: Renaud, Daniel M; Renaud, Tracy L
Cc: Valverde, Michael; Kvortek, Lisette E; Farnam, Julie E; Neufeld, Donald W
Subject: RE: Cases Pending in Field Offices and NBC

It can wait until Monday.

Thanks Dan,
Lori

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 9:43:11 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Valverde, Michael; Kvortek, Lisette E; Farnam, Julie E; Neufeld, Donald W
Subject: RE: Cases Pending in Field Offices and NBC

We should have the information you want on the 13,000. The N-form data might take until Monday. If you need it today, I can ask someone to go in today and start the data pull.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 9:27:59 AM
To: Renaud, Daniel M; Renaud, Tracy L
Cc: Valverde, Michael; Kvortek, Lisette E; Farnam, Julie E; Neufeld, Donald W
Subject: RE: Cases Pending in Field Offices and NBC

You should get the C4 data too and I know they are going to ask for a break down of the 13,000.

LEt's keep OCOM and OLA in the loop. DHS is doing press while we are still trying to figure this out. So the more our folks know the better.

From: Renaud, Daniel M
Sent: Sunday, January 29, 2017 7:42:20 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Valverde, Michael; Kvortek, Lisette E; Farnam, Julie E; Neufeld, Donald W
Subject: Cases Pending in Field Offices and NBC

NER ran a scrape of C3 data. Field Ops has 13,376 pending case filed by or on behalf of an individual from one of the 7 countries. That number, of course is limited to cases that can be identified through systems data, and does not account for cases with missing data in the system or dual citizens where the third country was listed. Its close enough, though to get an idea of the number of impacted cases.

Since it appears the EO does not apply to the citizenship line of business, we will hold off on a run of C4.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Referred to U.S. Department of State

Referred to U.S. Department of State

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Referred to U.S. Department of State

Referred to U.S. Department of State

Referred to U.S. Department of State

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Referred to Department of Homeland Security

Referred to Department of Homeland Security

Gillispie, Anna E

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:26 PM
To: Scialabba, Lori L; Groom, Molly M; Carter, Jeffrey T (Jeff); Valverde, Michael; Busch, Philip B; Renaud, Tracy L; Renaud, Daniel M; Ruppel, Joanna; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M; Walters, Jessica S; Young, Todd P
Subject: RE: Clearance for Extreme Vetting Q&A

Thanks for clarifying. I was trying to figure out what I had missed. I hope these are persuasive.

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 11:01:59 PM
To: Groom, Molly M; Carter, Jeffrey T (Jeff); Valverde, Michael; Neufeld, Donald W; Busch, Philip B; Renaud, Tracy L; Renaud, Daniel M; Ruppel, Joanna; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M; Walters, Jessica S; Young, Todd P
Subject: RE: Clearance for Extreme Vetting Q&A

Thanks Molly. I should have been a little clearer on the intent of this. Its just to get the conversation started with DHS. This is for policy discussion, It's not for public consumption. I think much of what youa re suggestion is perfect for public statements. I put the explanations in so DHS knows why we are taking the position we are for each question.

2. I think if we use the word visa we're going to not be allowed to continue to adjudicate them. We don't do visas. Do we?

3. I'd really like to get the go ahead to continue doing as much as possible in the refugee arena. I like your statement for public consumption.

4. I like this for a statement for OCOM to use.

5. I'm assuming we can adjudicate asylum requests but we should get clarification.

From: Groom, Molly M
Sent: Saturday, January 28, 2017 10:38:07 PM
To: Scialabba, Lori L; Carter, Jeffrey T (Jeff); Valverde, Michael; Neufeld, Donald W; Busch, Philip B; Renaud, Tracy L; Renaud, Daniel M; Ruppel, Joanna; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Now we are aware of at least two TROs, so I am not sure how quickly we will get anything cleared or agreement on what the impact is. But that said I offer the following comments for consideration.

I don't think we should try to explain the intent of the EOs in trying to explain the answer to 1. I'd prefer it to say: No, the EO does not prevent the adjudication of domestic 485 adjudications. But I don't think we have

clarity if it does or does not. 212(f) speaks to suspension on entry but I understand the language in the order is broader so I am not clear what the DHS or USG position will be.

2. USCIS will continue to adjudicate any visa or other application, request or benefit not impacted by the Executive Order.

-- we do adjudicate Ts and Us and extensions of status so want to walk a line and with uncertainty about reach of order think something along these lines may be better.

3-Should we just be a little more vague and say. For example if we have few religious minorities on circuit ride with other things.

DHS along with DOS continues to review the Executive Order and planned refugee circuit rides and will conduct interviews as appropriate and consistent with the Executive Order.

4-DHS and DOS will coordinate on processing individual refugee cases that may be appropriate for travel consistent with the Executive Order.

5- I'm wondering about whether the exception can be used for following to join asylees? Need to double check.

6-- OGC had advised yesterday that CBP was to
follow the VWP dual national guidance. But we should confirm or ask that they provide the answer.

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 10:07:19 PM
To: Carter, Jeffrey T (Jeff); Valverde, Michael; Neufeld, Donald W; Busch, Philip B; Renaud, Tracy L; Groom, Molly M; Renaud, Daniel M; Ruppel, Joanna; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Here we go. I've added Todd and Jessica for clean up once I have reactions because these answers could go any number of ways. I"m just getting a sense of our answer here. It's not pretty or diplomatic.

1. THe EOs are to protect the NS and safety of the U.S. From persons entering our country from the designated countries and does not apply to people in the U.S. Applying for adjustment of status. (OCC check me on this.). I know the EO uses language like all immigration benefits but the details address visa issuance to NIVs and IVs. Maybe the intent is to include adjustment but as long as this answer isn't completely ridiculous I'd like to start here.

2. USCIS will continue to adjudicate various petitions and applications. Visas are not issued by USCIS

3. Yes, in light of the language in the EO we will continue these refugee interviews.

4. THis will be done on a case by case basis. (We will need some standards for this)

5. This will be done on a case by case basis. (Ditto on standards and procedures)

6. Yes.

Let's hear what everyone h as to say.

Lori

From: Carter, Jeffrey T (Jeff)
Sent: Saturday, January 28, 2017 9:06:15 PM
To: Valverde, Michael; Neufeld, Donald W; Busch, Philip B; Renaud, Tracy L; Groom, Molly M; Scialabba, Lori L; Renaud, Daniel M; Ruppel, Joanna; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

All:

We have been asked by DHS to draft and clear within USCIS responses to the questions we sent up earlier.

Also, FYI, attached is what CBP submitted back to DHS OPA. We will be adding to that document so the questions should similarly be framed as media inquiries and I have taken a stab at that below.

DHS has asked for our responses as soon as possible tonight. Please send to me and I will forward them along.

Thanks,

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services
[redacted] (b)(6)
Please visit www.uscis.gov for news and information.

1. Does the Executive Order apply to I-485 applications to adjust to LPR status here in the U.S.?

2. Does this impact USCIS ability to adjust visas of those eligible to adjust in the U.S., such as a family based petition or an employment based petition?

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

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

5. Can the exception for refugee admission be used in I-730 cases?

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

7. Does the Executive Order apply to those currently being adjudicated for naturalization?
USCIS will continue to adjudicate N-400 applications for naturalization and administer the oath of citizenship for approved candidates who remain eligible.

From: Valverde, Michael
Sent: Saturday, January 28, 2017 5:38 PM
To: Neufeld, Donald W; Busch, Philip B; Renaud, Tracy L; Groom, Molly M; Scialabba, Lori L; Renaud, Daniel M; Carter,

Jeffrey T (Jeff); Ruppel, Joanna; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

We are doing the same. Our folks should talk, probably. Shelley Goodwin is our point. Who is yours?

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 5:33:11 PM
To: Busch, Philip B; Renaud, Tracy L; Groom, Molly M; Scialabba, Lori L; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Many more than I would have expected. We have folks running reports to see what we have pending in C3 and ELIS for applicants, beneficiaries and requesters from the 7 countries. We should have that Monday afternoon.

From: Busch, Philip B
Sent: Saturday, January 28, 2017 4:33:44 PM
To: Renaud, Tracy L; Neufeld, Donald W; Groom, Molly M; Scialabba, Lori L; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Regarding COS and EOS, it occurred to me to wonder to what extent there actually are nonimmigrants from those countries. Numbers aren't huge, but they are there. For FY 2015 per DHS yearbook, total nonimmigrant admissions for nationals of these countries were:
Iraq, 21,381
Iran, 35,266
Libya, 3,879
Yemen, 5,549
Sudan, 4,792
Syria, 16,018
Somalia, 359

Numbers for the two preceding years were similar. There are also tables further breaking it down by category but I didn't dig into it that deeply.

Phil

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 4:12:21 PM
To: Neufeld, Donald W; Groom, Molly M; Scialabba, Lori L; Busch, Philip B; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Thanks Don. We will add it.

Tracy L. Renaud

Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
202-272-1739 (desk)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 3:58 PM
To: Renaud, Tracy L; Groom, Molly M; Scialabba, Lori L; Busch, Philip B; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Tracy,

I saw the forwarded questions. I would like to add the EOS/COS issue as a corollary to the I-485 question.

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 3:33:46 PM
To: Groom, Molly M; Scialabba, Lori L; Busch, Philip B; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

All-

The 2:45 call did not address any of our outstanding issues. The call centered on a group of travel ready refugees and a discussion on whether to recommend applying a waiver allowing them to travel and be admitted. However, there is a WH principals' call at 4:00 that Lori will be on and we were encouraged to send our questions forward in advance of that call so DHS can either get us answers based on their knowledge or address the questions during the 4:00 call. Lori will be forwarding those questions. Stay tuned, we may have some guidance on at least some of our issues later today.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
(b)(6)
[redacted]

From: Groom, Molly M
Sent: Saturday, January 28, 2017 2:03 PM
To: Scialabba, Lori L; Busch, Philip B; Renaud, Daniel M; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Oh we were not clear on whether it applied to adjustment but were looking for clarity. Maybe there is still time to get another answer?

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 1:59:11 PM
To: Busch, Philip B; Renaud, Daniel M; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Neufeld, Donald W; McCament, James W

Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

I can see reading it that way but we've already been told it applies to adjustment applications.

From: Busch, Philip B
Sent: Saturday, January 28, 2017 1:56:25 PM
To: Renaud, Daniel M; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M (b)(5)
Subject: RE: Clearance for Extreme Vetting Q&A

[redacted]

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 1:49:28 PM
To: Renaud, Tracy L; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

I'd like to keep it in the document going to OPA that we may proceed with both making final decisions on pending N-400 petitions and administering the oath to eligible applicants from the 7 whose N-400s have been approved.

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 1:35:15 PM
To: Carter, Jeffrey T (Jeff); Ruppel, Joanna; Renaud, Daniel M; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Jeff,

I posed this question to DHS HQ just this morning because we had a 1:00 ceremony at the WAS field office with five individuals from the seven countries. I got a response back from DHS just before 1:00 indicating that we were good to go ahead with naturalizing those individuals. So, the answer is no, it does not apply to candidates for naturalization.

(b)(6)

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted]

From: Carter, Jeffrey T (Jeff)
Sent: Saturday, January 28, 2017 1:26:12 PM
To: Renaud, Tracy L; Ruppel, Joanna; Renaud, Daniel M; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

+ Angie

OPA just called – they would like anything we can provide within the hour so they can hold a call with CBP and others who are getting bombarded with media inquiries and prepare S1 to return Hill calls.

One question I could see for us, even though it is somewhat answered in the first question below: Does the Executive Order apply to those currently being adjudicated for naturalization?

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services
[redacted] (b)(6)
Please visit www.uscis.gov for news and information.

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 1:13 PM
To: Ruppel, Joanna; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Groom, Molly M; Busch, Philip B; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Strack, Barbara L; Stone, Mary M
Subject: RE: Clearance for Extreme Vetting Q&A

I am adding Jess, Molly and Phil back in again and also adding SCOPS. Jess is working to gather the questions you have all sent so far and compile them on one document. Once she has those together Lori and I will look at them to see which are internal questions and which might warrant public facing Q&A. So if you have sent your questions to Jess we should be all set.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
(b)(6)
[redacted]

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 1:09 PM
To: Renaud, Daniel M; Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Nicholson, Maura J
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Renaud, Tracy L; Strack, Barbara L; Stone, Mary M
Subject: RE: Clearance for Extreme Vetting Q&A

These seem to be issue that need to be addressed at the Department level.

They are also asking for other questions we think should be included, so we may want to put together a list of questions, even if we don't have answers yet.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 9:58:01 AM
To: Carter, Jeffrey T (Jeff); Valverde, Michael; Farnam, Julie E; Ruppel, Joanna; Nicholson, Maura J
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Renaud, Tracy L
Subject: RE: Clearance for Extreme Vetting Q&A

I simply do not have answers to these questions, so my input would be of no value.

From: Carter, Jeffrey T (Jeff)
Sent: Saturday, January 28, 2017 12:54:54 PM
To: Renaud, Daniel M; Valverde, Michael; Farnam, Julie E; Ruppel, Joanna; Nicholson, Maura J
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Scialabba, Lori L; Renaud, Tracy L
Subject: FW: Clearance for Extreme Vetting Q&A

All:

DHS OPA has request a quick (ASAP) agency clearance on the below.

Thanks,

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services (b)(6)
[redacted]

Please visit www.uscis.gov for news and information.

From: Christensen, Gillian
Sent: Saturday, January 28, 2017 12:48 PM
To: FRIEL, MICHAEL J; Carter, Jeffrey T (Jeff); CBP Media Relations; USCIS.Media
Cc: Burke, Jenny; Howard, Tammy; Corbin, Susan; Clark, Alaina; Burriesci, Kelli; Johnson, Liz
Subject: Clearance for Extreme Vetting Q&A

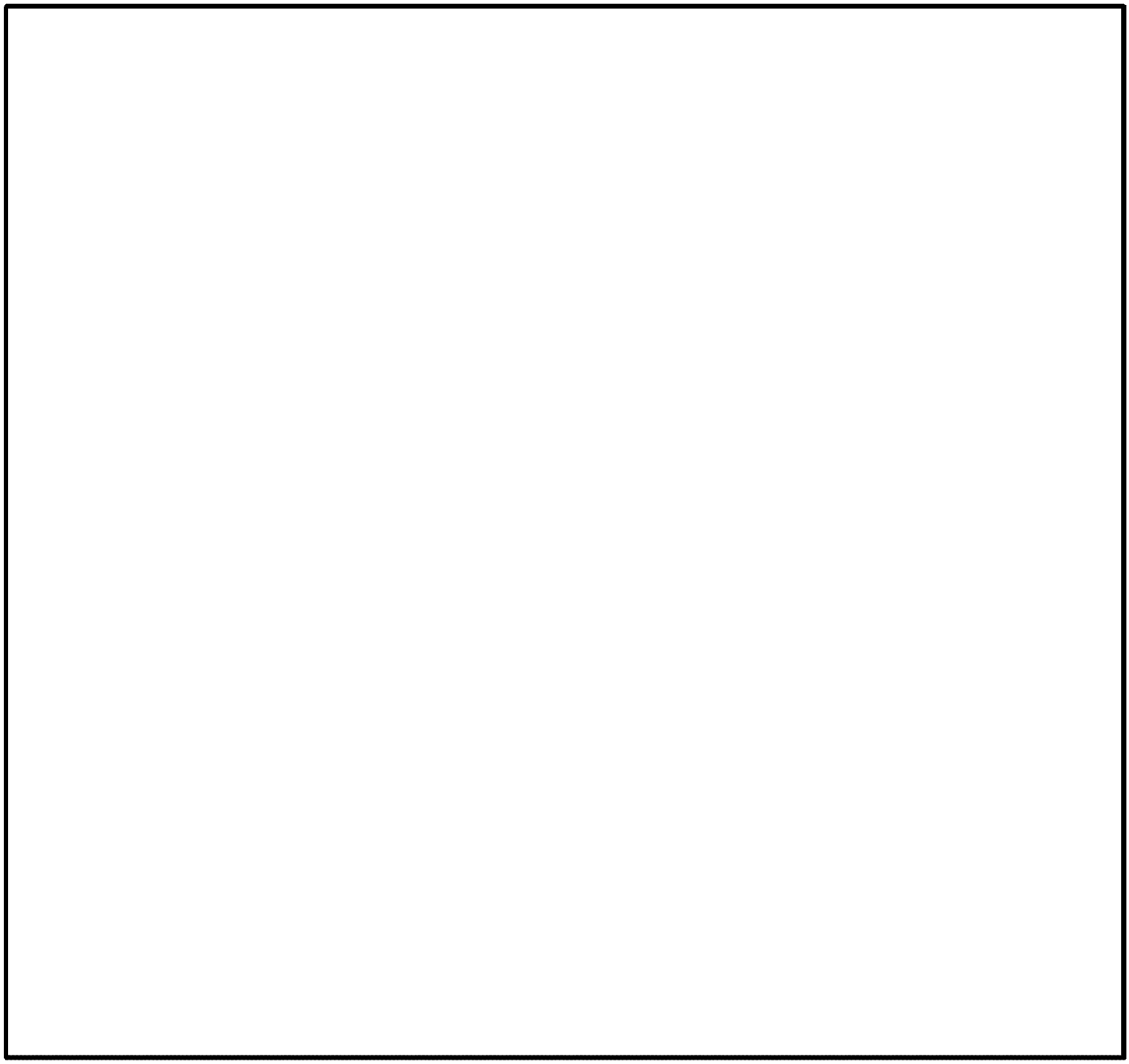
Folks –

Getting everyone here on the same page. Here are the Q&A I've drafted. Please get with your operational folks ASAP to clear/edit responses or to add in other relevant Q&A so we can send through DHS FO clearance and get this stuff expedited for use.

Many, many thanks for the quick turn!
Gillian

(b)(5)

Q&A for Extreme Vetting



Gillian M. Christensen
Press Secretary (Acting)
Department of Homeland Security

(b)(6)

Referred to Department of Homeland Security

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Referred to Department of Homeland Security

Gillispie, Anna E

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 1:55 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Carter, Jeffrey T (Jeff)
Subject: FW: Time to talk

NYC has deflected press inquiries relating to the individuals detained at JFK. Just to keep you in the loop.

From: Coven, Phyllis A
Sent: Saturday, January 28, 2017 2:44:46 PM
To: Houghton, Timothy J; Burden, Shyconia; Tichacek, Katherine (Katie); Albers, William E (Ted)
Cc: Renaud, Daniel M; Pietropaoli, Lori A
Subject: RE: Time to talk

I just spoke to Shy. She is going to write up her excellent summary of events. She has referred everyone to HQ OPA - which appears to be CBPS instruction as well. Let's see how things evolve. We may in the future need to have someone on call for these matters and to provide any assistance CBP may need.

All he best. Call if you need me. Best P

From: Houghton, Timothy J
Sent: Saturday, January 28, 2017 7:30:15 PM
To: Coven, Phyllis A; Burden, Shyconia; Tichacek, Katherine (Katie); Albers, William E (Ted)
Subject: RE: Time to talk

From: Coven, Phyllis A
Sent: Saturday, January 28, 2017 2:29:18 PM
To: Burden, Shyconia; Tichacek, Katherine (Katie); Houghton, Timothy J; Albers, William E (Ted)
Subject: RE: Time to talk

Just landed in Newark. Will call

From: Burden, Shyconia
Sent: Saturday, January 28, 2017 7:07:30 PM
To: Coven, Phyllis A; Tichacek, Katherine (Katie); Houghton, Timothy J; Albers, William E (Ted)
Subject: FW: Time to talk

Hi Phyllis,

I just received a call from Kavita on my cell phone asking for a comment regarding people currently detained at JFK. She indicated that the Mayor is en route. I told her that USCIS does not have jurisdiction regarding people detained at the airport. She was fine with my response. I referred her to DHS HQ OPA.

Just an FYI

Shy

From: Pawria-Sanchez, Kavita
Sent: Saturday, January 28, 2017 2:00:21 PM
To: Burden, Shyconia; Coven, Phyllis A
Cc: Mostofi, Bitta
Subject: Time to talk

Phyllis and Shy,

I am JFK airport with the Commissioner -- if you can give me a call, would be grateful: 718-216-0756

Thank you.

(b)(6

Referred to Department of Homeland Security

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Referred to Department of Homeland Security

Referred to Department of Homeland Security

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(b)(6

(b)(6

(b)(6

(b)(6

Referred to Department of Homeland Security

Gillispie, Anna E

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 1:37 PM
To: Renaud, Tracy L; Scialabba, Lori L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna; Walters, Jessica S
Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Yes, we have paused all adjudications involving the 7 countries of origin without exception. We will continue to issue receipt notices for everything.

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 2:19:54 PM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna; Walters, Jessica S
Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

I'm not saying that you shouldn't put them on a temp hold like you are other categories of adjudication, I'm saying we shouldn't jump to suppressing notices or changing language. If you've given the order to pause adjudication leave it as is until we get some clarity.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 2:11:45 PM
To: Renaud, Tracy L; Scialabba, Lori L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna; Walters, Jessica S
Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Ok. I just don't get the difference between that and I-90s. But clarity is better than understanding at this point.

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 2:07:07 PM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna; Walters, Jessica S

Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

No, not yet. Giving them the document that extends their status (to include travel) doesn't necessarily mean they will travel so we shouldn't withhold that document from people who need it as proof of status. If we confirm that travel while a Conditional Resident might pose a problem we can tweak the notice language in similar fashion to what we do for those who get advance parole and might be subject to the 3/10-year bar when they attempt reentry. And clearly we will be doing as much communication as possible once we understand the facts.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 2:03:25 PM
To: Renaud, Tracy L; Scialabba, Lori L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna
Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

Ok. Sorry I thought I had included her. Just to be clear though we are not providing that instruction now, right?

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 2:02:26 PM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna
Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

I forwarded this to Jess to add to the list of questions.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 1:49:57 PM
To: Scialabba, Lori L; Renaud, Tracy L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna
Cc: McCament, James W

Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

So now the question comes do we stop issuing I-751 receipt notices since they provide interim extension of evidence of LPR status that can be used for employment and travel. I have said no unless I hear otherwise.

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Cc: McCament, James W
Subject: FW: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

I just sent this to the centers.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:35 AM
To: Baran, Kathy A; Campagnolo, Donna P; Crandall, Kristine R; Hazuda, Mark J; McCament, James W; Nolan, Connie L; Richardson, Gregory A; Selby, Cara M (Carrie); Thompson, Kirt; Velarde, Barbara Q; Zuchowski, Laura B; Tamanaha, Emisa T
Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
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Center Directors and Deputies,

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We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Gillispie, Anna E

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I forwarded this to Jess to add to the list of questions.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services

Department of Homeland Security

[redacted] (b)(6)

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Cc: Arroyo, Susan K; Bacote, Robert R (Bob); Byrne, Marie L (Louise); Cox, Sophia; Dougherty, Linda M; Douglas, Richard C; Doumani, Stephanie M; Fortes, Michael J; Hartmann, Rosemary M; Hope, Leslie K; Hutchings, Pamela G; Kane, Daniel J; King, Alexander R; La Bella, Magteld H; McCament, James W; McConnell, James E; Moran, Karla; Neufeld, Donald W; Padilla, April Y; Peck, Denis R; Sabga, George M; Thomas, Ronnie D; Watson, Dorcas B (Benita)
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We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed as soon as possible to all appropriate employees and get back to us with any questions. Also, please reply to let me know each center has received this message.

Thanks,

Don

Gillispie, Anna E

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 1:02 PM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Davidson, Andrew J; Meckley, Tammy M; Ruppel, Joanna
Cc: McCament, James W
Subject: RE: Executive Order: PROTECTING THE NATION FROM FOREIGN TERRORIST ENTRY INTO THE UNITED STATES - Service Center Instructions

I forwarded this to Jess to add to the list of questions.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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Thanks,

Don

Gillispie, Anna E

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 12:04 PM
To: Warrick, Thomas; Kendall, Sarah; Metzler, Alan; CT Staff; Burriesci, Kelli; Sobel, Ted; OIA-MEASA; Glawe, David; Grannis, David; Potts, Michael; MCALEENAN, KEVIN K; MILLER, TROY A; FLANAGAN, PATRICK S; MORGAN, JAMESON; Emrich, Matthew D; Hamilton, Gene
Subject: RE: FYSA: State Email Thread on Two Iraqis at JFK

I didn't think they were refugees but I"m glad it's been resolved.

Referred to Department of Homeland Security

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Referred to Department of Homeland Security
(b)(6

Referred to Department of Homeland Security

Gillispie, Anna E

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:55 AM
To: Scialabba, Lori L; Renaud, Daniel M; Renaud, Tracy L
Subject: RE: (No Subject)

My folks will be working over the weekend to run reports to identify cases impacted at the centers. We should have counts by form type by Monday afternoon.

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 8:41:40 AM
To: Renaud, Daniel M; Renaud, Tracy L
Cc: Neufeld, Donald W
Subject: RE: (No Subject)

O.K. This is fine except please hold all decisions. When I was in INS general counsel we moved ahead with suspension denials and held approvals when there were no longer numbers available and we got sued and lost in the 9th circuit. A strange outcome that I do not agree with but I'd prefer not to have us involved in litigation if we can help it. Ha, ha, ha, I just realized that was a ridiculous statement, we're going to get sued but I'd still prefer to hold all cases unless we are planning to put the denied person into proceedings as a NS or public safety risk.

Thoughts?
Lori

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 7:11:10 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Neufeld, Donald W
Subject:

Here is the draft message to field offices. I added a hold on N-400s, but if you think those can proceed, it can be removed. I'd like to get this out this morning, if possible. NER is going to run a scrape to determine the location of every field office pending case filed by a citizen or national of one of the 7 countries. As cases in process get held, we will establish NFTS codes that we can track nationally to determine the number of held cases. NBC will identify affected cases and no schedule them going forward.

Here's the message:

On January 27, 2017, President Trump signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefit applications. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the processing of immigrant and nonimmigrant benefit applications and petitions for nationals of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately, you may not approve any immigrant or nonimmigrant petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. Cases where approval is recommended shall be held in abeyance until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Office. Denials, withdrawals, and administrative closures may proceed as they normally would.

Additionally, until provided with further instructions, offices also may not approve any Form N-400 (Application for Naturalization) or naturalize any individual from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. As discussed above, cases may be processed up to the point of a decision. Cases that are to be approved will be held in abeyance.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Office through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Gillispie, Anna E

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 10:24 AM
To: Neufeld, Donald W; Renaud, Daniel M; Renaud, Tracy L
Subject: RE: (No Subject)

I'd say until further instruction. Which I hope will be Monday.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:23:12 AM
To: Scialabba, Lori L; Renaud, Daniel M; Renaud, Tracy L
Subject: RE: (No Subject)

Ok. I'll just delete the highlighted section. Full stop on everything for these nationals/citizens at least until Monday.

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 11:22 AM
To: Neufeld, Donald W; Renaud, Daniel M; Renaud, Tracy L
Subject: RE: (No Subject)

I'd really rather hold everything until we get some direction. I never thought this would apply to LPRs so who knows what is intended? I think we can get clarification by Monday.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 11:15:16 AM
To: Scialabba, Lori L; Renaud, Daniel M; Renaud, Tracy L
Subject: RE: (No Subject)

Here's my recommended message for the centers. I'm looking to either Tracy or Lori to weigh in on the highlighted sentence. On reflection, I'd really like to keep at least I-90s and I-765s in motion given the high volume and potential impact of delays. However, I'm comfortable with striking anything or even the whole sentence.

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While we await further guidance, we are temporarily suspending adjudication of applications, petitions or requests involving citizens or nationals of the listed countries. Exceptions to this temporary suspension would be I-765 applications for employment authorization; I-751 petitions to remove conditions; I-130 and I-140 visa petitions; I-90, N-565 and I-102 applications for replacement documents; and I-129 nonimmigrant petitions where the beneficiary is not seeking an extension or change of status.

Please segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

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Please ensure this guidance is conveyed to all appropriate employees and get back to us with any questions.

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 8:42 AM
To: Renaud, Daniel M; Renaud, Tracy L
Cc: Neufeld, Donald W
Subject: RE: (No Subject)

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Thoughts?
Lori

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Gillispie, Anna E

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 10:13 AM
To: Renaud, Daniel M; Neufeld, Donald W; Renaud, Tracy L
Subject: RE: (No Subject)

Probably easiest. I can't believe it but they are applying this to LPRs so approving an I90 might be an issue too.

For some reason OGC and OPLA think a LPR is an immigrant.

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 10:43:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Tracy L
Subject: RE: (No Subject)

I agree. Hold everything for now.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:23:59 AM
To: Scialabba, Lori L; Renaud, Daniel M; Renaud, Tracy L
Subject: RE: (No Subject)

Operationally, I think it is easier to hold off on everything, certainly in the beginning. I would hope going forward we could allow denials and other actions that could in no way be interpreted as allowing "entry" to go forward just to keep the number of cases on hold to a minimum.

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From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 7:11:10 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Neufeld, Donald W
Subject:

Here is the draft message to field offices. I added a hold on N-400s, but if you think those can proceed, it can be removed. I'd like to get this out this morning, if possible. NER is going to run a scrape to determine the location of every field office pending case filed by a citizen or national of one of the 7 countries. As cases in process get held, we will establish NFTS codes that we can track nationally to determine the number of held cases. NBC will identify affected cases and no schedule them going forward.

Here's the message:

On January 27, 2017, President Trump signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefit applications. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the processing of immigrant and nonimmigrant benefit applications and petitions for nationals of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately, you may not approve any immigrant or nonimmigrant petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. Cases where approval is recommended shall be held in abeyance until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Office. Denials, withdrawals, and administrative closures may proceed as they normally would.

Additionally, until provided with further instructions, offices also may not approve any Form N-400 (Application for Naturalization) or naturalize any individual from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. As discussed above, cases may be processed up to the point of a decision. Cases that are to be approved will be held in abeyance.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Office through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Gillispie, Anna E

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 9:44 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Tracy L
Subject: RE: (No Subject)

I agree. Hold everything for now.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:23:59 AM
To: Scialabba, Lori L; Renaud, Daniel M; Renaud, Tracy L
Subject: RE: (No Subject)

Operationally, I think it is easier to hold off on everything, certainly in the beginning. I would hope going forward we could allow denials and other actions that could in no way be interpreted as allowing "entry" to go forward just to keep the number of cases on hold to a minimum.

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 8:42 AM
To: Renaud, Daniel M; Renaud, Tracy L
Cc: Neufeld, Donald W
Subject: RE: (No Subject)

O.K. This is fine except please hold all decisions. When I was in INS general counsel we moved ahead with suspension denials and held approvals when there were no longer numbers available and we got sued and lost in the 9th circuit. A strange outcome that I do not agree with but I'd prefer not to have us involved in litigation if we can help it. Ha, ha, ha, I just realized that was a ridiculous statement, we're going to get sued but I'd still prefer to hold all cases unless we are planning to put the denied person into proceedings as a NS or public safety risk.

Thoughts?
Lori

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 7:11:10 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Neufeld, Donald W
Subject:

Here is the draft message to field offices. I added a hold on N-400s, but if you think those can proceed, it can be removed. I'd like to get this out this morning, if possible. NER is going to run a scrape to determine the location of every field office pending case filed by a citizen or national of one of the 7 countries. As cases in process get held, we will establish NFTS codes that we can track nationally to determine the number of held cases. NBC will identify affected cases and no schedule them going forward.

Here's the message:

On January 27, 2017, President Trump signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefit applications. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the processing of immigrant and nonimmigrant benefit applications and petitions for nationals of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately, you may not approve any immigrant or nonimmigrant petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. Cases where approval is recommended shall be held in abeyance until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Office. Denials, withdrawals, and administrative closures may proceed as they normally would.

Additionally, until provided with further instructions, offices also may not approve any Form N-400 (Application for Naturalization) or naturalize any individual from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. As discussed above, cases may be processed up to the point of a decision. Cases that are to be approved will be held in abeyance.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Office through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Referred to Immigration and Customs Enforcement

Referred to Immigration and Customs Enforcement

Referred to Immigration and Customs Enforcement

Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

Gillispie, Anna E

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 8:14 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Tracy L
Cc: Davidson, Andrew J
Subject: RE: EO

I see your point, since the adjudication of applications and petitions is not specifically mentioned in the EO, I will change my language to be more along the line of yours. How about this:

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not approve any immigrant or nonimmigrant petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. Cases shall then be held in abeyance until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Office. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Additionally, until provided with further instructions, offices also may not approve any Form N-400 (Application for Naturalization) or naturalize any individual from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. As discussed above, cases may be processed up to the point of a decision. Cases shall then be held in abeyance.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Office through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 8:56:10 AM

To: Renaud, Daniel M; Scialabba, Lori L; Renaud, Tracy L
Subject: RE: EO

I pressed send to soon. I had intended to add I-90s, N-565s and I-102s to the list. The thinking here is that I will have folks run a scrape of everything pending in C3 and ELIS involving nationals/citizens of these countries and see what additional guidance may be needed based on what we actually have pending. We may be able to do something in the system to hold up processing like placing a supervisory hold or something similar.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 8:44 AM
To: Renaud, Daniel M; Scialabba, Lori L; Renaud, Tracy L
Subject: RE: EO

Dan – I don't see anything in the EO regarding temporary suspension in the processing of immigrant and nonimmigrant benefit applications and petitions. I only see the reference to suspending entry. I want to be on the same page as you, but my intent was to say something more along the lines of:

"While we await further guidance, we are temporarily suspending approval of applications, petitions or requests involving citizens or nationals of Syria, Iraq, Iran, Somalia, Yemen, Sudan and Libya. Exceptions to this temporary suspension would be I-765 applications for employment authorization, I-751 petitions to remove conditions, I-130 and I-140 visa petitions, and I-129 nonimmigrant petitions where the beneficiary is not seeking an extension or change of status."

I prefer listing which cases can proceed rather than what should be held as we handle so many I fear missing something. I'd rather add more exceptions to the hold as they are identified than risk letting something through up front. We will also impose a weekly reporting requirement to identify the numbers and case types on hold and a process to identify any cases or case types that should be considered for exception.

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 7:11 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Neufeld, Donald W
Subject:

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Gillispie, Anna E

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 7:56 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Tracy L
Cc: Davidson, Andrew J
Subject: RE: EO

Adding Andrew...

(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).

(b)(5)

I would suggest [redacted]

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 8:43:36 AM
To: Renaud, Daniel M; Scialabba, Lori L; Renaud, Tracy L
Subject: RE: EO

Dan – I don't see anything in the EO regarding temporary suspension in the processing of immigrant and nonimmigrant benefit applications and petitions. I only see the reference to suspending entry. I want to be on the same page as you, but my intent was to say something more along the lines of:

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From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 7:11 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Neufeld, Donald W
Subject:

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Gillispie, Anna E

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 7:51 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Neufeld, Donald W
Subject: RE: (No Subject)

Got it. Thanks.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 8:41:40 AM
To: Renaud, Daniel M; Renaud, Tracy L
Cc: Neufeld, Donald W
Subject: RE: (No Subject)

O.K. This is fine except please hold all decisions. When I was in INS general counsel we moved ahead with suspension denials and held approvals when there were no longer numbers available and we got sued and lost in the 9th circuit. A strange outcome that I do not agree with but I'd prefer not to have us involved in litigation if we can help it. Ha, ha, ha, I just realized that was a ridiculous statement, we're going to get sued but I'd still prefer to hold all cases unless we are planning to put the denied person into proceedings as a NS or public safety risk.

Thoughts?
Lori

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 7:11:10 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Neufeld, Donald W
Subject:

Here is the draft message to field offices. I added a hold on N-400s, but if you think those can proceed, it can be removed. I'd like to get this out this morning, if possible. NER is going to run a scrape to determine the location of every field office pending case filed by a citizen or national of one of the 7 countries. As cases in process get held, we will establish NFTS codes that we can track nationally to determine the number of held cases. NBC will identify affected cases and no schedule them going forward.

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(5

Referred to Immigration and Customs Enforcement

Referred to Immigration and Customs Enforcement

Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

Gillispie, Anna E

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

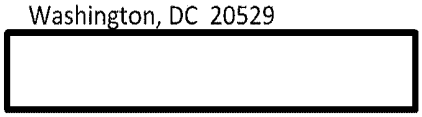
Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529



(b)(6)

Gillispie, Anna E

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 6:56 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

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Cc: Renaud, Tracy L
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Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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Sent: Friday, January 27, 2017 12:43 PM
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Sent: Friday, January 27, 2017 12:37 PM
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Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

Gillispie, Anna E

From: Renaud, Tracy L
Sent: Thursday, February 02, 2017 8:35 AM
To: Scialabba, Lori L; Groom, Molly M; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

Lori,

I retyped the modification that were made by OGC below. Paragraph 3 that relates to I-730s has the same insertion as paragraph "according to existing policies and procedures."

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality~~origin~~, or application and petitions for individuals outside the United States whose approval ~~that~~ does not directly confer travel authorization ~~a benefit~~ (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated~~ities outlined~~ in the Executive Order, "Protecting The Nation From Foreign Terrorist Entry Into The United States."

From: Scialabba, Lori L
Sent: Thursday, February 02, 2017 9:19 AM
To: Groom, Molly M; Busch, Philip B
Cc: Renaud, Tracy L; Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

Cna't tell what the edits are.

From: Groom, Molly M
Sent: Thursday, February 02, 2017 12:11:26 AM
To: Scialabba, Lori L; Busch, Philip B
Cc: Renaud, Tracy L; Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

OGC has just asked that we discuss any changes that concern you and that they feel some of the edits are necessary. Please let me know if you want to discuss any of them. Molly

---

From: Groom, Molly M
Sent: Thursday, February 02, 2017 12:07:30 AM
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Cc: Renaud, Tracy L; Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

Lori, we discussed some changes with OGC later which are attached. Please consider them before you issue. We agree that issuing these instructions are the highest priority for the agency. Thanks.

From: Scialabba, Lori L
Sent: Wednesday, February 01, 2017 11:19:50 PM
To: Hamilton, Gene; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen
Cc: Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Thank you Gene. Have a good evening.

Lori

From: Hamilton, Gene
Sent: Wednesday, February 01, 2017 10:41:34 PM
To: Scialabba, Lori L; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen
Cc: Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Thanks, Lori. This is good to go.

From: Scialabba, Lori L
Sent: Tuesday, January 31, 2017 3:55:57 PM
To: Hamilton, Gene; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen
Cc: Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M
Subject: FW: USCIS Guidance on 1/27 executive order

Please see the attached guidance that I would like to send to USCIS staff. It does not answer all questions but it will address the vast majority. Please let me know if you'd like to discuss. OCC and our politicals have reviewed.

I plan to send our parole program paper in the next day or so with our recommendations for consideration. Once decisions are made I'll have guidance drafted for implementation and sent up for review.

I know everyone is very busy but if I can get a clearance on the attached memo we'll be out in front of what may be the next round of questions regarding the EO that was signed on Friday.

Regards,
Lori

From: Walters, Jessica S
Sent: Tuesday, January 31, 2017 3:36 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Young, Todd P; Farnam, Julie E; Walters, Jessica S
Subject: USCIS Guidance on 1/27 executive order

Lori and Tracy:

Please see the proposed USCIS guidance on implementation of the 1/27 executive order. It's been reviewed by OCC (Molly/Phil) and Craig/Carl.

Thanks,

Jess

Jessica S. Walters
Senior Advisor| Office of the Director and Deputy Director
U.S. Citizenship and Immigration Services| U.S. Department of Homeland Security|
[redacted]
(b)(6)

Gillispie, Anna E

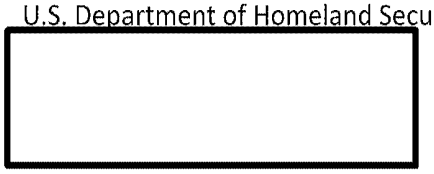
From: Busch, Philip B
Sent: Thursday, February 02, 2017 8:33 AM
To: Scialabba, Lori L; Renaud, Tracy L; Groom, Molly M
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

On the second point, that is what this guidance provides.

On the first one, if you want more clarity based on the evolving guidance we have been getting about LPRs in this document, that can be done, but I think it would need to go through DHS clearance again. Perhaps it is more efficient to clarify that particular point with RAIO than revise the guidance to all employees again.

Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security



(b)(6)

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From: Scialabba, Lori L
Sent: Thursday, February 02, 2017 9:23 AM
To: Renaud, Tracy L; Groom, Molly M; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

I was specifically told we can issue a boarding letter to an LPR and WH clarified this doesn't apply to LPRs.

I was also told we could issue refugee travel document to anyone in the U.S. As well as an I-730.

From: Renaud, Tracy L
Sent: Thursday, February 02, 2017 8:28:29 AM
To: Groom, Molly M; Scialabba, Lori L; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

So how do we know when/if they get a waiver so that we then issue the boarding letter/parole?

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Groom, Molly M
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To: Renaud, Tracy L; Scialabba, Lori L; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

It's saying what is barred so those adjudications are barred but the individual could get a waiver so I think it is fine.

From: Renaud, Tracy L
Sent: Thursday, February 02, 2017 7:43:52 AM
To: Groom, Molly M; Scialabba, Lori L; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

Molly - What does the edit to bullet number one where OGC changed "benefit" to "travel authorization" do to the RAIO processing of travel letters and/or humanitarian parole?

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Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

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I plan to send our parole program paper in the next day or so with our recommendations for consideration. Once decisions are made I'll have guidance drafted for implementation and sent up for review.

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Lori and Tracy:

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Thanks,

Jess

Jessica S. Walters
Senior Advisor| Office of the Director and Deputy Director
U.S. Citizenship and Immigration Services| U.S. Department of Homeland Security|
[redacted] (b)(6)

Gillispie, Anna E

From: Busch, Philip B
Sent: Thursday, February 02, 2017 7:55 AM
To: Renaud, Tracy L; Groom, Molly M; Scialabba, Lori L
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

A very good question about who has authority on behalf of the Secretary to grant sec. 3(g) waivers. Certainly CBP has been doing it, last I heard no lower than their Acting Commissioner level, although they were trying to get that expanded so he could redelegate and didn't have to do them all personally; hopefully that has happened. The way you've phrased it assumes we'd be looking to someone else to determine the waiver, rather than doing that ourselves (in coordination with CBP) for benefit requests under our jurisdiction, if we had that authority from the Secretary.

But I would suggest that the answer to the question, important as it is, isn't directly relevant to getting this particular guidance out, as it is intended to confirm what adjudications we do are not subject to the Sec. 3 EO ban, as opposed to getting into what the procedures are for those that are subject to it, which travel documents for 7 country nationals abroad are, under both the original way the guidance was drafted, and the way it has been edited by OGC which I think does better clarify the meaning.

Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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(b)(6)

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Lori

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Cc: Young, Todd P; Farnam, Julie E; Walters, Jessica S
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Jess

Jessica S. Walters
Senior Advisor| Office of the Director and Deputy Director
U.S. Citizenship and Immigration Services| U.S. Department of Homeland Security|
[redacted]

(b)(6)

Referred to THE WHITE HOUSE

(b)(6

Referred to THE WHITE HOUSE

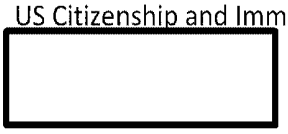
Gillispie, Anna E

From: Melero, Mariela
Sent: Tuesday, January 31, 2017 3:04 PM
To: Scialabba, Lori L
Cc: Alfonso, Angelica M; McCament, James W; Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive order - processing question

Thanks, Lori. We will continue to manage expectations.

Mariela

Mariela Melero
Associate Director
Customer Service and
Public Engagement Directorate
US Citizenship and Immigration Services



(b)(6)

From: Scialabba, Lori L
Sent: Tuesday, January 31, 2017 4:02 PM
To: Melero, Mariela; Neufeld, Donald W
Cc: Alfonso, Angelica M; McCament, James W; Renaud, Tracy L
Subject: RE: Executive order - processing question

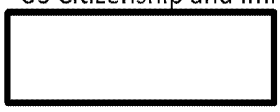
Please just give it a little more time. I just sent an implementation memo up for clearance that will resolve a large majority of our issues.

From: Melero, Mariela
Sent: Tuesday, January 31, 2017 3:43 PM
To: Neufeld, Donald W
Cc: Alfonso, Angelica M; McCament, James W; Scialabba, Lori L; Renaud, Tracy L
Subject: RE: Executive order - processing question

Dear Don,
We are sharing with stakeholders that we are "awaiting further guidance" but this is going to sound empty if we don't get a green light soon. Please let us know if you want us to follow up with Justin.

Mariela

Mariela Melero
Associate Director
Customer Service and
Public Engagement Directorate
US Citizenship and Immigration Services



(b)(6)

From: Neufeld, Donald W
Sent: Tuesday, January 31, 2017 3:33 PM

To: Scialabba, Lori L; Renaud, Tracy L
Cc: Melero, Mariela; Alfonso, Angelica M; McCament, James W
Subject: FW: Executive order - processing question

I'm hoping I can just stall in responding until the answer is "yes". If not, I'll need help in responding as I fear anything I say may cause problems – even saying I can't respond right now or that I've forwarded it to someone else.

From: Storch, Justin [redacted] (b)(6)
Sent: Tuesday, January 31, 2017 3:23 PM
To: Neufeld, Donald W
Subject: Executive order - processing question

Hi Don – I hope all is well.

Is USCIS processing nonimmigrant and immigrant petitions for nationals of the seven countries affected by the executive order? I have heard rumors that asylum applications are not being processed but have not otherwise heard. Are you able to confirm what is and is not being processed at the service centers?

Thanks,

Justin Storch | Manager of Agency Liaison
Council for Global Immigration
1800 Duke Street | Alexandria, VA 22314 USA
[redacted].org +1.703.535.6463 | +1.703.665.4458 F
cfgi.org| @Global_Imm
(b)(6)

Advancing your priorities: ***CFGI Advocacy*** in 2017. http://bit.ly/OurAdvocacy

Gillispie, Anna E

From: Hatchett, Dolline L
Sent: Tuesday, January 31, 2017 9:24 AM
To: Ruppel, Joanna; Carter, Jeffrey T (Jeff); Alfonso, Angelica M
Cc: Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Comment for a story?

Hello Joanna,

I think the decision was made to have the guidance concerning talking to the press and re-directing inquiries to OCOMM cascade down from managers, so I think your all hands meeting this afternoon would be a good opportunity to do that. The alt RAIO twitter account is still up but it doesn't look like there has been any activity since the 28th.

Thanks,
Dolline

Dolline Hatchett
Chief, Office of Communications | **U.S. Citizenship and Immigration Services**
20 Massachusetts Ave. NW, Suite 3100 | Washington, DC 20529-2160
[redacted] (b)(6)

Sent: Tuesday, January 31, 2017 9:42 AM
To: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Alfonso, Angelica M
Cc: Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Comment for a story?

Thanks for forwarding. I note that this message also references a senior official in RAIO talking to the press. I am hoping the broadcast message reminding people to refer all inquiries from the press to OCOM comes out ASAP. I am reluctant to send a broadcast to all RAIO staff myself, as it likely will be leaked and misinterpreted. I do have an all hands meeting with the Directorate-level staff this afternoon and will remind them of this orally at that time. I also have a meeting scheduled with OCC and LER to discuss what actions I should take related to the alt RAIO twitter account. I assume it is still up and running, but don't get twitter so don't know.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate
[redacted] (b)(6)

From: Carter, Jeffrey T (Jeff)
Sent: Tuesday, January 31, 2017 8:07 AM
To: Ruppel, Joanna; Hatchett, Dolline L; Alfonso, Angelica M
Cc: Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Comment for a story?

Joanna:

The story posted last night:

https://theintercept.com/2017/01/30/asylum-officials-and-state-department-in-turmoil-there-are-people-literally-crying-in-the-office-here/

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services
[redacted] (b)(6)
Please visit www.uscis.gov for news and information.

From: Ruppel, Joanna
Sent: Monday, January 30, 2017 7:12 PM
To: Hatchett, Dolline L; Alfonso, Angelica M; Carter, Jeffrey T (Jeff)
Cc: Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Comment for a story?

Thanks! As always, I appreciate your quick and helpful response.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate
[redacted] (b)(6)

From: Hatchett, Dolline L
Sent: Monday, January 30, 2017 7:10 PM
To: Ruppel, Joanna; Alfonso, Angelica M; Carter, Jeffrey T (Jeff)
Cc: Renaud, Tracy L; Scialabba, Lori L
Subject: RE: Comment for a story?

Hi Joanna,

Jeff will reach out to the reporter to point him to what is publicly available on the website but that we will not have any additional comment. Will flag for DHS OPA and circle back if they feel differently.

Thanks,
Dolline

From: Ruppel, Joanna
Sent: Monday, January 30, 2017 7:01:45 PM
To: Hatchett, Dolline L; Alfonso, Angelica M; Carter, Jeffrey T (Jeff)

Cc: Renaud, Tracy L; Scialabba, Lori L
Subject: FW: Comment for a story?

Just received the message below. Would it be possible for OCOM to reach out for response? Attached is the email I sent to staff on Friday, which is referenced below.

Please let me know if you would like to discuss.

Joanna

-----Original Message-----
From: Ryan Devereaux [redacted] (b)(6)
Sent: Monday, January 30, 2017 6:42 PM
To: Ruppel, Joanna
Cc: Alice Speri
Subject: Comment for a story?

Hi Joanna,

My name is Ryan Devereaux and I am a reporter with TheIntercept.com in New York City. I hope you're doing well. My colleague Alice Speri and I are working on a story looking at the impact President Trump's recent executive order is having among career professionals working on refugee and asylum issues.

In the course of our reporting we were sent the email you sent your staff last Friday regarding the impact the EO will have on RAIO's work. We are not publishing your email in full by any means, but we are planning to use a couple lines to illustrate that there officials in government doing their best to keep their staff informed in a tumultous time.

We are also going to be reporting some of what we've heard about the impact the new administration has had on RAIO so far — specifically, it is our understanding that dozens of staffers were slated to head to the Middle East and North Africa this week but as of right now that has been put on hold.

We're writing you now for a few reasons. First, as a courtesy to you so you're not caught off guard. Second, we want to give you the opportunity to comment — on the record, on background, on deep background, whatever you're most comfortable with. And third, we were hoping to run what we have heard about RAIO by you to insure that everything we are reporting is accurate.

Just to be clear, the RAIO portion is just one part of this story and the portion of your email we are using is all about illustrating that people are trying to keep things together. Feel free to reach us here or you can call me at 970 308 7323.

Thanks for your time.

Ryan

Ryan Devereaux
Reporter
theintercept.com
Public key: 3728 F848 0034 DE9A 9B93 EF19 9821 E4B0 0BF1 57E3

Gillispie, Anna E

From: Young, Todd P
Sent: Tuesday, January 31, 2017 8:53 AM
To: Renaud, Tracy L; Scialabba, Lori L
Cc: Walters, Jessica S
Subject: RE: Application processing statement

We can put this on the back burner for a bit. It's important that we get these statements right, including the most recent guidance.

From: Renaud, Tracy L
Sent: Tuesday, January 31, 2017 9:27 AM
To: Young, Todd P; Scialabba, Lori L
Cc: Walters, Jessica S
Subject: RE: Application processing statement

Todd – How much of a hurry are they in? Lori is pushing DHS to get clearance to message out business as usual and it would be good if we could hold this a few hours so we can indicate that we had a short-term hold on final decisions which has since been lifted and we are back to processing as usual.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Young, Todd P
Sent: Tuesday, January 31, 2017 9:19 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S
Subject: FW: Application processing statement
Importance: High

Lori and Tracy,

We received an inquiry from the Arizona Republic and Law360 asking if USCIS has been directed to stop processing applications for green cards, status adjustments, etc. Below is the original response language developed by FOD addressing the issue along with my recommended edits. Let me know if you're comfortable with sending the revised statement along to OPA for clearance.

---Original Version---
"USCIS continues to adjudicate and administer the oath of allegiance for all citizenship cases. Final adjudication on other applications, including adjustment of status applications, continues up to final decision. [redacted] (b)(6)

---Proposed Revisions---
"USCIS continues to adjudicate and administer the oath of allegiance for all citizenship cases. Final adjudication on other applications, including adjustment of status applications, continues up to ~~final~~ decision for certain classes of foreign nationals specified in the President's executive order. [redacted] (b)(5)

From: Carter, Jeffrey T (Jeff)
Sent: Monday, January 30, 2017 8:50 PM
To: Young, Todd P
Cc: Alfonso, Angelica M; Valverde, Michael; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Hatchett, Dolline L; Gwathmey, Carolyn S (CeCe)
Subject: Application processing statement
Importance: High

Todd:

OCOMM received inquiries from the Arizona Republic and Law360 asking if USCIS has been directed to stop processing applications for green cards, status adjustments, etc. The following statement, which has been developed with FOD, addresses the question:

"USCIS continues to adjudicate and administer the oath of allegiance for all citizenship cases. Final adjudication on other applications, including adjustment of status applications, continues up to final decision. USCIS believes this temporary pause in issuing final decisions will not result in noticeable delays for applicants and petitioners."

I will send to OPA for clearance with your approval.

Thanks,

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

Please visit www.uscis.gov for news and information.

Gillispie, Anna E

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 10:28 PM
To: Renaud, Tracy L; Scialabba, Lori L
Cc: Walters, Jessica S
Subject: RE: Message to USCIS staff regarding press inquiries

I'm still messing with it but am cooked tonight. Also need to incorp Q/A
Overview of current external messages:

- As you are all aware, information related to the executive orders announced last Friday continues to be updated and released. Thus far, the Secretary has issued at least 3 statements and a fact sheet. These are all posted at dhs.gov. Our goal in to create a central repository on USCISConnect to house these cleared materials as they become available. We will share the Connect link once the page it up and populated.
- In one of yesterday's statements, Secretary Kelly addressed the question of whether or not green card holders will be allowed to return to the United State. The Secretary stated, quote, "In applying the provisions of the president's executive order, 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."
- In another statement, the Department pointed out the fact that "No foreign national in a foreign land, without ties to the United States, has any unfettered right to demand entry into the United States or to demand immigration benefits in the United States."
- That statement also says, "The Department of Homeland Security will comply with judicial orders; faithfully enforce our immigration laws, and implement President Trump's Executive Orders to ensure that those entering the United States do not pose a threat to our country or the American people."
- And DHS pledged that "we will treat all of those we encounter humanely and with professionalism."
- I think it's important for field leadership to underscore this point, and to point out that acting with professionalism applies not only to how we treat our customers. It also applies to how we act as agency employees and civil servants in positions of public trust and national security.

Communications Guidance:

- Please remind your teams that the Office of Communications manages all interactions with the news media and represents the agency on social media. Likewise the Office of Legislative Affairs represents the agency to members of Congress and their staff, and CSPED represents the agency to stakeholder organizations.
- White House and DHS communications and legislative affairs continue to lead external relations efforts on the President's executive orders. For now, our guidance is to push everything up to them. Our USCIS external communicators are providing daily reports to DHS on incoming inquiries from the Hill, media outlets, state and locals, and other stakeholders.
- We are hearing reports of media outlets reaching out directly to employees. If a reporter contacts an employee or field leadership, the reporter should be referred to your PAO right away. You can also send the requested information, including the reporter's name, affiliation and contact information to your PAO to follow up. You should not promise to follow up yourself.
- Please remind your teams that there are legal rules about government employees referring to their positions or agency affiliation outside their official duties. With social media, even if someone posts what they think is a private opinion in their off hours, it could be misconstrued or call into question their ability to be an impartial and apolitical public servant. It could also confuse our customers and the public who are looking to the Department and USCIS for clarity about what the executive orders mean.
- Right now we all need to focus on staying informed and doing what we are directed to do, and working closely with our DHS partners to carry out those responsibilities.

From: Renaud, Tracy L
Sent: Sunday, January 29, 2017 8:43 PM
To: Alfonso, Angelica M; Scialabba, Lori L
Cc: Walters, Jessica S
Subject: RE: Message to USCIS staff regarding press inquiries

Thanks Angie.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 8:34:58 PM
To: Renaud, Tracy L; Scialabba, Lori L
Cc: Walters, Jessica S
Subject: RE: Message to USCIS staff regarding press inquiries

Adding Lori. Let me massage these. Again, this wasn't the tone I was looking to strike.

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

From: Alfonso, Angelica M
Sent: Monday, January 30, 2017 1:33:30 AM
To: Renaud, Tracy L
Subject: FW: Message to USCIS staff regarding press inquiries

I don't think this strikes the right tone.

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

From: Hatchett, Dolline L
Sent: Monday, January 30, 2017 1:32:09 AM
To: Alfonso, Angelica M; Scialabba, Lori L
Cc: Renaud, Tracy L; Carter, Jeffrey T (Jeff); Walters, Jessica S; Gregory, Peter D; McLaughlin, Judy S; Kerns, Kevin J;

Groom, Molly M; Ruppel, Joanna
Subject: RE: Message to USCIS staff regarding press inquiries

Angie,

I know your plate is full, so to be helpful (and to get a jump on tomorrow) here are some TPs for Lori that specifically address the handling of media calls and alt social media sites.

- Given the events of the past few days, I feel the need to remind you of some basic tenants of communications discipline under which we operate as federal employees in USCIS. These are not restrictive nor reactive policies and they have been in place over the course of Administrations on both sides of the aisle.

- There is one entity in USCIS that is authorized to regularly engage the news media and represent the agency on social media and that is the Office of Communications. Likewise the Office of Legislative Affairs represents the agency to members of Congress and their staff.

- No employee should be conducting independent outreach to the news media or Congress on behalf of USCIS, and any employee contacted by the news media or a member of Congress should immediately refer them to the appropriate office to vet and coordinate an official response.

- No employee is authorized to setup or contribute to "rogue" or "alt" social media sites on government time or using government resources. And no employee is authorized to use our name, seal, or the name of their program office or division in such endeavors.

- USCIS employees have an absolute First Amendment right to their opinions as private citizens. However, public statements by employees which touch upon their official duties and are brought to the agency's attention may be reviewed to determine if there has been a violation of the Hatch Act, which bans certain federal employees from engaging in political activity.

- Bottom line, we are under a microscope by those on both sides of the immigration debate and we cannot afford to be viewed as partisan. I ask that you ensure your employees are aware of these standards.

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 5:58:33 PM
To: Scialabba, Lori L; Ruppel, Joanna; Renaud, Tracy L; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Walters, Jessica S; Gregory, Peter D; McLaughlin, Judy S
Cc: Kerns, Kevin J; Groom, Molly M
Subject: RE: Message to USCIS staff regarding press inquiries

10-4

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 5:57 PM
To: Alfonso, Angelica M; Ruppel, Joanna; Renaud, Tracy L; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Walters, Jessica S; Gregory, Peter D; McLaughlin, Judy S
Cc: Kerns, Kevin J; Groom, Molly M
Subject: RE: Message to USCIS staff regarding press inquiries

Angie,

Set up a time for me to do the call and pull together bullets for me to use on the call.

Thanks
Lori

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 5:37:41 PM
To: Ruppel, Joanna; Renaud, Tracy L; Hatchett, Dolline L; Scialabba, Lori L; Carter, Jeffrey T (Jeff); Walters, Jessica S; Gregory, Peter D; McLaughlin, Judy S
Cc: Kerns, Kevin J; Groom, Molly M
Subject: RE: Message to USCIS staff regarding press inquiries

I understand the need for a broadcast but any messages we send USCIS wide will have to be cleared and right now HQ is focused on the Q/A's, fact sheets, talking points. We may want to consider a leadership call tomorrow to update folks on status of various aspects of the EO as well as provide reminders on handling media and hill inquiries. In the very short term, we may have to rely on the message cascading down.
That said, there's a signed OCOMM memo and a management directive that spells out OCOMMs role as the sole agency spokesperson. We may want to consider giving both prominent real estate on connect.

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 5:26 PM
To: Renaud, Tracy L; Hatchett, Dolline L; Alfonso, Angelica M; Scialabba, Lori L; Carter, Jeffrey T (Jeff); Walters, Jessica S; Gregory, Peter D; McLaughlin, Judy S
Cc: Kerns, Kevin J; Groom, Molly M
Subject: RE: Message to USCIS staff regarding press inquiries

Thanks. It would be most helpful to me if USCIS would come out with a Broadcast reminding people of the rules.

Peter and Judy,

I await your guidance on appropriate steps I should take. Will follow up with you on a separate chain.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Renaud, Tracy L
Sent: Sunday, January 29, 2017 5:24 PM
To: Hatchett, Dolline L; Alfonso, Angelica M; Scialabba, Lori L; Ruppel, Joanna; Carter, Jeffrey T (Jeff); Walters, Jessica S; Gregory, Peter D; McLaughlin, Judy S
Cc: Kerns, Kevin J; Groom, Molly M
Subject: RE: Message to USCIS staff regarding press inquiries

Joanna,

I would suggest you immediately work with Peter Gregory and LER on telling those employees to shut it down or rename it. If they have personal opinions they want to express they can do it with a moniker that does not at all reference USCIS, RAIO, RAD or any other part of the agency. It is inappropriate. Copying Peter and Judy here.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Hatchett, Dolline L
Sent: Sunday, January 29, 2017 5:20 PM
To: Alfonso, Angelica M; Scialabba, Lori L; Ruppel, Joanna; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Walters, Jessica S
Subject: RE: Message to USCIS staff regarding press inquiries

Correct RAIO is not carrying a disclaimer but are actually identifying themselves as employees. That's concerning.

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 5:18:55 PM
To: Hatchett, Dolline L; Scialabba, Lori L; Ruppel, Joanna; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Walters, Jessica S
Subject: RE: Message to USCIS staff regarding press inquiries

I don't see a similar disclaimer on the raio one (they actually claim to be raio officers). My previous emails included screen shots.

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

From: Hatchett, Dolline L
Sent: Sunday, January 29, 2017 10:16:53 PM
To: Scialabba, Lori L; Alfonso, Angelica M; Ruppel, Joanna; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Walters, Jessica S
Subject: RE: Message to USCIS staff regarding press inquiries

We do not know who established the account for USCIS, and I doubt that we would know that for RAIO. The posts are pretty anonymous. There is a disclaimer on the alt USCIS page that says it is an unofficial account of people working hard to make everyone deserving legal and is not affiliated with DHS or USCIS kinda. A little bit of a dig at the end. It's important to note that there are other alt sites popping up..EPA, NPS and others.

From: Scialabba, Lori L
Sent: Sunday, January 29, 2017 5:10:48 PM
To: Alfonso, Angelica M; Ruppel, Joanna; Renaud, Tracy L; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Walters, Jessica S
Subject: RE: Message to USCIS staff regarding press inquiries

No idea. Should OSI look into this?

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 5:08:13 PM

To: Ruppel, Joanna; Renaud, Tracy L; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Scialabba, Lori L; Walters, Jessica S
Subject: RE: Message to USCIS staff regarding press inquiries

Was this established by employees?

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 10:05:47 PM
To: Alfonso, Angelica M; Renaud, Tracy L; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Scialabba, Lori L; Walters, Jessica S
Subject: RE: Message to USCIS staff regarding press inquiries

Terrific. I don't have access to twitter, but I also understand that an altRAIO twitter account has been established, whatever that means (I need to get with the modern times).

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 4:56 PM
To: Renaud, Tracy L; Ruppel, Joanna; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Scialabba, Lori L; Walters, Jessica S
Subject: RE: Message to USCIS staff regarding press inquiries

Should include leg (and stakeholder?) inquiry guidance as well.

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

From: Renaud, Tracy L
Sent: Sunday, January 29, 2017 9:54:23 PM
To: Ruppel, Joanna; Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Scialabba, Lori L; Alfonso, Angelica M; Walters, Jessica S
Subject: RE: Message to USCIS staff regarding press inquiries

Jess is drafting something to go out under Lori's name tomorrow. I think we can add this to the message. Adding Jess.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 4:53 PM
To: Hatchett, Dolline L; Carter, Jeffrey T (Jeff); Scialabba, Lori L; Renaud, Tracy L; Alfonso, Angelica M
Subject: Message to USCIS staff regarding press inquiries

I know there is A LOT going on, but I would like to recommend that a USCIS Broadcast be sent to all USCIS staff just to remind them of the requirement to refer all press inquiries to OCOM with instructions on how to do that. I was thinking of sending something to all RAIO staff, but I think it would be more appropriate to be a USCIS Broadcast.

Thoughts?

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations

[redacted] (b)(6)

Gillispie, Anna E

From: Ruppel, Joanna
Sent: Sunday, January 29, 2017 6:45 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Nicholson, Maura J
Subject: FW: FACT SHEET: Protecting the Nation from Foreign Terrorist Entry to the United States

Importance: High

Tracy and Lori,

This says

"Importantly, however, lawful permanent residents of the United States traveling on a valid I-551 will be allowed to board U.S. bound aircraft and will be assessed for exceptions at arrival ports of entry, as appropriate."

Note the "valid I-551." I think we should revise our guidance to IO staff to have them contact us if they get an I-131A from one of the 7 nationalities until we get a firm answer form the Department on this. As I said, we don't have any now and are unlikely to get one this week, but . . . . .

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations
[redacted] (b)(6)

From: Alfonso, Angelica M
Sent: Sunday, January 29, 2017 7:40 PM
To: Melero, Mariela; Renaud, Tracy L; Scialabba, Lori L; Renaud, Daniel M; Ruppel, Joanna; Nicholson, Maura J; Strack, Barbara L; Hatchett, Dolline L; Neufeld, Donald W; McCament, James W; Davidson, Andrew J; Emrich, Matthew D; Kerns, Kevin J; Groom, Molly M; Busch, Philip B; Walters, Jessica S; Young, Todd P; Swanson, Toni
Cc: Atkinson, Ronald A; Martin, Heather A
Subject: FACT SHEET: Protecting the Nation from Foreign Terrorist Entry to the United States

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

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

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

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

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

Authorities

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

Actions

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

Importantly, however, lawful permanent residents of the United States traveling on a valid I-551 will be allowed to board U.S. bound aircraft and will be assessed for exceptions at arrival ports of entry, as appropriate. The entry of these individuals, subject to national security checks, is in the national interest. Therefore, we expect swift entry for these individuals.

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

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

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

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

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

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

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

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

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

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

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Gillispie, Anna E

From:	Alfonso, Angelica M
Sent:	Sunday, January 29, 2017 6:40 PM
To:	Melero, Mariela; Renaud, Tracy L; Scialabba, Lori L; Renaud, Daniel M; Ruppel, Joanna; Nicholson, Maura J; Strack, Barbara L; Hatchett, Dolline L; Neufeld, Donald W; McCament, James W; Davidson, Andrew J; Emrich, Matthew D; Kerns, Kevin J; Groom, Molly M; Busch, Philip B; Walters, Jessica S; Young, Todd P; Swanson, Toni
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In order to protect Americans, and to advance the national interest, the United States must ensure that those entering this country will not harm the American people subsequent to their entry, and that they do not bear malicious intent toward the United States and its people. The executive order protects the United States from countries compromised by terrorism and ensures a more rigorous vetting process. This Executive Order ensures that we have a functional immigration system that safeguards our national security.

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

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

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

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Gillispie, Anna E

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:18 AM
To: Scialabba, Lori L; Renaud, Daniel M; Renaud, Tracy L
Subject: RE: (No Subject)

OMG. So they think we should turn LPRs around at the POE? Notably missing in all this are paroles. I know they want us to review the use of parole authority, but this EO didn't include parole in excluding from entry these nationals and citizens.

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 11:13 AM
To: Renaud, Daniel M; Neufeld, Donald W; Renaud, Tracy L
Subject: RE: (No Subject)

Probably easiest. I can't believe it but they are applying this to LPRs so approving an I90 might be an issue too.

For some reason OGC and OPLA think a LPR is an immigrant.

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 10:43:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Tracy L
Subject: RE: (No Subject)

I agree. Hold everything for now.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:23:59 AM
To: Scialabba, Lori L; Renaud, Daniel M; Renaud, Tracy L
Subject: RE: (No Subject)

Operationally, I think it is easier to hold off on everything, certainly in the beginning. I would hope going forward we could allow denials and other actions that could in no way be interpreted as allowing "entry" to go forward just to keep the number of cases on hold to a minimum.

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 8:42 AM
To: Renaud, Daniel M; Renaud, Tracy L

Cc: Neufeld, Donald W
Subject: RE: (No Subject)

O.K. This is fine except please hold all decisions. When I was in INS general counsel we moved ahead with suspension denials and held approvals when there were no longer numbers available and we got sued and lost in the 9th circuit. A strange outcome that I do not agree with but I'd prefer not to have us involved in litigation if we can help it. Ha, ha, ha, I just realized that was a ridiculous statement, we're going to get sued but I'd still prefer to hold all cases unless we are planning to put the denied person into proceedings as a NS or public safety risk.

Thoughts?
Lori

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 7:11:10 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Neufeld, Donald W
Subject:

Here is the draft message to field offices. I added a hold on N-400s, but if you think those can proceed, it can be removed. I'd like to get this out this morning, if possible. NER is going to run a scrape to determine the location of every field office pending case filed by a citizen or national of one of the 7 countries. As cases in process get held, we will establish NFTS codes that we can track nationally to determine the number of held cases. NBC will identify affected cases and no schedule them going forward.

Here's the message:

On January 27, 2017, President Trump signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefit applications. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the processing of immigrant and nonimmigrant benefit applications and petitions for nationals of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately, you may not approve any immigrant or nonimmigrant petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. Cases where approval is recommended shall be held in abeyance until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Office. Denials, withdrawals, and administrative closures may proceed as they normally would.

Additionally, until provided with further instructions, offices also may not approve any Form N-400 (Application for Naturalization) or naturalize any individual from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. As discussed above, cases may be processed up to the point of a decision. Cases that are to be approved will be held in abeyance.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Office through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Gillispie, Anna E

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 10:15 AM
To: Scialabba, Lori L; Renaud, Daniel M; Renaud, Tracy L
Subject: RE: (No Subject)

Here's my recommended message for the centers. I'm looking to either Tracy or Lori to weigh in on the highlighted sentence. On reflection, I'd really like to keep at least I-90s and I-765s in motion given the high volume and potential impact of delays. However, I'm comfortable with striking anything or even the whole sentence.

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

While we await further guidance, we are temporarily suspending adjudication of applications, petitions or requests involving citizens or nationals of the listed countries. Exceptions to this temporary suspension would be I-765 applications for employment authorization; I-751 petitions to remove conditions; I-130 and I-140 visa petitions; I-90, N-565 and I-102 applications for replacement documents; and I-129 nonimmigrant petitions where the beneficiary is not seeking an extension or change of status.

Please segregate any files that are impacted by this temporary hold pending further guidance. As you would expect, we will be developing a weekly report format for you to identify the number and types of cases on hold.

We expect to issue more detailed guidance and procedures in the coming days.

Please ensure this guidance is conveyed to all appropriate employees and get back to us with any questions.

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 8:42 AM
To: Renaud, Daniel M; Renaud, Tracy L
Cc: Neufeld, Donald W
Subject: RE: (No Subject)

O.K. This is fine except please hold all decisions. When I was in INS general counsel we moved ahead with suspension denials and held approvals when there were no longer numbers available and we got sued and lost in the 9th circuit. A strange outcome that I do not agree with but I'd prefer not to have us involved in litigation if we can help it. Ha, ha, ha, I just realized that was a ridiculous statement, we're going to get sued but I'd still prefer to hold all cases unless we are planning to put the denied person into proceedings as a NS or public safety risk.

Thoughts?
Lori

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 7:11:10 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Neufeld, Donald W
Subject:

Here is the draft message to field offices. I added a hold on N-400s, but if you think those can proceed, it can be removed. I'd like to get this out this morning, if possible. NER is going to run a scrape to determine the location of every field office pending case filed by a citizen or national of one of the 7 countries. As cases in process get held, we will establish NFTS codes that we can track nationally to determine the number of held cases. NBC will identify affected cases and no schedule them going forward.

Here's the message:

On January 27, 2017, President Trump signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefit applications. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the processing of immigrant and nonimmigrant benefit applications and petitions for nationals of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately, you may not approve any immigrant or nonimmigrant petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. Cases where approval is recommended shall be held in abeyance until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Office. Denials, withdrawals, and administrative closures may proceed as they normally would.

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Gillispie, Anna E

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 8:59 AM
To: Ruppel, Joanna; Scialabba, Lori L; Renaud, Daniel M; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

Yes, that's another example of the many potential impacts that aren't as obvious as the I-485s. I think it's going to take a while to run down every possible nuance to the impact of this EO.

From: Ruppel, Joanna
Sent: Saturday, January 28, 2017 9:54 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W; Nicholson, Maura J; Kliska, Jennifer R
Subject: RE: Executive Order

I would also like to flag I-730s. While adjudication does not give status to those outside the US, it does for those inside. Also, since part of the directive is to reviewing to enhance information we collect and screening, we likely will be proposing changes to the I-730 process, to include revisions to the form and the I-730A, which would be completed by the beneficiary. We have mock ups and can move quickly, but need to think first about those in pipeline. Maura has giving directive to staff outside US to cancel pick up document pickups for 730s for next week.

We are working on further guidance and of course will coordinate with SCOP.

State has also issued guidance. Will forward.

Joanna

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 5:34:17 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can do that but I think it's the same as what I've mentioned. It would be good to have time to consult with others. Can I get it to you on Monday?

And, in the meantime can I get something to the centers this weekend? I can share a draft email tomorrow.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 8:04:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer; Renaud, Daniel M; Ruppel, Joanna; Strack, Barbara L; Davidson, Andrew J; Emrich, Matthew D
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

O.K. Take Jennifer off the email chains. Don, I want one document with all your issues. Same goes for Dan, Joanna/Barbara and Matt/Andrew. We'll start regular meetings next week.

Lori

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 8:00 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

For clarity, what would be suspended are I-485s, I-539s, I-129s and I-131s. If I'm missing something please let me know.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56:01 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer

Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M (b)(5)
Subject: FW: Executive Order

FYI. I think Andrew might be right in terms of what is meant but [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 8:36 AM
To: Renaud, Daniel M; Scialabba, Lori L; Renaud, Tracy L
Cc: Davidson, Andrew J
Subject: RE: EO

I still think that would suspend adjudication of all petitions even where the beneficiary is abroad and must apply for a visa. (I-130s, I-140s, I-129s, I-526, etc.) I realize your folks don't do I-140s or I-129s, but I'm sure your language will be read by my folks and vice versa.

I'm beginning to think maybe the best thing would be to have a simple message this weekend saying to hold up approving anything for these nationals except I-90s, I-751s, N-565s and N-600s pending more detailed guidance to follow later next week. That more detailed guidance should probably be in the form of agency wide guidance so everyone gets the same thing. This would give us a bit more time to get it right. We are all smart, but I'm sure there are things we haven't thought of and we could use a couple workdays to get broader input.

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 9:14 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Tracy L
Cc: Davidson, Andrew J
Subject: RE: EO

I see your point, since the adjudication of applications and petitions is not specifically mentioned in the EO, I will change my language to be more along the line of yours. How about this:

On January 27, 2017, the President signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefits. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the entry immigrants and nonimmigrants who are from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately and until additional guidance is received, you may not approve any immigrant or nonimmigrant petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision would be made. Cases shall then be held in abeyance until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Office. Offices are not permitted make any final decision on affected cases to include approval, denial, withdrawal, or revocation.

Additionally, until provided with further instructions, offices also may not approve any Form N-400 (Application for Naturalization) or naturalize any individual from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. As discussed above, cases may be processed up to the point of a decision. Cases shall then be held in abeyance.

Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been

approved and they are pending scheduling of oath ceremony.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Office through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 8:56:10 AM
To: Renaud, Daniel M; Scialabba, Lori L; Renaud, Tracy L
Subject: RE: EO

I pressed send to soon. I had intended to add I-90s, N-565s and I-102s to the list. The thinking here is that I will have folks run a scrape of everything pending in C3 and ELIS involving nationals/citizens of these countries and see what additional guidance may be needed based on what we actually have pending. We may be able to do something in the system to hold up processing like placing a supervisory hold or something similar.

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 8:44 AM
To: Renaud, Daniel M; Scialabba, Lori L; Renaud, Tracy L
Subject: RE: EO

Dan – I don't see anything in the EO regarding temporary suspension in the processing of immigrant and nonimmigrant benefit applications and petitions. I only see the reference to suspending entry. I want to be on the same page as you, but my intent was to say something more along the lines of:

"While we await further guidance, we are temporarily suspending approval of applications, petitions or requests involving citizens or nationals of Syria, Iraq, Iran, Somalia, Yemen, Sudan and Libya. Exceptions to this temporary suspension would be I-765 applications for employment authorization, I-751 petitions to remove conditions, I-130 and I-140 visa petitions, and I-129 nonimmigrant petitions where the beneficiary is not seeking an extension or change of status."

I prefer listing which cases can proceed rather than what should be held as we handle so many I fear missing something. I'd rather add more exceptions to the hold as they are identified than risk letting something through up front. We will also impose a weekly reporting requirement to identify the numbers and case types on hold and a process to identify any cases or case types that should be considered for exception.

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 7:11 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Neufeld, Donald W
Subject:

Here is the draft message to field offices. I added a hold on N-400s, but if you think those can proceed, it can be removed. I'd like to get this out this morning, if possible. NER is going to run a scrape to determine the

location of every field office pending case filed by a citizen or national of one of the 7 countries. As cases in process get held, we will establish NFTS codes that we can track nationally to determine the number of held cases. NBC will identify affected cases and no schedule them going forward.

Here's the message:

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Gillispie, Anna E

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 7:59 AM
To: Renaud, Daniel M; Scialabba, Lori L; Renaud, Tracy L
Cc: Davidson, Andrew J
Subject: RE: EO

Right, but what about I-130, I-140 and I-129 petitions that do not confer a benefit?

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 8:56 AM
To: Neufeld, Donald W; Scialabba, Lori L; Renaud, Tracy L
Cc: Davidson, Andrew J
Subject: RE: EO

Adding Andrew...

(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).

(b)(5)

I would suggest [redacted]

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Neufeld, Donald W
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U.S. Citizenship and Immigration Services
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Gillispie, Anna E

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Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Gillispie, Anna E

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Subject:

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Here's the message:

On January 27, 2017, President Trump signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefit applications. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the processing of immigrant and nonimmigrant benefit applications and petitions for nationals of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

Effectively immediately, you may not approve any immigrant or nonimmigrant petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. Field offices may interview applicants for adjustment of status and other benefits according to current processing guidance and may process petitions and applications for individuals from these countries up to the point where a decision

would be made. Cases where approval is recommended shall be held in abeyance until further notice and will be shelved with specific NFTS codes which will be provided through the Regional Office. Denials, withdrawals, and administrative closures may proceed as they normally would.

Additionally, until provided with further instructions, offices also may not approve any Form N-400 (Application for Naturalization) or naturalize any individual from Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya. As discussed above, cases may be processed up to the point of a decision. Cases that are to be approved will be held in abeyance.

We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Office through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Gillispie, Anna E

From: Renaud, Daniel M
Sent: Saturday, January 28, 2017 6:11 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Neufeld, Donald W

Here is the draft message to field offices. I added a hold on N-400s, but if you think those can proceed, it can be removed. I'd like to get this out this morning, if possible. NER is going to run a scrape to determine the location of every field office pending case filed by a citizen or national of one of the 7 countries. As cases in process get held, we will establish NFTS codes that we can track nationally to determine the number of held cases. NBC will identify affected cases and no schedule them going forward.

Here's the message:

On January 27, 2017, President Trump signed an Executive Order that, in part, relates to the suspension of processing of certain immigration benefit applications. Section 3(c) of the Executive Order invokes sections 212(f) and 217(a)(12) of the INA to temporarily suspend the processing of immigrant and nonimmigrant benefit applications and petitions for nationals of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya for 90 days from the date of the Executive Order.

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We expect to issue more detailed guidance and procedures as needed in the coming days. Questions or requests for additional clarification may be directed to the Regional Office through your chain of command.

Daniel M. Renaud
Associate Director | Field Operations Directorate
U.S. Citizenship and Immigration Services
Department of Homeland Security

Gillispie, Anna E

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:01 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

Syria, Iraq, Iran, Yemen, Libya, Sudan and Somalia.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:56 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: Executive Order

I can get word out over the weekend to the centers to suspend processing. I just need the list of 7 countries to include in my message. The Directors are already on notice of the possibility. I would exclude from the suspension any petitions for beneficiaries abroad and TPS/DACA.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 7:31:26 PM
To: Neufeld, Donald W; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

I think the answer to the first two is yes they are impacted for the 7 countries identified. Not sure about petitions for beneficiaries abroad. I'll ask.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

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From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

FYI. I think Andrew might be right in terms of what is meant but (b)(5) [redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

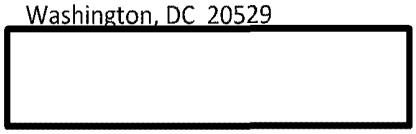
Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

111 Massachusetts Avenue, NW
Washington, DC 20529



(b)(6)

Gillispie, Anna E

From: Ruppel, Joanna
Sent: Friday, January 27, 2017 4:40 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Strack, Barbara L; Stone, Mary M; Groom, Molly M; Zengotitabengoa, Colleen R; Benedict, Deborah L; Nicholson, Maura J
Subject: following-to-join cases

Lori and Tracy,

Just wanted to flag for you that were are instructing our international managers to cancel all travel document pick-ups for I-730 refugee and asylee following-to-join cases for next week. That gives us time to get direction from the Department of the impact of the executive order signed today on both refugee and asylee following-to-join cases.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

(b)(6

(b)(6

(b)(5

(b)(5

(b)(6

Gillispie, Anna E

From: Renaud, Tracy L
Sent: Friday, January 27, 2017 12:04 PM
To: Davidson, Andrew J
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L; Emrich, Matthew D
Subject: RE: Executive Order

Thanks Andrew, I know it's tough to nail down and understand that whatever you come up with will have plenty of assumptions built into the equations.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 1:02 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L; Emrich, Matthew D
Subject: RE: Executive Order

That is a very difficulty question to answer as S1's draft guidance on the border and enforcement EA only mention an increase of FDNS IOs to support anti-fraud operations in relation to Asylum processing as well as a generalized increase to support RAIO and Field OPS. The only extra capacity we will have in the interim with the RAD shutdown is in our social media group and Intel Division. We expect to use these resources to pivot immediately from refugee to asylum screening of the countries of interest. Where I think we will need the increase to meet the substance of the EA is our IO/IRSs in the Field and at the Centers. Enhanced screening and fraud investigations are mostly carried out there. We will start our review and should have some rough estimates by end of next week.

Thanks

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security
U.S. Citizenship and Immigration Services
[redacted] (b)(6)

From: Renaud, Tracy L
Sent: Friday, January 27, 2017 5:41:11 PM
To: Davidson, Andrew J

Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: RE: Executive Order

We raised that verbally with S1 and his advisor yesterday and they took note of our question. We will continue to seek clarification. On a related matter, there was mention of us likely needing to hire additional FDNS officers. Lori pointed out that we will have some capacity as a result of the pause/decrease in refugee processing. We are going to need FDNS to conduct a review/study of what your capacity is and what you anticipate your resource need to be in order to effectively implement the EO. How long do you think it will take you to get us a rough estimate?

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this (b)(5) extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person. [redacted] [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs.

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

Gillispie, Anna E

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 6:33 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

The other thing we haven't discussed is if TPS processing is impacted. I wouldn't think processing re-registrations would be, but I'm not 100% sure and for late initials I'm even less so.

From: Neufeld, Donald W
Sent: Friday, January 27, 2017 7:26:14 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

As we've discussed, the most urgent question is whether adjustments and extensions or changes of nonimmigrant status are impacted. Separately, is there any impact on petitions for beneficiaries abroad since we would not be determining admissibility? I would think not, but it would be good to have clarity.

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 5:59:36 PM
To: Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

I think that's o.k. and going forward don't schedule these for interviews.

From: Renaud, Daniel M
Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

If we can define "suspend processing" as "suspend prior to approval", then one option would be to continue with the interviews, since it is likely we have some that are scheduled as soon as Monday for affected applicants and then hold the cases post interview. We are trying to scrape our schedulers (C4 and NASS) to see when and where we have interviews scheduled for individuals from affected countries. We should have that sometime Monday.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

---

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM

To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order

(b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

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Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

Gillispie, Anna E

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Sent: Friday, January 27, 2017 6:26 PM
To: Scialabba, Lori L; Renaud, Daniel M; Higgins, Jennifer
Cc: Renaud, Tracy L
Subject: RE: Executive Order

Thanks for sending this, Lori.

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Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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Sent: Friday, January 27, 2017 5:47 PM
To: Scialabba, Lori L; Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Executive Order

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Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Friday, January 27, 2017 12:43 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Neufeld, Donald W; Renaud, Daniel M
Subject: FW: Executive Order (b)(5)

FYI. I think Andrew might be right in terms of what is meant but [redacted]

[redacted]

From: Davidson, Andrew J
Sent: Friday, January 27, 2017 12:37 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L
Subject: Executive Order

Tracy,

It is my understanding that POTUS will sign the "Protecting the Nation from Terrorist Attacks by Foreign Nationals" order today at 4:30pm. In complying with the EA I believe we need immediate clarification in Section 3 (c) relative to the 30 day suspension of processing immigrants and non-immigrants from the designated countries of interest and if this extends to processing of permanent resident applications. Though the EA states "immigrant and non-immigrant entry into the United States", once we grant an adjustment we "admit" that person [redacted] We just need to clarify if by extension this applies to our product lines. If this is the case then Don and Dan will need to get guidance to the Field to put these adjudications on hold. Other than the refugee suspension that appears fully deployed on our end this appears the most urgent clarification we need relative to the EAs. (b)(5)

Thanks,

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

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Gillispie, Anna E

From: Ruppel, Joanna
Sent: Wednesday, February 08, 2017 11:04 AM
To: Renaud, Tracy L; Scialabba, Lori L
Cc: Groom, Molly M
Subject: RE: update to RAIO staff on refugee processing

Thanks so much for the quick review and response! Much appreciated with everything else going on.

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

From: Renaud, Tracy L
Sent: Wednesday, February 08, 2017 11:34 AM
To: Ruppel, Joanna; Scialabba, Lori L
Cc: Groom, Molly M
Subject: RE: update to RAIO staff on refugee processing

Joanna,

This is the message I meant to reply to with revised language that AD1 and I prefer:

As stated in the USCIS Broadcast, U.S. Citizenship and Immigration Services has suspended any and all actions implementing the affected sections of the Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017) (these affected sections are Sections 3(c), Section 5(a), Section 5(b), Section 5 (c) and Section 5 (e) to the extent that it purports to prioritize refugee claims of certain religious minorities).

USCIS has resumed approving refugee cases that are otherwise eligible for refugee resettlement. The travel schedule of these approved cases will be determined by the Department of State so as not to exceed the refugee ceiling set by the current Administration. At this time, USCIS generally will not be regularly conducting refugee interviews in international field offices, or deploying additional circuit rides this quarter other than select, previously scheduled circuit rides. USCIS will coordinate other possible interviews, including urgent humanitarian protection cases, at the request of the Department of State. The previously organized trainings for credible fear will move forward as scheduled.

USCIS, including RAIO headquarters staff, is participating in intra and inter-agency working groups established to implement the Executive Order and field input will be sought as appropriate.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

From: Ruppel, Joanna
Sent: Tuesday, February 07, 2017 7:37 PM

To: Scialabba, Lori L; Renaud, Tracy L
Cc: Groom, Molly M
Subject: update to RAIO staff on refugee processing

Tracy and Lori,

I would like to send the message below to RAIO staff who have been asking their managers about the state of play of refugee processing. Given sensitivity with the litigation, I wanted to check with you and Molly (copied here) to see if there are any concerns with me sending out the message below. Thanks for your consideration. Of course, by the time you read this, we may have another court order . . . . . Still, staff would really like some info.

Proposed message:

As stated in the USCIS Broadcast, U.S. Citizenship and Immigration Services has suspended any and all actions implementing the affected sections of the Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017) (these affected sections are Sections 3(c), Section 5(a), Section 5(b), Section 5 (c) and Section 5 (e) to the extent that it purports to prioritize refugee claims of certain religious minorities). As a result suspension of the U.S. Refugee Admission Program is no longer in effect. Suspension of the entry of Syrian nationals as refugees is also no longer in effect.

USCIS has resumed approving refugee cases that are otherwise eligible for refugee resettlement (digitally or manually). The travel schedule of these approved cases will be determined by the Department of State so as not to exceed the refugee ceiling set by the current Administration.

Given that section 5(d) of the order, which limits the refugee ceiling, was not impacted by recent litigation, the Department of State is reviewing the cases in the pipeline to determine how many interviews are needed this fiscal year to meet the revised ceiling for this year and anticipated for next year. At this time, USCIS generally will not be regularly conducting refugee interviews in international field offices, or deploying additional circuit rides this quarter other than the previously scheduled Nauru and Vienna circuit rides. USCIS will coordinate other possible interviews, including urgent humanitarian protection cases, at the request of the Department of State. The previously organized trainings for credible fear will move forward as scheduled.

USCIS is participating in intra and inter-agency working groups established to implement the Executive Order, including review of and recommendations for additional vetting of individuals processed in the U.S. Refugee Admissions Program. HQ FDNS has the lead for this effort for USCIS, and RAD and RAIO FDNS are supporting these efforts. In addition, RAIO headquarters staff is also participating in other working groups addressing implementation of uniform screening standards and a review of USCIS forms and interviews. As I mentioned previously, we are also committed to working on a process to ensure an opportunity for field input into this process.

Gillispie, Anna E

From: Alfonso, Angelica M
Sent: Wednesday, February 08, 2017 8:48 AM
To: Scialabba, Lori L
Subject: RE: update to RAIO staff on refugee processing

I may actually strike the credible fear interview piece as well. In my mind, they want to hear that USRAP has resumed, new ceiling remains, and will there be additional circuit rides...

From: Alfonso, Angelica M
Sent: Wednesday, February 08, 2017 9:42 AM
To: Scialabba, Lori L
Subject: RE: update to RAIO staff on refugee processing

Try this:
As stated in the USCIS Broadcast, U.S. Citizenship and Immigration Services has suspended any and all actions implementing the affected sections of the Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States" (January 27, 2017) (these affected sections are Sections 3(c), Section 5(a), Section 5(b), Section 5 (c) and Section 5 (e) to the extent that it purports to prioritize refugee claims of certain religious minorities).

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USCIS, including RAIO headquarters staff, is participating in intra and inter-agency working groups established to implement the Executive Orde. and field input will be sought as appropriate.

From: Scialabba, Lori L
Sent: Wednesday, February 08, 2017 9:33 AM
To: Alfonso, Angelica M
Subject: RE: update to RAIO staff on refugee processing

That's Joanna. It was making me nervous and maybe it was because it was so detailed. Wanna take a stab at making it much shorter?

From: Alfonso, Angelica M
Sent: Wednesday, February 08, 2017 8:59:00 AM
To: Scialabba, Lori L
Subject: RE: update to RAIO staff on refugee processing

This is a lot of detail in writing (knowing that everything is leaking these days). It's all accurate, of course, and is devoid of commentary. I'm just wondering if it needs to be so detailed.

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Wednesday, February 08, 2017 3:54:10 AM
To: Alfonso, Angelica M
Subject: FW: update to RAIO staff on refugee processing

what are your thoughts on this?

From: Ruppel, Joanna
Sent: Tuesday, February 07, 2017 7:37:22 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Groom, Molly M
Subject: update to RAIO staff on refugee processing

Tracy and Lori,

I would like to send the message below to RAIO staff who have been asking their managers about the state of play of refugee processing. Given sensitivity with the litigation, I wanted to check with you and Molly (copied here) to see if there are any concerns with me sending out the message below. Thanks for your consideration. Of course, by the time you read this, we may have another court order . . . . . Still, staff would really like some info.

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Referred to Department of Homeland Security

Referred to Department of Homeland Security

Gillispie, Anna E

From: Renaud, Daniel M
Sent: Monday, February 06, 2017 1:07 PM
To: Busch, Philip B; Scialabba, Lori L; Neufeld, Donald W; Groom, Molly M
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna; Cowan, Robert M; Robinson, Terri A; Hoefer, Michael D
Subject: RE: The 2 issues re individuals inside US

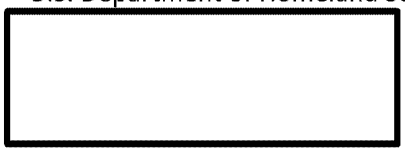
Then we have a problem with how they plan on implementing.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Busch, Philip B
Sent: Monday, February 06, 2017 1:58 PM
To: Renaud, Daniel M; Scialabba, Lori L; Neufeld, Donald W; Groom, Molly M
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna; Cowan, Robert M; Robinson, Terri A; Hoefer, Michael D
Subject: RE: The 2 issues re individuals inside US

Regarding the time frame in the last bullet, this is a waiver of a ban that expires in 80 days, so that kind of process would seem more applicable if the ban were extended or expanded by further EO.

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security



(b)(6)

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From: Renaud, Daniel M
Sent: Monday, February 06, 2017 1:50 PM
To: Scialabba, Lori L; Neufeld, Donald W; Groom, Molly M; Busch, Philip B
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna; Cowan, Robert M; Robinson, Terri A; Hoefer, Michael D
Subject: RE: The 2 issues re individuals inside US

A couple of other issues:

- NBC does not collect fees, so if there is a fee, we'd need to use a lockbox,
- I assume we'll be looking at fingerprints and FBI Name checks.
- With checks and interviews, I'd estimate the first one would be completed within 4-6 months.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Monday, February 06, 2017 1:44 PM
To: Renaud, Daniel M; Neufeld, Donald W; Groom, Molly M; Busch, Philip B
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna; Cowan, Robert M; Robinson, Terri A; Hoefer, Michael D
Subject: RE: The 2 issues re individuals inside US

There is a number of how many visa holders front he 7 countries are here. Not sure who had that. CBP?

From: Renaud, Daniel M
Sent: Monday, February 06, 2017 1:36:05 PM
To: Neufeld, Donald W; Groom, Molly M; Busch, Philip B; Scialabba, Lori L
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna; Cowan, Robert M; Robinson, Terri A; Hoefer, Michael D
Subject: RE: The 2 issues re individuals inside US

I know that FOD can put together a process either with or without interviews. Requiring interviews will be a challenge specifically with respect to technology. While we have C3 LAN at NBC and the field has access to the NBC LAN via ICMS, the I-192 is supported, I believe by C3, but is not currently supported by ICMS. So we can't update and I-192 in C3 from the field using ICMS. That would likely need to change. We'd have to also see if NASS or the C3/C4 scheduler can accommodate I-192 scheduling or these would need to be scheduled manually.

There would be impact on the NBC and on I-485 and/or N-400 cycle times. Do we have an estimated volume of multiple-entry visa holders from these countries who are in the US?

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Neufeld, Donald W
Sent: Monday, February 06, 2017 12:49 PM
To: Groom, Molly M; Busch, Philip B; Scialabba, Lori L; Renaud, Daniel M
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna
Subject: RE: The 2 issues re individuals inside US

Our folks are now looking at the I-192 option, but if an interview is required that would seem to move this in FOD's direction. To be candid, we were beginning to think even the I-131 might go that way if these are truly urgent cases - consistent with how AP is handled now in urgent situations.

From: Groom, Molly M
Sent: Monday, February 06, 2017 12:41:19 PM
To: Busch, Philip B; Scialabba, Lori L; Neufeld, Donald W; Renaud, Daniel M

Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna
Subject: RE: The 2 issues re individuals inside US

And we just heard from CBP that at the staff level they are recommending to leadership that adjudication of a waiver require an interview, so a form based process may not be sufficient, Just FYI as we contemplate how we may implement if necessary.

From: Busch, Philip B
Sent: Monday, February 06, 2017 12:30 PM
To: Groom, Molly M; Scialabba, Lori L; Neufeld, Donald W; Renaud, Daniel M
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna
Subject: RE: The 2 issues re individuals inside US

Thanks Molly. One clarification, it is a USCIS form but the instructions say file it with CBP unless it's a T or U situation. But as you note CBP says they don't actually use it as broadly as the instructions suggest – the applicant is supposed to file it at a designated port, and the only ports CBP has designated for that are along the Northern Border.

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
[redacted] (b)(6)

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From: Groom, Molly M
Sent: Monday, February 06, 2017 12:26 PM
To: Scialabba, Lori L; Neufeld, Donald W; Renaud, Daniel M
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna; Busch, Philip B
Subject: RE: The 2 issues re individuals inside US

We've been discussing how a waiver process could work be established legally with OGC and CBP and I am copying what Phil sent to start the conversation. In sum, we suggest using the Form I-192, Application for Advance Permission to Enter as a Nonimmigrant. It does look to inadmissibility rather than entry but comes closer to the intended purpose than any of the forms we regularly adjudicate. It is a CBP form and they use it on the Northern border for Canadians. We are told DOS uses it. USCIS does use it for certain Ts and Us. CBP is naturally a bit resistant, but it seems to be a promising way forward in light of the legal analysis below from our SME's.

We've identified a very promising existing avenue to consider the waiver with respect to those with valid nonimmigrant visas in the United States – the Form I-192, which is even called, "Application for Advance Permission to Enter as a Nonimmigrant." While not exact, since it talks about INA inadmissibility, it is extremely close – in fact, at p. 5 of the instructions it asks those inadmissible on foreign policy or national security grounds to provide a written detailed

statement under penalty of perjury about why they should be admitted, which seems like a good fit with asking for a justification for the national interest waiver. Except for those seeking T or U nonimmigrant status, who file I-192 with us, it is filed with CBP with a $585 fee.

Stepping back from that particular form and process, here are some more general comments from our SMEs about regulatory implementation issues regarding the contemplated waiver:

Executive Order 13769, section 3, paragraph (g), states, "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."

At this point, USCIS does not understand what information should be obtained, the level of review required or the process for determining when it is "in the national interest" to waive the requirements of section 3 under this the provision.

If the established process requires the collection of information, asking questions, or filling out a form for more than 9 individuals then that collection would be subject to the requirements of the Paperwork Reduction Act (PRA). See 44 U.S.C. § 3502; 5 C.F.R. § 1320.3(c), which covers, "the obtaining, causing to be obtained, soliciting, or requiring the disclosure to an agency, third parties or the public of information by or for an agency by means of identical questions posed to, or identical reporting, recordkeeping, or disclosure requirements imposed on, ten or more persons, whether such collection of information is mandatory, voluntary, or required to obtain or retain a benefit."

Any new questionnaire or form, even if completed during a verbal interview, requires a 60-day notice under 5 CFR 1320.8(d)(1) and a 30-day notice under 5 CFR 1320.10(a). OMB may be requested to approve the process as an emergency approval under 5 CFR 1320.13 if the new collection is needed because it is essential to the mission of the agency, the agency cannot reasonably comply with the normal clearance procedures, public harm is reasonably likely to result if normal clearance procedures are followed, an unanticipated event has occurred, or a statutory or court ordered deadline to be missed. OMB will usually approve an emergency request in 30 days. The problem with an emergency approval is that OMB only approves the collection of information for a maximum of 90 days. However, section 3(c), states that it applies to, "such persons for 90 days from the date of this order." Thus, an emergency request under 5 CFR 1320.13 may be appropriate if we decide that a new collection is necessary.

If a new form is required or provides a list of questions for the officer to ask the individuals either verbally or manually, then the PRA applies. The PRA may not apply if there is already a process or form that very closely fits what is necessary that can be easily adapted without change to the 3(g) waiver process. The PRA may also not apply if the process is left to officer discretion, no standard questions will be asked, or if the waiver can be requested with a simple request that only identifies the individual, and the waiver can be approved with only a review of the applicable individual's file and current information on hand.

In addition, if the individuals who desire a waiver under section 3(g) are asked questions that impose a new standard or implicate a substantive right, then those questions may violate the Administrative Procedure Act (APA) and DHS would have to engage in notice and comment rulemaking under 5 U.S.C. 553 to ask them.

From: Scialabba, Lori L
Sent: Monday, February 06, 2017 12:18 PM
To: Neufeld, Donald W; Renaud, Daniel M
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna; Groom, Molly M
Subject: RE: The 2 issues re individuals inside US

O.k. Really adding Molly now.

From: Neufeld, Donald W
Sent: Monday, February 06, 2017 10:41:44 AM
To: Scialabba, Lori L; Renaud, Daniel M
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna
Subject: RE: The 2 issues re individuals inside US

We are looking at whether the I-131 process could be modified to support this. It may be very difficult to make the systems changes needed to support issuance of an I-797 rather than the I-512 or RP/RTD. I'm wondering if alternatively we could issue an actual advance parole document (I-512) with the understanding that CBP would instead admit them with their NIV if otherwise admissible. We are looking at that option as well.

From: Scialabba, Lori L
Sent: Monday, February 06, 2017 9:22:46 AM
To: Neufeld, Donald W; Renaud, Daniel M
Cc: Renaud, Tracy L; McCament, James W; Farnam, Julie E; Walters, Jessica S; Young, Todd P; Swanson, Toni; Ruppel, Joanna
Subject: RE: The 2 issues re individuals inside US

You guys need to start thinking about how we can adjudicate these national interest waivers here in the U.S. For anyone wanting to travel abroad with a multiple entry visa.

1. How do we do it and what are the guidelines?
2. where do we put the information so CBP can see it when the person returns or what document can we give them that shows they got a waiver.

I'm still fighting this but in the event we are ordered to do it you need to be thinking about how it would happen.

Lori

From: Neufeld, Donald W
Sent: Monday, February 06, 2017 9:14:01 AM
To: Renaud, Daniel M; Scialabba, Lori L
Cc: Renaud, Tracy L; McCament, James W
Subject: RE: The 2 issues re individuals inside US

Neither can I.

From: Renaud, Daniel M
Sent: Monday, February 06, 2017 9:12:34 AM
To: Scialabba, Lori L
Cc: Renaud, Tracy L; Neufeld, Donald W; McCament, James W
Subject: RE: The 2 issues re individuals inside US

I cannot think of a benefit that we adjudicate domestically that requires a valid immigrant or nonimmigrant visa.

Daniel M. Renaud
Associate Director, Field Operations Directorate
Department of Homeland Security | U.S. Citizenship and Immigration Services

From: Scialabba, Lori L
Sent: Monday, February 06, 2017 9:00 AM
To: Groom, Molly M; Busch, Philip B; Renaud, Tracy L
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

I'm still saying NO. This is just going to tick off the judge when he figures out DOJ made this up at the last minute so they could put it into their brief. We don't have a process in place and I can't make one up fast enough with no time to think it through.

From: Groom, Molly M
Sent: Monday, February 06, 2017 8:55:31 AM
To: Scialabba, Lori L; Busch, Philip B; Renaud, Tracy L
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

Can I come see you? DOJ is really pushing for our answer.

From: Scialabba, Lori L
Sent: Monday, February 06, 2017 8:21:09 AM
To: Groom, Molly M; Busch, Philip B; Renaud, Tracy L
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

Wait, DOS reversed the 1/27 revocation? Did the court order that? ANd I see your point but doesn't it also apply to the waiver we are promising to valid visa holders? If the TRO is lifted they are no longer valid visa holders.

From: Groom, Molly M
Sent: Monday, February 06, 2017 8:08:23 AM
To: Scialabba, Lori L; Busch, Philip B; Renaud, Tracy L
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

This part isn't about the waiver, but whether USCIS used the Jan 27 DOS revocation in adjudicating anything. Since it is forward looking it seems we could be okay. But then again they've reversed the Jan 27 revocation so how could we apply that revocation going forward? And if TRO is lifted a new revocation will come out. So it could be misleading. Frankly I don't think this language gets us where DOJ wants us to be- but in the timeframe given I don't know whether we could get there since folks are running down cases.

From: Scialabba, Lori L
Sent: Monday, February 06, 2017 7:58:31 AM

To: Groom, Molly M; Busch, Philip B; Renaud, Tracy L
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

So Phil is saying the waiver section says if you have a valid multiple entry visa we'll consider a waiver when the last paragraph says DOS revoked the visas. So how does anyone have a valid visa to apply for a waiver. Is that the point?

From: Groom, Molly M
Sent: Monday, February 06, 2017 7:46:33 AM
To: Busch, Philip B; Scialabba, Lori L; Renaud, Tracy L
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

Lori,

They need to know if you are ok with the second part of the statement relating to the DOS revocations. I've reatttached it here. [redacted] (b)(5)

Phil points out that the second part of the statement [redacted]

Let us know what you think.

From: Busch, Philip B
Sent: Monday, February 06, 2017 6:45:35 AM
To: Groom, Molly M; Scialabba, Lori L; Renaud, Tracy L
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US (b)(5)

Well said. [redacted]

Phil

From: Groom, Molly M
Sent: Monday, February 06, 2017 2:12:00 AM
To: Scialabba, Lori L; Renaud, Tracy L; Busch, Philip B

Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

Here is what I sent:

Joe, (b)(5)

I connected with Lori and she is concerned with agreeing to such a statement. [redacted]

[redacted] Thanks for considering.

From: Groom, Molly M
Sent: Monday, February 06, 2017 1:39 AM
To: Scialabba, Lori L; Renaud, Tracy L; Busch, Philip B
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

As soon as I transmit your concerns I am going to bed. Thanks very much. I will be in touch after 7.

From: Scialabba, Lori L
Sent: Monday, February 06, 2017 1:32 AM
To: Groom, Molly M; Renaud, Tracy L; Busch, Philip B
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

Well I appreciate yours too. Like I said trying to solve this on the spur of the moment is foolish. Happy to be on the call whenever they have it. Assuming it's not before 7:00 am when I'll check emails again.

Go to bed Molly.

Lori

From: Groom, Molly M
Sent: Monday, February 06, 2017 1:25:01 AM
To: Scialabba, Lori L; Renaud, Tracy L; Busch, Philip B
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US

I will pass on that you are not on board and will synthesize your concerns. I understand from other emails you are copied on that they will likely call a meeting early tomorrow morning. If it matters, I think you are doing the right thing and I share your concerns. Perhaps with more discussion with DOJ, we can find another way forward on the litigation front. I appreciate your attention late this evening/this morning.

From: Scialabba, Lori L
Sent: Monday, February 06, 2017 1:21 AM
To: Groom, Molly M; Renaud, Tracy L; Busch, Philip B
Cc: Renaud, Daniel M; McCament, James W; Neufeld, Donald W
Subject: RE: The 2 issues re individuals inside US (b)(5)

I'm not o.k. With this. This proposal has so many problems and issues that I can see just off the top of my head that I'm sure it would be a disaster. [redacted]

No, I'm not o.k. With this. Making policy based on litigation has always gotten us into more trouble than it's been worth and its never an assurance of winning the litigation either. And trying to develop a policy on a Sunday night without thinking through what we are doing is reckless and foolish.

Lori

From: Groom, Molly M
Sent: Sunday, February 05, 2017 10:53:31 PM
To: Scialabba, Lori L; Renaud, Tracy L; Busch, Philip B
Subject: FW: The 2 issues re individuals inside US

I just got off a call where Joe requested that you consider signing off on this statement. OCC edited to make it as palatable as possible. [redacted]

[redacted] Let me know if you want to discuss. They are hoping to hear from you tonight.

(b)(5)

Referred to Department of Homeland Security
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Gillispie, Anna E

From: Torres, Juan J
Sent: Friday, February 03, 2017 9:55 PM
To: Carter, Jeffrey T (Jeff); Renaud, Tracy L; Miller, Caitlin E; Groom, Molly M; Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Employee broadcast has been issued. Should I hold my team member on for anything else tonight? Juan

---

From: Carter, Jeffrey T (Jeff)
Sent: Friday, February 03, 2017 10:43 PM
To: Torres, Juan J; Renaud, Tracy L; Miller, Caitlin E; Groom, Molly M; Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Press Secretary's statement on court ruling:

"At the earliest possible time, the Department of Justice intends to file an emergency stay of the order and defend the executive order of the President, which we believe is lawful and appropriate. The president's order is intended to protect the country and he has the constitutional authority and responsibility to protect the American people.

As the law states, "Whenever the President finds that the entry of any aliens or of any class of aliens into the United States would be detrimental to the interests of the United States, he may by proclamation, and for such period as he shall deem necessary, suspend the entry of all aliens or any class of aliens as immigrants or nonimmigrants, or impose on entry of aliens any restrictions may deem to be appropriate."

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

Please visit www.uscis.gov for news and information.

From: Carter, Jeffrey T (Jeff)
Sent: Friday, February 03, 2017 10:30:24 PM
To: Torres, Juan J; Renaud, Tracy L; Miller, Caitlin E; Groom, Molly M; Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Trying to get a copy but media are reporting the White House press secretary has issued a statement saying the administration will appeal and seek a stay to the injunction.

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services
[redacted] (b)(6)
Please visit www.uscis.gov for news and information.

From: Torres, Juan J
Sent: Friday, February 03, 2017 10:25:16 PM
To: Renaud, Tracy L; Miller, Caitlin E; Groom, Molly M; Carter, Jeffrey T (Jeff); Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Got it. We are using this version to issue a USCIS employee broadcast and will link to the injunction PDF in the yellow highlighted below. The injunction PDF will be published to USCIS Connect as well.

Please advise of any concerns by 10:45PM Eastern. Intend to hit send at 10:50pm Eastern. Thanks, Juan

---

From: Renaud, Tracy L
Sent: Friday, February 03, 2017 10:23 PM
To: Miller, Caitlin E; Groom, Molly M; Carter, Jeffrey T (Jeff); Torres, Juan J; Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Perfect. Thanks Caitlin. Juan - this is the one. Thanks again for the late night efforts of you and your team. (you too Jeff and. Of course, OCC).

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Miller, Caitlin E
Sent: Friday, February 03, 2017 10:21:06 PM
To: Renaud, Tracy L; Groom, Molly M; Carter, Jeffrey T (Jeff); Torres, Juan J; Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Sorry Tracy,

That version had the "prioritizes" typo and was missing an "of" before Syrian. This one is right.

A federal district court in Washington state has issued a nationwide injunction of each one of the following provisions of the January 27, 2017 Executive Order on Protecting the Nation from Foreign Terrorist Entry into the United States:

- Section 3(c)
- Section 5(a)
- Section 5(b)
- Section 5(c)
- Section 5(e) to the extent that it purports to prioritize refugee claims of certain religious minorities

All enforcement of the above-listed sections of the Executive Order must halt immediately. The judge's written order is attached. To be clear, **the injunction is effective right now and compliance with the ruling must begin immediately**.

Accordingly, effective immediately U.S. Citizenship and Immigration Services will suspend any and all actions implementing the affected sections of the Executive Order entitled, *"Protecting the Nation from Foreign Terrorist Entry into the United States"* (January 27, 2017). Additionally, USCIS shall not proceed with any action that prioritizes refugee claims of certain religious minorities. Further, suspension of the U.S. Refugee Admission Program is no longer in effect. Suspension of the entry of Syrian nationals as refugees is also no longer in effect.

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

Thank you,

Caitlin Miller (formerly Shay)
Associate Counsel, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Ave., NW, Suite 3100
Mail Stop 2121
Washington, DC 20529-2121

[redacted] (b)(6)

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From: Renaud, Tracy L
Sent: Friday, February 03, 2017 10:19 PM
To: Miller, Caitlin E; Groom, Molly M; Carter, Jeffrey T (Jeff); Torres, Juan J; Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

I think In the next to the last paragraph "priorities" should be "prioritizes". Other than that I am okay with the statement.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Miller, Caitlin E
Sent: Friday, February 03, 2017 10:16:04 PM
To: Groom, Molly M; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Torres, Juan J; Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Below is guidance language:

A federal district court in Washington state has issued a nationwide injunction of each one of the following provisions of the January 27, 2017 Executive Order on Protecting the Nation from Foreign Terrorist Entry into the United States:

- Section 3(c)
- Section 5(a)
- Section 5(b)
- Section 5(c)
- Section 5(e) to the extent that it purports to prioritize refugee claims of certain religious minorities

All enforcement of the above-listed sections of the Executive Order must halt immediately. The judge's written order is attached. To be clear, **the injunction is effective right now and compliance with the ruling must begin immediately**.

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

Thank you,

Caitlin Miller (formerly Shay)
Associate Counsel, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Ave., NW, Suite 3100
Mail Stop 2121
Washington, DC 20529-2121
[redacted] (b)(6)

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From: Groom, Molly M
Sent: Friday, February 03, 2017 10:14 PM
To: Renaud, Tracy L; Carter, Jeffrey T (Jeff); Torres, Juan J; Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B; Miller, Caitlin E
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Including Caitlin to share our best language for all employees.

From: Renaud, Tracy L
Sent: Friday, February 03, 2017 10:07:42 PM
To: Carter, Jeffrey T (Jeff); Torres, Juan J; Alfonso, Angelica M; Groom, Molly M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
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Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

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Sent: Friday, February 03, 2017 10:04:06 PM
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The press release was sent out by DHS to the media and I asked Juan to post it, has we have other DHS statements, to the Connect page. We do not have to post it by any means but, again, the press release was distributed by DHS.

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

Please visit www.uscis.gov for news and information.

From: Renaud, Tracy L
Sent: Friday, February 03, 2017 10:01:30 PM
To: Torres, Juan J; Alfonso, Angelica M; Groom, Molly M; Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
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Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

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Sent: Friday, February 03, 2017 9:56:29 PM
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Juan

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Cc: Torres, Juan J
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

This would have only posted to internal connect page (vs .gov)

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

From: Renaud, Tracy L
Sent: Saturday, February 04, 2017 2:45:11 AM
To: Groom, Molly M; Carter, Jeffrey T (Jeff); Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L

Cc: Torres, Juan J
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Added you for your awareness. The question was really for OCOM.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

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Cc: Torres, Juan J
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

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Cc: Torres, Juan J
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

I assume we held this given the injunction?

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

[redacted] (b)(6)

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Sent: Friday, February 03, 2017 6:44:52 PM
To: Alfonso, Angelica M; Hatchett, Dolline L; Renaud, Tracy L; Scialabba, Lori L
Cc: Torres, Juan J
Subject: FW: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

FYSA.

Juan - please have this posted on the EO Connect page.

Thanks,

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

Please visit www.uscis.gov for news and information.

From: DHS Press Office
Sent: Friday, February 03, 2017 5:40:00 PM
To: Carter, Jeffrey T (Jeff)
Subject: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Press Office
U.S. Department of Homeland Security

Press Release

February 3, 2017
Contact: DHS Press Office, 202-282-8010

STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

WASHINGTON - The Department of Homeland Security (DHS) would like to clarify the classes of aliens affected by the 90-day temporary pause on travel, with case-by-base exceptions and waivers, as outlined in the President's Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States."

To ensure that the U.S. government can conduct a thorough analysis of the national security risks faced by our immigration system, the Executive Order imposes a 90-day pause on the entry into the United States of nationals from Iraq, Syria, Sudan, Iran, Somalia, Libya, and Yemen. This pause does not apply to Lawful Permanent Residents, dual citizens with passports from a country other than the seven listed, or those traveling on diplomatic, NATO or UN visas. Special Immigrant Visa holders who are nationals of these seven countries may board U.S.-bound planes, and apply for and receive a national interest exception to the pause upon arrival.

Importantly, these seven countries are the only countries to which the pause on entry applies. No other countries face such treatment. Nor have any other countries been identified as warranting future inclusion at this time, contrary to false reports.

As directed by the Executive Order, DHS is working with the Department of State and the Office of the Director of National Intelligence to conduct a country-by-country review of the information provided by countries in order for their nationals to apply for myriad visas, immigration benefits, or otherwise seek admission into the United States. This review is needed to ensure that individuals seeking to enter the U.S. are who they claim to be and do not pose a security or public-safety threat.

The results of this review will be provided to the President within 30 days of the Executive Order's signing. This review, conducted in consultation with our interagency partners, will determine which countries do not provide adequate information on their nationals seeking immigration benefits or admission into the United States. Principally, the goal is to ensure that those admitted to this country do not bear hostile attitudes toward the United States and its founding principles.

Based on that report, the State Department will ask any foreign governments who were determined to not be supplying adequate information on their nationals to begin providing such information within 60 days.

In order to protect Americans, and to advance the national interest, the United States must ensure that we have adequate information about individuals seeking to enter this country to ensure that they do not bear malicious intent toward the United States and its people.

###

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U.S. Department of Homeland Security · Washington, DC 20016

Gillispie, Anna E

From: Torres, Juan J
Sent: Friday, February 03, 2017 9:25 PM
To: Renaud, Tracy L; Miller, Caitlin E; Groom, Molly M; Carter, Jeffrey T (Jeff); Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Got it. We are using this version to issue a USCIS employee broadcast and will link to the injunction PDF in the yellow highlighted below. The injunction PDF will be published to USCIS Connect as well.

Please advise of any concerns by 10:45PM Eastern. Intend to hit send at 10:50pm Eastern. Thanks, Juan

From: Renaud, Tracy L
Sent: Friday, February 03, 2017 10:23 PM
To: Miller, Caitlin E; Groom, Molly M; Carter, Jeffrey T (Jeff); Torres, Juan J; Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Perfect. Thanks Caitlin. Juan - this is the one. Thanks again for the late night efforts of you and your team. (you too Jeff and. Of course, OCC).

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Miller, Caitlin E
Sent: Friday, February 03, 2017 10:21:06 PM
To: Renaud, Tracy L; Groom, Molly M; Carter, Jeffrey T (Jeff); Torres, Juan J; Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Sorry Tracy,

That version had the "prioritizes" typo and was missing an "of" before Syrian. This one is right.

A federal district court in Washington state has issued a nationwide injunction of each one of the following provisions of the January 27, 2017 Executive Order on Protecting the Nation from Foreign Terrorist Entry into the United States:

- Section 3(c)
- Section 5(a)
- Section 5(b)
- Section 5(c)
- Section 5(e) to the extent that it purports to prioritize refugee claims of certain religious minorities

All enforcement of the above-listed sections of the Executive Order must halt immediately. The judge's written order is attached. To be clear, **the injunction is effective right now and compliance with the ruling must begin immediately**.

Accordingly, effective immediately U.S. Citizenship and Immigration Services will suspend any and all actions implementing the affected sections of the Executive Order entitled, *"Protecting the Nation from Foreign Terrorist Entry into the United States"* (January 27, 2017). Additionally, USCIS shall not proceed with any action that prioritizes refugee claims of certain religious minorities. Further, suspension of the U.S. Refugee Admission Program is no longer in effect. Suspension of the entry of Syrian nationals as refugees is also no longer in effect.

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

Thank you,

Caitlin Miller (formerly Shay)
Associate Counsel, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Ave., NW, Suite 3100
Mail Stop 2121
Washington, DC 20529-2121
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Sent: Friday, February 03, 2017 10:19 PM
To: Miller, Caitlin E; Groom, Molly M; Carter, Jeffrey T (Jeff); Torres, Juan J; Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

I think In the next to the last paragraph "priorities" should be "prioritizes". Other than that I am okay with the statement.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Miller, Caitlin E
Sent: Friday, February 03, 2017 10:16:04 PM
To: Groom, Molly M; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Torres, Juan J; Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

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U.S. Citizenship and Immigration Services
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Acting Deputy Director

US Citizenship & Immigration Services
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Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

[redacted] (b)(6)

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From: DHS Press Office
Sent: Friday, February 03, 2017 5:40:00 PM
To: Carter, Jeffrey T (Jeff)
Subject: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Press Office
U.S. Department of Homeland Security

Press Release

February 3, 2017
Contact: DHS Press Office, 202-282-8010

STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

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###

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U.S. Department of Homeland Security · Washington, DC 20016

Referred to Department of Justice

(b)(5

(b)(5

Referred to Department of Justice

Referred to THE WHITE HOUSE

(b)(6

(b)(6

Referred to THE WHITE HOUSE

(b)(6

Referred to THE WHITE HOUSE

Referred to Department of Homeland Security

(b)(6

Referred to Department of Homeland Security

Gillispie, Anna E

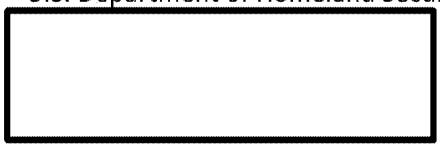
From: Busch, Philip B
Sent: Thursday, February 02, 2017 8:49 AM
To: Scialabba, Lori L; Renaud, Tracy L; Groom, Molly M
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

Lori, that is specifically covered in another paragraph of this guidance:

1. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

The only change OGC made to that was to add "according to existing policies and procedures" which doesn't change any of the substance of what we sent up for review.

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security



(b)(6)

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From: Scialabba, Lori L
Sent: Thursday, February 02, 2017 9:43 AM
To: Renaud, Tracy L; Groom, Molly M; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

Yeah the addition is not in line with what Gene Hamilton approved when I talked to him. It's not necessary. He was o.k. With us issuing a refugee travel document to someone here in the U.S. And I730s.

Lori

From: Renaud, Tracy L
Sent: Thursday, February 02, 2017 9:35:03 AM
To: Scialabba, Lori L; Groom, Molly M; Busch, Philip B

Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

Lori,

I retyped the modification that were made by OGC below. Paragraph 3 that relates to I-730s has the same insertion as paragraph "according to existing policies and procedures."

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality~~origin~~, or application and petitions for individuals outside the United States whose approval ~~that~~ does not directly confer travel authorization ~~a benefit~~ (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated~~ities outlined~~ in the Executive Order, "Protecting The Nation From Foreign Terrorist Entry Into The United States."

From: Scialabba, Lori L
Sent: Thursday, February 02, 2017 9:19 AM
To: Groom, Molly M; Busch, Philip B
Cc: Renaud, Tracy L; Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

Cna't tell what the edits are.

From: Groom, Molly M
Sent: Thursday, February 02, 2017 12:11:26 AM
To: Scialabba, Lori L; Busch, Philip B
Cc: Renaud, Tracy L; Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

OGC has just asked that we discuss any changes that concern you and that they feel some of the edits are necessary. Please let me know if you want to discuss any of them. Molly

---

From: Groom, Molly M
Sent: Thursday, February 02, 2017 12:07:30 AM
To: Scialabba, Lori L; Busch, Philip B
Cc: Renaud, Tracy L; Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

Lori, we discussed some changes with OGC later which are attached. Please consider them before you issue. We agree that issuing these instructions are the highest priority for the agency. Thanks.

From: Scialabba, Lori L
Sent: Wednesday, February 01, 2017 11:19:50 PM
To: Hamilton, Gene; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen
Cc: Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Thank you Gene. Have a good evening.

Lori

From: Hamilton, Gene
Sent: Wednesday, February 01, 2017 10:41:34 PM
To: Scialabba, Lori L; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen
Cc: Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Thanks, Lori. This is good to go.

From: Scialabba, Lori L
Sent: Tuesday, January 31, 2017 3:55:57 PM
To: Hamilton, Gene; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen
Cc: Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M
Subject: FW: USCIS Guidance on 1/27 executive order

Please see the attached guidance that I would like to send to USCIS staff. It does not answer all questions but it will address the vast majority. Please let me know if you'd like to discuss. OCC and our politicals have reviewed.

I plan to send our parole program paper in the next day or so with our recommendations for consideration. Once decisions are made I'll have guidance drafted for implementation and sent up for review.

I know everyone is very busy but if I can get a clearance on the attached memo we'll be out in front of what may be the next round of questions regarding the EO that was signed on Friday.

Regards,
Lori

From: Walters, Jessica S
Sent: Tuesday, January 31, 2017 3:36 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Young, Todd P; Farnam, Julie E; Walters, Jessica S
Subject: USCIS Guidance on 1/27 executive order

Lori and Tracy:

Please see the proposed USCIS guidance on implementation of the 1/27 executive order. It's been reviewed by OCC (Molly/Phil) and Craig/Carl.

Thanks,

Jess

Jessica S. Walters
Senior Advisor| Office of the Director and Deputy Director
U.S. Citizenship and Immigration Services| U.S. Department of Homeland Security|
[redacted]
(b)(6)

Gillispie, Anna E

From: Busch, Philip B
Sent: Thursday, February 02, 2017 8:46 AM
To: Scialabba, Lori L; Renaud, Tracy L; Groom, Molly M
Cc: Alfonso, Angelica M; Farnam, Julie E; Swanson, Toni; Young, Todd P; Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

How about changing the relevant part of #1 to this: (b)(5)

[redacted]

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

This communication, along with any attachments, may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message.

From: Scialabba, Lori L
Sent: Thursday, February 02, 2017 9:40 AM
To: Busch, Philip B; Renaud, Tracy L; Groom, Molly M
Cc: Alfonso, Angelica M; Farnam, Julie E; Swanson, Toni; Young, Todd P; Walters, Jessica S
Subject: RE: USCIS Guidance on 1/27 executive order

I can do that since the WH has said the EO does not apply to LPRs. But since that's been made public I I think it can go into the memo without going back to DHS.

From: Busch, Philip B
Sent: Thursday, February 02, 2017 9:32:58 AM
To: Scialabba, Lori L; Renaud, Tracy L; Groom, Molly M
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

On the second point, that is what this guidance provides.

On the first one, if you want more clarity based on the evolving guidance we have been getting about LPRs in this document, that can be done, but I think it would need to go through DHS clearance again. Perhaps it is more efficient to clarify that particular point with RAIO than revise the guidance to all employees again.

Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
[redacted] (b)(6)

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From: Scialabba, Lori L
Sent: Thursday, February 02, 2017 9:23 AM
To: Renaud, Tracy L; Groom, Molly M; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

I was specifically told we can issue a boarding letter to an LPR and WH clarified this doesn't apply to LPRs.

I was also told we could issue refugee travel document to anyone in the U.S. As well as an I-730.

From: Renaud, Tracy L
Sent: Thursday, February 02, 2017 8:28:29 AM
To: Groom, Molly M; Scialabba, Lori L; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

So how do we know when/if they get a waiver so that we then issue the boarding letter/parole?

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Groom, Molly M
Sent: Thursday, February 02, 2017 8:07:02 AM

To: Renaud, Tracy L; Scialabba, Lori L; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

It's saying what is barred so those adjudications are barred but the individual could get a waiver so I think it is fine.

From: Renaud, Tracy L
Sent: Thursday, February 02, 2017 7:43:52 AM
To: Groom, Molly M; Scialabba, Lori L; Busch, Philip B
Cc: Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

Molly - What does the edit to bullet number one where OGC changed "benefit" to "travel authorization" do to the RAIO processing of travel letters and/or humanitarian parole?

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Groom, Molly M
Sent: Thursday, February 02, 2017 12:11:26 AM
To: Scialabba, Lori L; Busch, Philip B
Cc: Renaud, Tracy L; Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

OGC has just asked that we discuss any changes that concern you and that they feel some of the edits are necessary. Please let me know if you want to discuss any of them. Molly

---

From: Groom, Molly M
Sent: Thursday, February 02, 2017 12:07:30 AM
To: Scialabba, Lori L; Busch, Philip B
Cc: Renaud, Tracy L; Alfonso, Angelica M
Subject: RE: USCIS Guidance on 1/27 executive order

Lori, we discussed some changes with OGC later which are attached. Please consider them before you issue. We agree that issuing these instructions are the highest priority for the agency. Thanks.

From: Scialabba, Lori L
Sent: Wednesday, February 01, 2017 11:19:50 PM
To: Hamilton, Gene; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen
Cc: Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Thank you Gene. Have a good evening.

Lori

From: Hamilton, Gene
Sent: Wednesday, February 01, 2017 10:41:34 PM
To: Scialabba, Lori L; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen
Cc: Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M
Subject: RE: USCIS Guidance on 1/27 executive order

Thanks, Lori. This is good to go.

From: Scialabba, Lori L
Sent: Tuesday, January 31, 2017 3:55:57 PM
To: Hamilton, Gene; Higgins, Jennifer; Metzler, Alan; Nielsen, Kirstjen
Cc: Renaud, Tracy L; Alfonso, Angelica M; Groom, Molly M
Subject: FW: USCIS Guidance on 1/27 executive order

Please see the attached guidance that I would like to send to USCIS staff. It does not answer all questions but it will address the vast majority. Please let me know if you'd like to discuss. OCC and our politicals have reviewed.

I plan to send our parole program paper in the next day or so with our recommendations for consideration. Once decisions are made I'll have guidance drafted for implementation and sent up for review.

I know everyone is very busy but if I can get a clearance on the attached memo we'll be out in front of what may be the next round of questions regarding the EO that was signed on Friday.

Regards,
Lori

From: Walters, Jessica S
Sent: Tuesday, January 31, 2017 3:36 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Young, Todd P; Farnam, Julie E; Walters, Jessica S
Subject: USCIS Guidance on 1/27 executive order

Lori and Tracy:

Please see the proposed USCIS guidance on implementation of the 1/27 executive order. It's been reviewed by OCC (Molly/Phil) and Craig/Carl.

Thanks,

Jess

Jessica S. Walters
Senior Advisor| Office of the Director and Deputy Director
U.S. Citizenship and Immigration Services| U.S. Department of Homeland Security|
[redacted]
(b)(6)

Gillispie, Anna E

From: Ruppel, Joanna
Sent: Thursday, January 26, 2017 4:40 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Strack, Barbara L; Stone, Mary M; Nicholson, Maura J; Groom, Molly M; Busch, Philip B; Zengotitabengoa, Colleen R
Subject: Executive Order impacting refugee admissions -- flagging issue

Lori and Tracy,

I just wanted to flag a couple of issues for you related to section (5)(f) of the draft executive order that would temporarily suspend most refugee processing.

(f)(a) provides that notwithstanding the temporary suspension, "the Secretaries of State and Homeland Security may continue to process as refugees those 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."

We need to know if this will be interpreted to mean that we can continue interviewing and making decisions on Lautenberg cases in Vienna and Moscow. We currently have a RAD circuit rider in Vienna conducting these interviews, and we interview Lautenberg cases 4 days a week in Moscow.

Also, we will need to know whether to pull back the teams currently in South Africa (circuit ride scheduled to end February 3) and Indonesia (circuit ride scheduled to end February 10). One thing to note is that we are interviewing some Rohingya (religious minority) in Indonesia, so arguably they could fall within the exception.

We will need guidance on this ASAP, assuming the language in the final order remains the same. So flagging this to you as something to possibly flag to the Department.

Thanks,

Joanna

Joanna Ruppel
Acting Associate Director
USCIS Refugee, Asylum and International Operations Directorate

[redacted] (b)(6)

Gillispie, Anna E

From: Davidson, Andrew J
Sent: Thursday, January 26, 2017 1:50 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M; Scialabba, Lori L; Walters, Jessica S
Subject: RE: Designated Countries of Concerns

Including Lori and Jess

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

From: Davidson, Andrew J
Sent: Thursday, January 26, 2017 2:43 PM
To: Renaud, Tracy L
Cc: Neufeld, Donald W; Renaud, Daniel M
Subject: Designated Countries of Concerns

Tracy,

We will need official confirmation from the Department but here are the three major lists of the designated countries of concerns. One lists the consesus countries of state sponsored terrorism and the other two are maintained by DOS for the SAO process and CBP for ESTA. I am pretty sure this will be close to the inclusive list. In reading the Executive Order we should confirm with the Department as soon as possible if the 30 day suspension of immigrants and non-immigrants from these countries extends to those adjusting status.

Andrew Davidson
Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

[redacted] (b)(6)

State sponsor of terrorism (https://www.state.gov/j/ct/list/c14151.htm):

- Iran
- Sudan
- Syria

SAO:

- Cuba
- Egypt
- Iran
- Iraq
- Libya
- North Korea
- Somalia
- Sudan
- Republic of South Sudan
- Syria
- Yemen
- Mali

CBP list for ESTA limitations/restrictions (https://www.cbp.gov/travel/international-visitors/visa-waiver-program/visa-waiver-program-improvement-and-terrorist-travel-prevention-act-faq):

- Iraq
- Syria
- Sudan
- Libya
- Somalia
- Yemen

(b)(6

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Referred to U.S. Customs and Border Protection

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Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

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Referred to U.S. Customs and Border Protection

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Referred to U.S. Customs and Border Protection

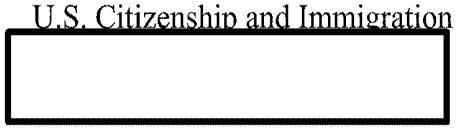
Referred to U.S. Customs and Border Protection

Gillispie, Anna E

From: Ruppel, Joanna
Sent: Saturday, February 04, 2017 9:36 AM
To: Strack, Barbara L; Groom, Molly M; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Indonesia is mostly rohengya from Burma and some Afghan. Don't know what is scheduled for this week. Maura can check with Don.

Joanna Ruppel
Chief, International Operations Division
U.S. Citizenship and Immigration Services



(b)(6)

From: Strack, Barbara L
Sent: Saturday, February 04, 2017 7:28:20 AM
To: Groom, Molly M; Ruppel, Joanna; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

To be clear: RAD's Monday cases are going forward under the "international agreements" caveat. There are, however, Iranian religious minorities.

I don't know the population in Indonesia.

From: Groom, Molly M
Sent: Saturday, February 04, 2017 10:15:10 AM
To: Strack, Barbara L; Ruppel, Joanna; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

We are double checking on whether the interviews can go forward of religious minorities under the TRO but understand none would happen til Monday. We will get back to you with our best advice. I recognize the judge may not have intended to stop them but want clear consensus on whether the language he used has that impact.

From: Strack, Barbara L
Sent: Saturday, February 04, 2017 10:11:31 AM
To: Groom, Molly M; Ruppel, Joanna; Scialabba, Lori L; Renaud, Tracy L

Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

I think we can safely say: no efforts to prioritize religious minorities on RAIO's part.

The small # of refugee interviews that have been in progress remain in progress (or resume Monday): Vienna for RAD and (I believe) Indonesia for IO. RAD is making plans to get a team to Nauru -- not religious minorities -- for later Feb. After that, we'll need to talk w/PRM on Monday about what circuit rides they want to get back in motion.

In terms of refugees traveling, PRM is working on that w/IOM. It would be very hard to prioritize religious minorities in this process even if they tried: what will get "prioritized" is those cases that are most travel-ready -- i.e., all security checks, medical clearance, exit permits, etc. If they "prioritize" anyone, I expect that it would be medical cases, kids rejoining parents,, and unaccompanied minors, if they are travel-ready.

From: Groom, Molly M
Sent: Saturday, February 04, 2017 9:53:34 AM
To: Ruppel, Joanna; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Strack, Barbara L; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

We are concerned that you not take any action that would prioritize refugee claims from religious minorities. Do you need more guidance than what went out last night? It may be easier to discuss. Let us know.

From: Ruppel, Joanna
Sent: Friday, February 03, 2017 9:44:02 PM
To: Groom, Molly M; Scialabba, Lori L; Renaud, Tracy L
Cc: Walters, Jessica S; Young, Todd P; Zengotitabengoa, Colleen R; Miles, John D; Nicholson, Maura J; Strack, Barbara L; Stone, Mary M
Subject: RE: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Thanks. Adding RAD and Maura.

Would be most helpful if we could get that word to our staff as soon as tomorrow morning. Please keep in mind that our office in Amman is open Sunday. The message would basically be business as usual.

I also just got off the phone with Larry Bartlett. State understands that they are ordered to resume the refugee admission program. Tomorrow they will begin working with IOM to identify individuals ready to travel and what needs to be done. They recognize that DOJ likely will challenge the order and, should the Injunction be removed, they may again have people in transit. So they would need to seek waivers.

Consular is working on "unfreezing" the visas that were frozen. Apparently, they were not revoked, but frozen. I am not familiar with those terms, but they were the ones Larry used.

Joanna

Joanna Ruppel

Referred to Department of Justice

Referred to Department of Justice

Referred to Department of Justice

(b)(6)

(b)(6)

Referred to Department of Justice

Gillispie, Anna E

From: Groom, Molly M
Sent: Wednesday, February 01, 2017 6:00 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Busch, Philip B
Subject: TR0 enjoining EO from Friday
Attachments: 7 - Order of TRO.PDF

Lori/ Tracy-

I wanted to make you aware of this TRO, which among other things enjoins DHS from removing/ detaining or blocking the entry of any person from the 7 countries with a valid immigrant visa. We are discussing with DHS and DOJ. I will update you as I learn more. Molly

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

Gillispie, Anna E

From: Farnam, Julie E
Sent: Wednesday, February 08, 2017 10:50 AM
To: Busch, Philip B; Scialabba, Lori L; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Levine, Laurence D
Cc: Groom, Molly M; Young, Todd P; Walters, Jessica S
Subject: RE: waiver process
Attachments: Revocation Ltr _Feb17 (uscis).docx

Thank you for the opportunity to review this letter. I have a general comment—it assumes that we will use the Form I-131 to grant advance parole, but I believe that is still an open question and we may want to use the I-192 instead. We just may need to tweak the language to say 'a waiver granted by DHS' or something like that rather than AP, if we do decide on the I-192.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

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From: Busch, Philip B
Sent: Wednesday, February 08, 2017 10:14 AM
To: Scialabba, Lori L; Renaud, Tracy L; Neufeld, Donald W; McCament, James W; Levine, Laurence D; Farnam, Julie E
Cc: Groom, Molly M; Young, Todd P; Walters, Jessica S
Subject: waiver process

Last night we received from DHS two documents to review: a draft of what would be White House guidance on the EO, and a draft of a new DOS visa revocation order. As always we need to get back to them as soon as possible today. [redacted]

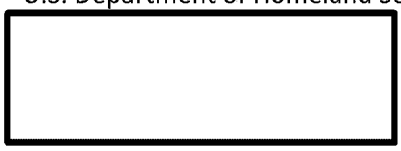
[redacted]

Would appreciate response to this when possible. (b)(5)

Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor

Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security



(b)(6)

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Referred to U.S. Department of State

(b)(5

Referred to U.S. Department of State

Gillispie, Anna E

From: Busch, Philip B
Sent: Tuesday, February 07, 2017 2:15 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Groom, Molly M
Subject: FW: Scialabba Memo
Attachments: EO 1-27 implementation guidance signed and dated Feb 2 2017.pdf; EO 1-27 implementation guidance signed and dated.pdf

(b)(5)

Lori and Tracy [redacted]

Thanks, Phil

Philip B. Busch
Acting Deputy Chief Counsel
Senior Legal Advisor
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

[redacted] (b)(6)

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From: Miller, Caitlin E
Sent: Tuesday, February 07, 2017 3:04 PM
To: Groom, Molly M; Busch, Philip B
Cc: Zill, Katherine F; Roll, Annemarie E; Malashock, Moshe Y; Franke, Evan R
Subject: Scialabba Memo

Hi Molly and Phil,

One of our EO cases, and the one that affects USCIS most directly, makes allegations about the EO affecting adjudications within the U.S. Plaintiffs somehow had the hold emails from SCOPS and FOD, and cited to those in the complaint. (b)(5)

[redacted]

(b)(5)

[redacted]

Thanks!

Caitlin Miller (formerly Shay)
Associate Counsel, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Ave., NW, Suite 3100
Mail Stop 2121
Washington, DC 20529-2121

[redacted]

(b)(6)

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U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000

U.S. Citizenship and Immigration Services

FEB 2 2017

Memorandum

TO: All USCIS Employees

FROM: Lori L. Scialabba
Acting Director

SUBJECT: Guidance Concerning Executive Order on Immigration

On January 27, President Trump signed an Executive Order entitled "Protecting The Nation From Foreign Terrorist Entry Into The United States." This memorandum provides guidance from the Department of Homeland Security (DHS) regarding the impact of this Executive Order on various immigration benefit requests.

All USCIS employees should be aware of current guidance from DHS, specifically:

1. Section 3(c) of the Executive Order does not affect USCIS adjudication of applications and petitions filed for or on behalf of individuals in the United States regardless of their country of nationality. Section 3(c) also does not affect applications and petitions by lawful permanent residents outside the United States, or applications and petitions for individuals outside the United States whose approval does not directly confer travel authorization (including any immigrant or nonimmigrant visa petition). This includes, but is not limited to, the matters discussed more specifically in paragraphs 2, 3 and 5 below.

2. Applications to Register Permanent Residence or Adjust Status (Form I-485) may continue to be adjudicated, according to existing policies and procedures, for applicants who are nationals of countries designated in the Executive Order.

3. USCIS will adjudicate Refugee/Asylee Relative Petitions (Form I-730) for all beneficiaries, from any country of nationality, currently in the United States according to

existing policies and procedures. Further guidance will be issued with respect to beneficiaries currently outside of the United States.

4. USCIS will continue refugee interviews when the person is a religious minority in his or her country of nationality facing religious persecution. Additionally, USCIS will continue refugee interviews in jurisdictions where there is a preexisting international agreement related to refugee processing. USCIS will not approve a refugee application for an individual who we determine would pose a risk to the security or welfare of the United States.

5. USCIS will continue adjudicating all affirmative asylum cases according to existing policies and procedures.

Questions concerning the information contained in this memorandum may be addressed via your directorate or program office through appropriate supervisory channels.

Gillispie, Anna E

From: Farnam, Julie E
Sent: Tuesday, February 07, 2017 1:33 PM
To: Higgins, Jennifer
Cc: Renaud, Tracy L; Scialabba, Lori L
Subject: USCIS Deliverables
Attachments: Internal USCIS Deliverables.xlsx; 2.7 #5.docx

Hi, Jennifer. Apologies for not sharing our internal EO tracker with you. Please find it attached.

Regarding the DHS tracker, we had two suggested changes:

- The resumption of the USRAP is listed on the tracker (page 19) as March 28, 2017, but we believe this should say May.
- USCIS is listed as the lead to produce recommendations for how state and locals may have greater involvement in the resettlement process (page 20). We respectfully request that DHS IGA take the lead.

For the outstanding policy questions/issues, they are as follows (attached as well):

- Should USCIS move forward with denying cases on hold awaiting TRIG exemptions since it appears that exemptions are unlikely now?
- Should USCIS place all TRIG exemption determinations on hold?
- I-730s: Does the guidance apply to both asylees and refugees who are outside the country? The asylees do not count against the refugee ceiling and are not admitted as refugees (they are admitted as asylees). They are not issued visas, just boarding foils.
    - Does DHS consider asylees as refugees?
    - Does the I-730 guidance apply to all counties, or only the 7?
    - Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list of 7 (e.g., China)? State's guidance to consular officers is to continue processing those. We have not issued any yet.
- How will the NTA policy be impacted by the EO? Should we stop the naturalization NTA panels until further guidance is issued?
- How do we define "national interest" when it comes to admitting/paroling individuals? (Section 3g of EO#3)

USCIS is working on a briefing paper related to the TRIG questions. We currently have approximately 1,200 TRIG cases on hold.

If you need anything additional, please let us know.

Julie Farnam
Senior Advisor
Field Operations Directorate
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

This communication, along with any attachments, may contain confidential information and is covered by federal laws governing electronic communications. Electronic communications may also be monitored by the Department of Homeland Security, U.S. Citizenship and Immigration Services. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use, or copying of this message is strictly prohibited. If you have received this in error, please delete this message and all attachments and immediately notify the sender.

USCIS EO Questions – 2.7.17 #5

New questions/issues

1. Should USCIS move forward with denying cases on hold awaiting TRIG exemptions since it appears that exemptions are unlikely now?

2. Should USCIS place all TRIG exemption determinations on hold?

3. I-730s: Does the guidance apply to both asylees and refugees who are outside the country? The asylees do not count against the refugee ceiling and are not admitted as refugees (they are admitted as asylees). They are not issued visas, just boarding foils.
    - Does DHS consider asylees as refugees?
    - Does the I-730 guidance apply to all counties, or only the 7?
    - Can USCIS continue to process following-to-join (I-730) applications for asylee family members from countries not on the list of 7 (e.g., China)? State's guidance to consular officers is to continue processing those. We have not issued any yet.

4. How will the NTA policy be impacted by the EO? Should we stop the naturalization NTA panels until further guidance is issued?

5. How do we define "national interest" when it comes to admitting/paroling individuals? (Section 3g of EO#3)

Deliverable Topic Area	Executive Order	Section	Lead Office/Agency	Co-lead	Deadline 1	Deadline 2	Status	Notes
Budgetary/Staffing Needs	All EOs	N/A	MGMT		Immediate			
Parole provisions review	Border Security and Immigration Enforcement Improvements	11a	OP&S		2/1/2017		Completed	Submitted to DHS on 2/2/2017
Issue guidance to asylum officers outlining changes to CR/RF screening	Border Security and Immigration Enforcement Improvements	11	RAIO		2/28/2017			Draft with AD1
Launch review of credible fear/reasonable fear screening processes	Border Security and Immigration Enforcement Improvements	11b	RAIO	OCC	3/15/2017	7/26/2017		
Staffing needs to assign asylum offices to detention/other DHS facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO		3/20/2017			
Priority locations for asylum officers at detention facilities	Border Security and Immigration Enforcement Improvements	5b	RAIO		Immediate			
Activate CAT to plan, coordinate, and execute operations	Border Security and Immigration Enforcement Improvements	6	OPQ		Immediate			
Review relevant policy, regulations, and forms	Border Security and Immigration Enforcement Improvements	6	RAIO	OP&S	Immediate			
Discontinue practice of offering parole in CAM	Border Security and Immigration Enforcement Improvements	11	RAIO		Immediate		Completed	
Comprehensive study of the security of the southern border	Border Security and Immigration Enforcement Improvements	4d	RAIO					
Applying INA 235(b)(1)(A)(i) and (ii)	Border Security and Immigration Enforcement Improvements	11c	OCC					
Hiring of 10,000 new employees	Enhancing Public Safety in the Interior of the United States	7	HCT					
Suspend USRAP for 120 days	Protecting the Nation from Foreign Terrorist Entry	5a	RAIO		1/27/2017			Completed
Suspend all Syrian refugee admissions	Protecting the Nation from Foreign Terrorist Entry	5c	RAIO		1/27/2017			Completed
"Information needed from any country to adjudicate any visa, admission, or other benefit under the INA"	Protecting the Nation from Foreign Terrorist Entry	3a and 3b	FDNS		2/3/2017			Draft with OCC

Report on implementing section 4a	Protecting the Nation from Foreign Terrorist Entry	4b	OCC	FDNS	2/17/2017	5/7/2017	
Uniform screening standards	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS		2/17/2017		
Development of a document database	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OIT	2/17/2017		
Interviews	Protecting the Nation from Foreign Terrorist Entry	4a	FOD	FDNS	2/17/2017		
Form revisions	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS	OP&S	2/17/2017		
Identity verification tool	Protecting the Nation from Foreign Terrorist Entry	4a	FDNS		2/17/2017		
Immigrant integration	Protecting the Nation from Foreign Terrorist Entry	4a	OoC	FDNS	2/17/2017		
Procedures for requesting a waiver/exemption on bar to entry	Protecting the Nation from Foreign Terrorist Entry	3g and 3h	RAIO		2/26/2017	3/28/2017	
Plan related to FY17 refugee entries	Protecting the Nation from Foreign Terrorist Entry	5d	RAIO		Immediate		
Operations plan related to minority religions and religious-based persecution	Protecting the Nation from Foreign Terrorist Entry	5b	RAIO		TBD		On hold pending litigation
Changes to USRAP for Syrian vetting	Protecting the Nation from Foreign Terrorist Entry	5c	FDNS				On hold pending litigation
Examine existing law regarding the placement/ resettlement of refugees	Protecting the Nation from Foreign Terrorist Entry	5g	DHS IGA	OCC			
Rescission of the exercise of authority relating to TRIG	Protecting the Nation from Foreign Terrorist Entry	6	RAIO				

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Referred to Department of Homeland Security

Referred to Department of Homeland Security

And the court said that, combined with the effects on the religious groups, was enough.

Your Honor, I want to spend some time on our due process claim.

THE COURT: We're going to get there.

MR. PURCELL: Okay. Excellent.

THE COURT: Trust me.

MR. PURCELL: Okay. And also standing. But if I could turn to the due process claim.

THE COURT: Well, before you go there, let's finish establishment.

MR. PURCELL: Okay.

THE COURT: 5(b) isn't implemented for, I think it's 100 days.

MR. PURCELL: Um-hum.

THE COURT: Why should I take this up at this time, as opposed to, if you're coming back on a motion for preliminary injunction, deal with it when it's somewhat more concrete?

MR. PURCELL: Well, Your Honor, we're asking you to temporarily restrain what we thought was a narrow subset of the categories that we thought were motivated by these unconstitutional -- that violated the constitution. If you want to have further thought about whether -- so we're suggesting that the action itself of banning the refugees,

Referred to U.S. Customs and Border Protection

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Referred to U.S. Customs and Border Protection

Referred to U.S. Customs and Border Protection

Gillispie, Anna E

From: USCIS Broadcast
Sent: Friday, February 03, 2017 9:51 PM
Subject: Nationwide Injuction on Executive Order

U.S. Citizenship and Immigration Services

Nationwide Injunction on Executive Order

A federal district court in Washington state has issued a nationwide injunction of each one of the following provisions of the January 27, 2017 Executive Order on Protecting the Nation from Foreign Terrorist Entry into the United States:

- Section 3(c)
- Section 5(a)
- Section 5(b)
- Section 5(c)
- Section 5(e) to the extent that it purports to prioritize refugee claims of certain religious minorities

All enforcement of the above-listed sections of the Executive Order must halt immediately. The judge's written order is available here. To be clear, **the injunction is effective right now and compliance with the ruling must begin immediately**.

Accordingly, effective immediately U.S. Citizenship and Immigration Services will suspend any and all actions implementing the affected sections of the Executive Order entitled, *"Protecting the Nation from Foreign Terrorist Entry into the United States"* (January 27, 2017). Additionally, USCIS shall not proceed with any action that prioritizes refugee claims of certain religious minorities. Further, suspension of the U.S. Refugee Admission Program is no longer in effect. Suspension of the entry of Syrian nationals as refugees is also no longer in effect.

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

Gillispie, Anna E

From: Miller, Caitlin E
Sent: Friday, February 03, 2017 9:16 PM
To: Groom, Molly M; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Torres, Juan J; Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES
Attachments: 2017.02.03 [052] Temporary Restraining Order.pdf

Below is guidance language:

A federal district court in Washington state has issued a nationwide injunction of each one of the following provisions of the January 27, 2017 Executive Order on Protecting the Nation from Foreign Terrorist Entry into the United States:

- Section 3(c)
- Section 5(a)
- Section 5(b)
- Section 5(c)
- Section 5(e) to the extent that it purports to prioritize refugee claims of certain religious minorities

All enforcement of the above-listed sections of the Executive Order must halt immediately. The judge's written order is attached. To be clear, **the injunction is effective right now and compliance with the ruling must begin immediately**.

Accordingly, effective immediately U.S. Citizenship and Immigration Services will suspend any and all actions implementing the affected sections of the Executive Order entitled, *"Protecting the Nation from Foreign Terrorist Entry into the United States"* (January 27, 2017). Additionally, USCIS shall not proceed with any action that priorities refugee claims of certain religious minorities. Further, suspension of the U.S. Refugee Admission Program is no longer in effect. Suspension of the entry Syrian nationals as refugees is also no longer in effect.

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

Thank you,

Caitlin Miller (formerly Shay)
Associate Counsel, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Ave., NW, Suite 3100
Mail Stop 2121
Washington, DC 20529-2121

[redacted] (b)(6)

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From: Groom, Molly M
Sent: Friday, February 03, 2017 10:14 PM
To: Renaud, Tracy L; Carter, Jeffrey T (Jeff); Torres, Juan J; Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B; Miller, Caitlin E
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Including Caitlin to share our best language for all employees.

From: Renaud, Tracy L
Sent: Friday, February 03, 2017 10:07:42 PM
To: Carter, Jeffrey T (Jeff); Torres, Juan J; Alfonso, Angelica M; Groom, Molly M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Thanks Jeff. I get it and if it had been posted prior to us. Ring aware of the injunction it would be normal course of business posting it after, even if a re-post of a DHS post might give the impression that we are not completely compliant. I tend to be super conservative on this stuff which is why I'm deferring to OCC. Molly, you don't need the link, the press statement is at the bottom of this email chain.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Carter, Jeffrey T (Jeff)
Sent: Friday, February 03, 2017 10:04:06 PM
To: Renaud, Tracy L; Torres, Juan J; Alfonso, Angelica M; Groom, Molly M; Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

The press release was sent out by DHS to the media and I asked Juan to post it, has we have other DHS statements, to the Connect page. We do not have to post it by any means but, again, the press release was distributed by DHS.

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services
[redacted]
(b)(6)

[redacted] (b)(6)

Please visit www.uscis.gov for news and information.

From: Renaud, Tracy L
Sent: Friday, February 03, 2017 10:01:30 PM
To: Torres, Juan J; Alfonso, Angelica M; Groom, Molly M; Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Scialabba, Lori L; Busch, Philip B
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

I think us posting this, even internally, after the injunction is ill advised but defer to OCC. Molly and Phil copied.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Torres, Juan J
Sent: Friday, February 03, 2017 9:56:29 PM
To: Alfonso, Angelica M; Renaud, Tracy L; Groom, Molly M; Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Scialabba, Lori L
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Apologies – doing some catch up here. I do have someone available to issue an internal message (just need a cleared message). Meanwhile, should I move forward with posting the below DHS press release to our "Presidential Actions" Connect page?

Juan

From: Alfonso, Angelica M
Sent: Friday, February 03, 2017 9:48 PM
To: Renaud, Tracy L; Groom, Molly M; Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Scialabba, Lori L
Cc: Torres, Juan J
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

This would have only posted to internal connect page (vs .gov)

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

From: Renaud, Tracy L
Sent: Saturday, February 04, 2017 2:45:11 AM
To: Groom, Molly M; Carter, Jeffrey T (Jeff); Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L
Cc: Torres, Juan J
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Added you for your awareness. The question was really for OCOM.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Groom, Molly M
Sent: Friday, February 03, 2017 9:44:24 PM
To: Renaud, Tracy L; Carter, Jeffrey T (Jeff); Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L
Cc: Torres, Juan J
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

I never saw this.

From: Renaud, Tracy L
Sent: Friday, February 03, 2017 9:43:39 PM
To: Carter, Jeffrey T (Jeff); Alfonso, Angelica M; Hatchett, Dolline L; Scialabba, Lori L; Groom, Molly M
Cc: Torres, Juan J
Subject: RE: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

I assume we held this given the injunction?

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted] (b)(6)

From: Carter, Jeffrey T (Jeff)
Sent: Friday, February 03, 2017 6:44:52 PM
To: Alfonso, Angelica M; Hatchett, Dolline L; Renaud, Tracy L; Scialabba, Lori L
Cc: Torres, Juan J
Subject: FW: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

FYSA.

Juan - please have this posted on the EO Connect page.

Thanks,

Jeff

Jeff Carter
Acting Deputy Chief, Office of Communications
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

Please visit www.uscis.gov for news and information.

From: DHS Press Office
Sent: Friday, February 03, 2017 5:40:00 PM
To: Carter, Jeffrey T (Jeff)
Subject: STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

Press Office
U.S. Department of Homeland Security

Press Release

February 3, 2017
Contact: DHS Press Office, 202-282-8010

STATEMENT ON COUNTRIES CURRENTLY SUSPENDED FROM TRAVEL TO THE UNITED STATES

WASHINGTON - The Department of Homeland Security (DHS) would like to clarify the classes of aliens affected by the 90-day temporary pause on travel, with case-by-base exceptions and waivers, as outlined in the President's Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States."

To ensure that the U.S. government can conduct a thorough analysis of the national security risks faced by our immigration system, the Executive Order imposes a 90-day pause on the entry into the United States of nationals from Iraq, Syria, Sudan, Iran, Somalia, Libya, and Yemen. This pause does not apply to Lawful Permanent Residents, dual citizens with passports from a country other than the seven listed, or those traveling on diplomatic, NATO or UN visas. Special Immigrant Visa holders who are nationals of these seven countries may board U.S.-bound planes, and apply for and receive a national interest exception to the pause upon arrival.

Importantly, these seven countries are the only countries to which the pause on entry applies. No other countries face such treatment. Nor have any other countries been identified as warranting future inclusion at this time, contrary to false reports.

As directed by the Executive Order, DHS is working with the Department of State and the Office of the Director of National Intelligence to conduct a country-by-country review of the information provided by

countries in order for their nationals to apply for myriad visas, immigration benefits, or otherwise seek admission into the United States. This review is needed to ensure that individuals seeking to enter the U.S. are who they claim to be and do not pose a security or public-safety threat.

The results of this review will be provided to the President within 30 days of the Executive Order's signing. This review, conducted in consultation with our interagency partners, will determine which countries do not provide adequate information on their nationals seeking immigration benefits or admission into the United States. Principally, the goal is to ensure that those admitted to this country do not bear hostile attitudes toward the United States and its founding principles.

Based on that report, the State Department will ask any foreign governments who were determined to not be supplying adequate information on their nationals to begin providing such information within 60 days.

In order to protect Americans, and to advance the national interest, the United States must ensure that we have adequate information about individuals seeking to enter this country to ensure that they do not bear malicious intent toward the United States and its people.

###

Unsubscribe

Office of Public Affairs · 202-282-8010 · mediainquiry@hq.dhs.gov

U.S. Department of Homeland Security · Washington, DC 20016

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

STATE OF WASHINGTON, et al., Plaintiffs, v. DONALD J. TRUMP, et al., Defendants.	CASE NO. C17-0141JLR TEMPORARY RESTRAINING ORDER

I. INTRODUCTION

Before the court is Plaintiffs State of Washington and State of Minnesota's (collectively, "the States") emergency motion for a temporary restraining order ("TRO"). (TRO Mot. (Dkt. ## 3, 19 (as amended)).) The court has reviewed the motion, the complaint (Compl. (Dkt. # 1)), the amended complaint (FAC (Dkt. # 18)), all the submissions of the parties related to the motion, the relevant portions of the record, and the applicable law. In addition, the court heard the argument of counsel on February 3,

//

2017. (*See* Min. Entry (Dkt. # 51).) Having considered all of the foregoing, the court GRANTS the States' motion as set forth below.

II. PROCEDURAL BACKGROUND

On January 30, 2017, the State of Washington filed a complaint seeking declaratory and injunctive relief against Defendants Donald J. Trump, in his official capacity as President of the United States, the United States Department of Homeland Security ("DHS"), John F. Kelly, in his official capacity as Secretary of DHS, Tom Shannon, in his official capacity as Acting Secretary of State, and the United States of America (collectively, "Federal Defendants"). (*See* Compl.) On February 1, 2017, the State of Washington filed an amended complaint adding the State of Minnesota as a plaintiff. (*See* FAC.) The States seek declaratory relief invalidating portions of the Executive Order of January 27, 2017, entitled "Protecting the Nation from Foreign Terrorist Entry into the United States" ("Executive Order") (*see* FAC Ex. 7 (attaching a copy of the Executive Order)), and an order enjoining Federal Defendants from enforcing those same portions of the Executive Order. (*See generally* FAC at 18.)

The States are presently before the court seeking a TRO against Federal Defendants. (*See generally* TRO Mot.) The purpose of a TRO is to preserve the status quo before the court holds a hearing on a motion for preliminary injunction. *See Granny Goose Foods, Inc. v. Bhd. Of Teamsters & Auto Truck Drivers Local No. 70 of Alameda City*, 415 U.S. 423, 439 (1974); *Am. Honda Fin. Corp. v. Gilbert Imports, LLC*, No. CV-13-5015-EFS, 2013 WL 12120097, at *3 (E.D. Wash. Feb. 22, 2013) ("The purpose

//

of a TRO is to preserve the status quo until there is an opportunity to hold a hearing on the application for a preliminary injunction . . . .") (internal quotation marks omitted).

Federal Defendants oppose the States' motion. (*See generally* Resp. (Dkt. # 50).)

III. FINDINGS OF FACT & CONCLUSIONS OF LAW

As an initial matter, the court finds that it has jurisdiction over Federal Defendants and the subject matter of this lawsuit. The States' efforts to contact Federal Defendants reasonably and substantially complied with the requirements of Federal Rule of Civil Procedure 65(b). *See* Fed. R. Civ. P. 65(b). Indeed, Federal Defendants have appeared, argued before the court, and defended their position in this action. (*See* Not. of App. (Dkt. ## 20, 21); Min. Entry; *see generally* Resp.;)

The standard for issuing a TRO is the same as the standard for issuing a preliminary injunction. *See New Motor Vehicle Bd. of Cal. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1347 n.2 (1977). A 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, Inc.*, 555 U.S. 7, 24 (2008). "The proper legal standard for preliminary injunctive relief requires a party to demonstrate (1) 'that he is likely to succeed on the merits, (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.'" *Stormans, Inc. v. Selecky*, 586 F.3d 1109, 1127 (9th Cir. 2009) (citing *Winter*, 555 U.S. at 20).

As an alternative to this test, a preliminary injunction is appropriate if "serious questions going to the merits were raised and the balance of the hardships tips sharply in

the plaintiff's favor," thereby allowing preservation of the status quo when complex legal questions require further inspection or deliberation. *All. for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134-35 (9th Cir. 2011). However, the "serious questions" approach supports the court's entry of a TRO only so long as the plaintiff also shows that there is a likelihood of irreparable injury and that the injunction is in the public interest. *Id.* at 1135. The moving party bears the burden of persuasion and must make a clear showing that it is entitled to such relief. *Winter*, 555 U.S. at 22.

The court finds that the States have satisfied these standards and that the court should issue a TRO. The States have satisfied the *Winter* test because they have shown that they are likely to succeed on the merits of the claims that would entitle them to relief; the States are likely to suffer irreparable harm in the absence of preliminary relief; the balance of the equities favor the States; and a TRO is in the public interest. The court also finds that the States have satisfied the "alternative" *Cottrell* test because they have established at least serious questions going to the merits of their claims and that the balance of the equities tips sharply in their favor. As the court noted for the *Winter* test, the States have also established a likelihood of irreparable injury and that a TRO is in the public interest.

Specifically, for purposes of the entry of this TRO, the court finds that the States have met their burden of demonstrating that they face immediate and irreparable injury as a result of the signing and implementation of the Executive Order. The Executive Order adversely affects the States' residents in areas of employment, education, business, family relations, and freedom to travel. These harms extend to the States by virtue of

their roles as *parens patriae* of the residents living within their borders. In addition, the States themselves are harmed by virtue of the damage that implementation of the Executive Order has inflicted upon the operations and missions of their public universities and other institutions of higher learning, as well as injury to the States' operations, tax bases, and public funds. These harms are significant and ongoing. Accordingly, the court concludes that a TRO against Federal Defendants is necessary until such time as the court can hear and decide the States' request for a preliminary injunction.

IV. TEMPORARY RESTRAINING ORDER

It is hereby ORDERED that:

1. Federal Defendants and all their respective officers, agents, servants, employees, attorneys, and persons acting in concert or participation with them are hereby ENJOINED and RESTRAINED from:

   (a) Enforcing Section 3(c) of the Executive Order;

   (b) Enforcing Section 5(a) of the Executive Order;

   (c) Enforcing Section 5(b) of the Executive Order or proceeding with any action that prioritizes the refugee claims of certain religious minorities;

   (d) Enforcing Section 5(c) of the Executive Order;

   (e) Enforcing Section 5(e) of the Executive Order to the extent Section 5(e) purports to prioritize refugee claims of certain religious minorities.

2. This TRO is granted on a nationwide basis and prohibits enforcement of Sections 3(c), 5(a), 5(b), 5(c), and 5(e) of the Executive Order (as described in

the above paragraph) at all United States borders and ports of entry pending further orders from this court. Although Federal Defendants argued that any TRO should be limited to the States at issue (*see* Resp. at 30), the resulting partial implementation of the Executive Order "would undermine the constitutional imperative of 'a *uniform* Rule of Naturalization' and Congress's instruction that 'the immigration laws of the United States should be enforced vigorously and *uniformly*.'" *Texas v. United States*, 809 F.3d 134, 155 (5th Cir. 2015) (footnotes omitted) (quoting U.S. CONST. art. I, § 8, cl. 4 (emphasis added) and Immigration and Reform Control Act of 1986, Pub. L. No. 99-603, § 115(1), 100 Stat. 3359, 3384 (emphasis added)).[1]

3. No security bond is required under Federal Rule of Civil Procedure 65(c).

4. Finally, the court orders the parties to propose a briefing schedule and noting date with respect to the States' motion for a preliminary injunction no later than Monday, February 6, 2017 at 5:00 p.m. The court will promptly schedule a hearing on the States' motion for a preliminary injunction, if requested and necessary, following receipt of the parties' briefing.

V. CONCLUSION

Fundamental to the work of this court is a vigilant recognition that it is but one of three equal branches of our federal government. The work of the court is not to create policy or judge the wisdom of any particular policy promoted by the other two branches.

[1]An equally divided Supreme Court affirmed *Texas v. United States*, 809 F.3d 134, in *United States v. Texas*, --- U.S. ----, 136 S. Ct. 2271 (2016) (per curiam).

That is the work of the legislative and executive branches and of the citizens of this country who ultimately exercise democratic control over those branches. The work of the Judiciary, and this court, is limited to ensuring that the actions taken by the other two branches comport with our country's laws, and more importantly, our Constitution. The narrow question the court is asked to consider today is whether it is appropriate to enter a TRO against certain actions taken by the Executive in the context of this specific lawsuit. Although the question is narrow, the court is mindful of the considerable impact its order may have on the parties before it, the executive branch of our government, and the country's citizens and residents. The court concludes that the circumstances brought before it today are such that it must intervene to fulfill its constitutional role in our tripart government. Accordingly, the court concludes that entry of the above-described TRO is necessary, and the States' motion (Dkt. ## 2, 19) is therefore GRANTED.

Dated this 3rd day of February, 2017.

JAMES L. ROBART
United States District Judge

Gillispie, Anna E

From: Franke, Evan R
Sent: Friday, February 03, 2017 10:26 AM
To: Scialabba, Lori L; Emrich, Matthew D; Renaud, Daniel M
Cc: Swanson, Toni; Neufeld, Donald W; Davidson, Andrew J; Valverde, Michael; Roll, Annemarie E; Duehning, Kelli J; Zill, Katherine F; Miller, Caitlin E; Malashock, Moshe Y; Miles, John D; Groom, Molly M; Busch, Philip B; Finley, William L (Bill); Healy, Theresa M; Raymond, Robert R
Subject: Putative Class Action Challenging CARRP and the 1-27 EO: Wagafe v. USCIS
Attachments: Wagafe v USCIS, No. 17-cv-00094 WD Wash.pdf

Dear Lori, Matt and Dan,

I wanted to alert you to a new filing against USCIS (attached). The case is pled as a national class action and is the first case that merges an attack on the 1-27 EO with an attack on CARRP. The case is filed in Seattle in the Western District of Washington. Currently there are two named plaintiffs, and we are tracking down who they are and what we have in our systems. We will work with our field attorneys, FOD and FDNS to coordinate our response. The case was originally filed before the release of the EO (filing date Jan. 23), but was quickly amended to include a challenge to the EO along with a challenge to CARRP on Feb. 1. DOJ notified us about the case last night. We have not yet confirmed service of either the original or the amended complaint. The plaintiffs have not yet filed a motion to certify the class(es).

The plaintiffs' representatives include NWIRP, national ACLU and several local chapters of the ACLU, the National Lawyers Guild and other advocacy groups involved in the national litigation against the EO.

Chris Dempsey's new team at OIL DCS has the lead on the case for DOJ. Two trial attorneys on the team, Aaron Petty and Ed White will be handling the case.

We have reported the case up to DHS OGC. Because there is no preliminary relief requested, we are still providing support on the responses to the more exigent EO cases currently pending, and we will meet with OIL DCS early next week to refine our approach to the case. In preparation, we will identify the individuals, what records we hold about them, and the location of pending adjudications and files.

Please don't hesitate to contact me if you have any questions or concerns. Caitlin Miller and Yoel Malashock on my team will, at present, have the lead on this case for OCC.

Regards,

Evan

Evan R Franke
Chief, Litigation and National Security Coordination Division
Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
20 Massachusetts Avenue, N.W.
Suite 4210
Washington, D.C. 20529-2120

[redacted]

(b)(6)

(b)(6)

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National Security Issues Emailbox: USCISoccNSCD@dhs.gov

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Thank you.

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE and MEHDI OSTADHASSAN on behalf of themselves and others similarly situated, Plaintiffs, v. DONALD TRUMP, President of the United States; UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES; JOHN F. KELLY, in his official capacity as Secretary of the U.S. Department of Homeland Security; LORI SCIALABBA, in her official capacity as Acting Director of the U.S. Citizenship and Immigration Services; MATTHEW D. EMRICH, in his official capacity as Associate Director of the Fraud Detection and National Security Directorate of the U.S. Citizenship and Immigration Services; DANIEL RENAUD, in his official capacity as Associate Director of the Field Operations Directorate of the U.S. Citizenship and Immigration Services, Defendants.	COMPLAINT-CLASS ACTION Case No: 2:17-cv-00094-JCC **AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

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INTRODUCTION

1. This class action lawsuit seeks to stop the federal government from unconstitutionally preventing Plaintiffs, and others like them, from obtaining immigration benefits, including, but not limited to, asylum, naturalization, lawful permanent residence, and employment authorization.

2. On January 27, 2017, President Trump issued an Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States."

3. Section 3 of the Executive Order suspends entry into the United States of citizens or nationals of Syria, Iraq, Iran, Yemen, Somalia, Sudan, and Libya, all of which are predominantly Muslim countries, for 90 days or more. Although the Executive Order says nothing about suspending adjudications, U.S. Citizenship and Immigration Service ("USCIS") has determined that the Executive Order requires it to suspend adjudication or final action on *all* pending petitions, applications, or requests involving citizens or nationals of those seven countries with the exception of naturalization applications.

4. Section 4 of the Executive Order further directs federal agencies to create and implement a policy of extreme vetting of all immigration benefits applications to identify individuals who are seeking to enter the country based on fraud and with the intent to cause harm or who are at risk of causing harm after admission. Any such "extreme vetting" policy will expand a current USCIS program called the Controlled Application Review and Resolution Program ("CARRP"). CARRP imposes extra-statutory rules and criteria to delay and deny immigration benefits to which applicants are entitled.

5. Plaintiff Abdiqafar Wagafe is a Somali national who has applied for and is eligible to naturalize as a United States citizen. He has been waiting three and a half years for a decision on his naturalization application.

6. Plaintiff Mehdi Ostadhassan is an Iranian national who has applied for and is eligible to adjust his status to that of a permanent resident. He has waited three years for a decision on his adjustment of status application.

7. Both Plaintiffs are practicing Muslims and long-term residents of the United States. Adjudication of Plaintiff Ostadhassan's application is now suspended. This suspension, as well as the inordinate delays both he and Plaintiff Wagafe have faced, have held and will hold the lives of Plaintiffs, and others like them, in a state of limbo. They are prevented from having certainty about their future

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residence in the United States, from being able to travel overseas, from petitioning for immigration benefits for family members, from obtaining jobs available only to U.S. citizens, and from voting in U.S. elections.

8. On behalf of themselves, and others similarly situated, Plaintiffs request that this Court order USCIS to resume adjudications of immigration benefits applications for citizens or nationals of Syria, Iraq, Iran, Yemen, Somalia, Sudan, and Libya. They also seek to enjoin the federal government from subjecting them and others like them—immigrants who are living in the United States and who are applying for naturalization or adjustment of status as permanent residents—to any "extreme vetting" and screening program that imposes unlawful criteria for adjudication and approval of their applications and that is ultra vires to the Constitution and immigration laws and is based on unconstitutional animus towards people of the Muslim faith or from Muslim-majority countries.

9. The Executive Order and application of CARRP[1] to pending immigration applications are unlawful and unconstitutional. The Executive Order reflects a preference for one religious faith over another in the adjudication of immigration applications, and, *inter alia*, discriminates against immigrants who are Muslim or from Muslim-majority countries on the basis of their religion and country of origin. CARRP and the "extreme vetting" program to be established under the Executive Order are similarly unlawful and ultra vires. The Constitution expressly assigns to Congress, not the executive branch, the authority to establish uniform rules of naturalization. The Immigration and Nationality Act ("INA") sets forth those rules, along with the requirements for adjustment of status to lawful permanent residence, asylum, and all other immigration benefits. By creating additional, non-statutory, substantive criteria for adjudicating immigration applications, CARRP and any successor "extreme vetting" program violate the INA, Article I of the Constitution, and the Due Process Clause.

10. Without intervention by this Court, the applications of Plaintiff Ostadhassan and proposed class members will be unlawfully suspended due to the application of the Executive Order, and adjudications

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[1] As set forth below in paragraph 70, USCIS did not make information about CARRP public, and the program only was discovered through fortuity during federal court litigation. To the extent the program has shifted in name, scope, or method, Plaintiffs may have no way to obtain that information. Thus, Plaintiffs' reference to "CARRP" incorporates any similar non-statutory and sub-regulatory successor vetting policy.

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of both Plaintiff's and proposed class members' applications will be unlawfully subject to, and adjudicated under, CARRP or a successor "extreme vetting" program.

11. Plaintiffs therefore request that the Court order USCIS to resume adjudications of immigration benefits applications for citizens and nationals of the seven countries identified in the Executive Order and enjoin USCIS from applying CARRP (or any similar ultra vires policy/successor "extreme vetting" program) to their immigration applications and the applications of similarly situated individuals.

JURISDICTION AND VENUE

12. Plaintiffs allege violations of the INA, the Administrative Procedure Act ("APA"), and the U.S. Constitution. This Court has subject matter jurisdiction under 28 U.S.C. § 1331. This Court also has authority to grant declaratory relief under 28 U.S.C. §§ 2201 and 2202, and injunctive relief under 5 U.S.C. § 702 and 28 U.S.C. § 1361.

13. Venue is proper in the Western District of Washington under 28 U.S.C. §§ 1391(b) and 1391(e) because (1) Plaintiff Abdiqafar Wagafe, a lawful permanent resident of the United States, resides in this district and no real property is involved in this action; (2) a substantial part of the events giving rise to the claims occurred in this district; and (3) Plaintiffs sue Defendants in their official capacity as officers of the United States.

PARTIES

14. Plaintiff Abdiqafar Wagafe is a thirty-two-year-old Somali national and a lawful permanent resident of the United States. He has lived in the United States since May 2007 and currently resides in SeaTac, Washington. He is Muslim. He applied for naturalization in November 2013. Even though he satisfies all statutory criteria for naturalization, USCIS has subjected his application to CARRP or its successor "extreme vetting" program, and as a result, a final decision has not been issued.

15. Plaintiff Mehdi Ostadhassan is a thirty-three-year-old national of Iran. He has lived in the United States since 2009 and resides in Grand Forks, North Dakota. He applied for adjustment to lawful permanent resident status in February 2014. He is Muslim. Even though he satisfies all statutory criteria for adjustment of status, USCIS has suspended adjudication of his application under the Executive Order and subjected his application to CARRP or its successor "extreme vetting" program,

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and as a result, a final decision has not been issued.

16. Defendant Donald Trump is the President of the United States. Plaintiffs sue Defendant Trump in his official capacity.

17. Defendant USCIS is a component of the Department of Homeland Security ("DHS"), and is responsible for overseeing the adjudication of immigration benefits. USCIS implements federal law and policy with respect to immigration benefits applications.

18. Defendant John F. Kelly is the Secretary of DHS, the department under which USCIS and several other immigration agencies operate. Accordingly, Secretary Kelly has supervisory responsibility over USCIS. Plaintiffs sue Defendant Kelly in his official capacity.

19. Defendant Lori Scialabba is the Acting Director of USCIS. Acting Director Scialabba establishes and implements immigration benefits applications policy for USCIS and its subdivisions. Plaintiffs sue Defendant Scialabba in her official capacity.

20. Defendant Matthew D. Emrich is the Associate Director of the Fraud Detection and National Security Directorate of USCIS ("FDNS"), which is ultimately responsible for determining whether individuals filing applications for immigration benefits pose a threat to national security, public safety, or the integrity of the nation's legal immigration system. Associate Director Emrich establishes and implements policy for FDNS. Plaintiffs sue Defendant Emrich in his official capacity.

21. Defendant Daniel Renaud is the Associate Director of the Field Operations Directorate of USCIS, which is responsible for and oversees the processing and adjudication of immigration benefits applications through the USCIS field offices and the National Benefits Center. Plaintiffs sue Defendant Renaud in his official capacity.

LEGAL FRAMEWORK

A. Naturalization

22. To naturalize as a U.S. citizen, an applicant must satisfy certain eligibility criteria under the INA and its implementing regulations. *See generally* 8 U.S.C. §§ 1421-1458; 8 C.F.R. §§ 316.1-316.14.

23. Applicants must prove that they are "at least 18 years of age," 8 C.F.R. § 316.2(a)(1); have "resided continuously, after being lawfully admitted" in the United States, "for at least five years"; and have been "physically present" in the United States for "at least half of that time," 8 U.S.C.

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§ 1427(a)(1).

24. Applicants must also demonstrate "good moral character" for the five years preceding the date of application, "attach[ment] to the principles of the Constitution of the United States, and favorabl[e] dispos[ition] toward the good order and happiness of the United States . . . ." 8 C.F.R. § 316.2(a)(7).

25. An applicant is presumed to possess the requisite "good moral character" for naturalization unless, during the five years preceding the date of the application, he or she is found (1) to be a habitual drunkard, (2) to have committed certain drug-related offenses, (3) to be a gambler whose income derives principally from gambling or has been convicted of two or more gambling offenses, (4) to have given false testimony for the purpose of obtaining immigration benefits; or if the applicant (5) has been convicted and confined to a penal institution for an aggregate period of 180 days or more, (6) has been convicted of an aggravated felony, or (7) has engaged in conduct such as aiding Nazi persecution or participating in genocide, torture, or extrajudicial killings. 8 U.S.C. § 1101(f)(6).

26. The statutory and regulatory requirements set forth in paragraphs 23-24 are less stringent for certain persons who married U.S. citizens and employees of certain nonprofit organizations, in that less than five years of residency and good moral character are required. *See generally* 8 U.S.C. § 1430; 8 C.F.R. §§ 319.1 and 319.4.

27. An applicant is barred from naturalization for national security-related reasons in circumstances limited to those codified in 8 U.S.C. § 1424, including, *inter alia*, if the applicant has advocated, is affiliated with any organization that advocates, or writes or distributes information that advocates, "the overthrow by force or violence or other unconstitutional means of the Government of the United States," the "duty, necessity, or propriety of the unlawful assaulting or killing of any officer . . . of the Government of the United States," or "the unlawful damage, injury, or destruction of property."

28. Once an individual submits an application, USCIS must conduct a background investigation, *see* 8 U.S.C. § 1446(a); 8 C.F.R. § 335.1, which includes a full criminal background check by the Federal Bureau of Investigation ("FBI"), *see* 8 C.F.R. § 335.2.

29. After completing the background investigation, USCIS must schedule a naturalization examination at which the applicant meets with a USCIS examiner for an interview.

30. In order to avoid inordinate processing delays and backlogs, Congress has stated "that the

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processing of an immigration benefit application," which includes naturalization, "should be completed not later than 180 days after the initial filing of the application." 8 U.S.C. § 1571(b). USCIS must either grant or deny a naturalization application within 120 days of the date of the examination. 8 C.F.R. § 335.3.

31. If the applicant has complied with all requirements for naturalization, federal regulations state that USCIS "*shall* grant the application." 8 C.F.R. § 335.3(a) (emphasis added).

32. Courts have long recognized that "Congress is given power by the Constitution to establish a uniform Rule of Naturalization. . . . And when it establishes such uniform rule, those who come within its provisions are entitled to the benefit thereof as a matter of right. . . ." *Schwab v. Coleman*, 145 F.2d 672, 676 (4th Cir. 1944) (emphasis added); *see also Marcantonio v. United States*, 185 F.2d 934, 937 (4th Cir. 1950) ("The opportunity having been conferred by the Naturalization Act, there is a statutory right in the alien to submit his petition and evidence to a court, to have that tribunal pass upon them, and, if the requisite facts are established, to receive the certificate." (quoting *Tutun v. United States*, 270 U.S. 568, 578 (1926))).

33. Once an application is granted, the applicant is sworn in as a United States citizen.

B. Adjustment of Status to Lawful Permanent Resident

34. Federal law allows certain non-citizens to adjust their immigration status to that of a lawful permanent resident ("LPR").

35. Several events may trigger eligibility to adjust to LPR status, including, but not limited to, an approved petition through a family member, such as a U.S. citizen spouse, or employer. *See, e.g.*, 8 U.S.C. § 1255(a); 8 C.F.R. § 245.1.

36. In general, a noncitizen who is the beneficiary of an approved immigrant visa petition and who is physically present in the United States may adjust to LPR status if he or she "makes an application for such adjustment," was "inspected and admitted or paroled" into the United States, is eligible for an immigrant visa and admissible to the United States, and the immigrant visa is immediately available to the applicant at the time the application is filed. 8 U.S.C. §§ 1255(a)(1)-(3); 8 C.F.R. § 245.1.

37. An adjustment applicant may be found inadmissible, and therefore ineligible to become an LPR, if certain security-related grounds apply, including, inter alia, the applicant has engaged in terrorist

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activity, is a representative or member of a terrorist organization, endorses or espouses terrorist activity, or incites terrorist activity. *See* 8 U.S.C. § 1182(a)(3). USCIS's definition of a national security concern in CARRP is significantly broader than these security-related grounds of inadmissibility set by Congress.

38. Congress has directed USCIS to process immigration benefit applications, including for adjustment of status, within 180 days. 8 U.S.C. § 1571(b).

C. Other Immigration Benefits

39. Federal laws provide noncitizens living within the United States the opportunity to apply for a myriad of other immigration benefits apart from either naturalization or adjustment of status.

40. For example, persons fleeing persecution or torture may apply for asylum under 8 U.S.C. § 1158, or withholding of removal, under 8 U.S.C. § 1231(b)(3). Victims of certain crimes and trafficking who have suffered serious harm and who have cooperated with law enforcement may apply for nonimmigrant visas under 8 U.S.C. §§ 1101(a)(15)(T), (U). Certain noncitizens from designated countries may apply for Temporary Protected Status ("TPS") in the event of, *inter alia*, a natural disaster or political upheaval in their country of origin. 8 U.S.C. § 1254a. In addition, a significant number of noncitizens within the United States are eligible for employment authorization based on either their current immigration status, their employment status, or their temporary immigration status, including while other applications for immigration benefits are pending. *See generally* 8 C.F.R. § 274.12a(a)-(c).

41. Every immigration benefit has enumerated statutory and/or regulatory requirements that applicants must affirmatively establish to demonstrate eligibility. In addition, each applicant generally must show that they are admissible under 8 U.S.C. § 1182 and/or are that any past immigration violation or criminal conduct does not disqualify them for the benefit sought. *See, e.g.*, 8 U.S.C., §§ 1158(b)(2) (precluding asylum eligibility to individuals found to have persecuted others, to have been convicted of "a particularly serious crime," or to present a danger to national security); 1231(b)(3)(B) (precluding applicants from receiving withholding of removal based on national security grounds); 1254a(c)(2)(B)(i) (precluding applicants from qualifying for TPS if they have been convicted of a felony or two or more misdemeanors).

FACTUAL BACKGROUND

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A. Executive Order of January 27, 2017

42. President Donald Trump campaigned for election on promises to ban Muslims from coming to the United States.

43. On December 7, 2015, the Trump campaign issued a press release stating that "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." The press release is attached hereto as Exhibit A.

44. In March 2016, Defendant Trump said, "Frankly, look, we're having problems with the Muslims, and we're having problems with Muslims coming into the country." Alex Griswold, *Trump Responds to Brussels Attacks: 'We're Having Problems with the Muslims*,' MEDIAITE, Mar. 22, 2016, *available at* http://www.mediaite.com/tv/trump-responds-to-brussels-attack-were-having-problems-with-the-muslims/ (last visited: Feb. 1, 2017).

45. On June 14, 2016, Defendant Trump promised to ban all Muslims entering this country until "we as a nation are in a position to properly and perfectly screen those people coming into our country." The transcript of his speech is attached hereto as Exhibit B.

46. In a speech on August 15, 2016, Defendant Trump said that the United States could not "adequate[ly] screen[]" immigrants because it admits "about 100,000 permanent immigrants from the Middle East every year." Defendant Trump proposed creating an ideological screening test for immigration applicants, which would "screen out any who have hostile attitudes towards our country or its principles—or who believe that Sharia law should supplant American law." During the speech, he referred to his proposal as "extreme, extreme vetting." A copy of his prepared remarks are attached hereto as Exhibit C. A video link to the delivered speech is available at: https://www.c-span.org/video/?413977-1/donald-trump-delivers-foreign-policy-address (quoted remarks at 50:46).

47. During an August 2016 speech, Michael Flynn, who is now President Trump's National Security Advisor, called Islam "a political ideology," suggesting it is not a religion, and called it "a vicious cancer inside the body of 1.7 billion people on this planet and it has to be excised." A copy of a news article reporting this speech is attached hereto as Exhibit D. A video link with clips of his speech is available at: http://www.cnn.com/2016/11/22/politics/kfile-michael-flynn-august-speech/.

48. On January 20, 2017, Donald Trump was inaugurated as the President of the United States.

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49. In his first television appearance as President, he again referred to his plan for "extreme vetting." The transcript of this interview is attached hereto as Exhibit E.

50. On January 27, 2017, one week after taking office, Defendant Trump signed an executive order entitled, "Protecting the Nation from Foreign Terrorist Entry into the United States." The Executive Order is attached hereto as Exhibit F and is hereinafter referred to as the "EO." On information and belief, and in light of the statements by Mr. Trump and his advisors set forth above, the EO was intended to target Muslims.

51. Citing the threat of terrorism committed by foreign nationals, the EO directs a variety of changes to the processing of certain immigration benefits. Most relevant to the instant action is Section 3 of the EO, which falls within a section entitled "Suspension of Issuance of Visas and Other Immigration Benefits," in which President Trump orders, in Section 3(a), an immediate "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." In Section 3(c), the order then explains that to reduce the burden of the reviews described in Section 3(a), "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 Defendant Trump 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."

52. There are seven countries that fit the criteria in 8 U.S.C. § 1187(a)(12): Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen. The populations of those countries are overwhelmingly Muslim.

53. The EO purports to rely on 8 U.S.C. § 1182(f) for the authority to suspend entry into the United States.

54. On information and belief, USCIS relies on Section 3 of the EO to suspend processing immigrant visas and immigration benefits.

55. Section 4 of the EO orders the creation of a screening program for all immigration benefits applications, which will seek to identify individuals "who are 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

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admission" and "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."

56. Sections 5(a) and (b) of the EO suspends the U.S. Refugee Admissions Program in its entirety for 120 days and then, upon its resumption, directs the program to prioritize refugees who claim persecution 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." Section 5(e) states that notwithstanding the suspension of the Refugee Program, on a case-by-case basis, the United States may admit refugees "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."

57. In a January 27, 2017, interview with the Christian Broadcasting Network, President Trump confirmed his intent to prioritize Christians in the Middle East for admission as refugees. A copy of the report of this interview is attached hereto as Exhibit G (David Brody: "As it relates to persecuted Christians, do you see them as kind of a priority here?" President Trump: "Yes.").

B. Ban on the Adjudication of Immigration Benefits Applications for Immigrants from the Seven Countries

58. After the issuance of the EO, at least two department heads within USCIS sent internal communications barring any final action on any petition or benefits application involving citizens or nationals of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya.

59. On January 28, 2017, Associate Director of Service Center Operations for USCIS, Donald Neufeld, issued instructions to Service Center directors and deputies in an email message directing the suspension of the "adjudication of all applications, petitions or requests involving citizens or nationals of the [seven] listed countries." The email continues, "At this point there are no exceptions for any form types, to include I-90s or I-765s. Please physically segregate any files that are impacted by this temporary hold pending further guidance." Photographs of the internal email communication are attached hereto as Exhibit H.

60. In another email to staff from Daniel M. Renaud, Associate Director of Field Operations for USCIS, on January 28, 2017, Mr. Renaud stated, "Effectively [sic] immediately and until additional

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guidance is received, you may not take final action on any petition or application where the applicant is a citizen or national of Syria, Iraq, Iran, Somalia, Yemen, Sudan, and Libya." Alice Speri and Ryan Devereaux, *Turmoil at DHS and State Department*, THE INTERCEPT, Jan. 30, 2017, *available at* https://theintercept.com/2017/01/30/asylum-officials-and-state-department-in-turmoil-there-are-people-literally-crying-in-the-office-here/. The email continued, "Offices are not permitted [to] make any final decision on affected cases to include approval, denial, withdrawal, or revocation. Please look for additional guidance later this weekend on how to process naturalization applicants from one of the seven countries listed above who are currently scheduled for oath ceremony or whose N-400s have been approved and they are pending scheduling of oath ceremony." *Id.*; *see also* Michael D. Shear and Ron Nixon, *How Trump's Rush to Enact an Immigration Ban Unleashed Global Chaos*, NEW YORK TIMES (Jan. 29, 2017), *available at* https://www.nytimes.com/2017/01/29/us/politics/donald-trump-rush-immigration-order-chaos.html.

61. On January 31, 2017, U.S. Customs and Border Protection, a subdivision of DHS, published a clarification on its website regarding whether the EO applies to people with pending naturalization applications. The site reported that the EO does not so apply and that "USCIS will continue to adjudicate N-400 applications for naturalization and administer the oath of citizenship consistent with prior practices." *Protecting the Nation from Foreign Terrorist Entry into the United States*, CBP, https://www.cbp.gov/border-security/protecting-nation-foreign-terrorist-entry-united-states.

62. Referencing the hold on adjudications for people from the seven countries, a USCIS official told The Intercept, "We know what is coming. These cases will all be denied after significant waits." Alice Speri and Ryan Devereaux, *Turmoil at DHS and State Department*, THE INTERCEPT, Jan. 30, 2017.

63. The application of the EO to immigration benefits applications for immigrants from the seven countries will effectuate the intent of the EO to target Muslims.

C. "Extreme Vetting" of Muslim Immigrants

64. As described above, Section 4 of the EO orders the Secretary of State, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation to "implement a program, as part of the adjudication process for immigration benefits" to identify individuals "who are at risk of causing harm." The EO calls for the implementation of a

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"program [that] will include the development of a uniform screening standard and procedure," including "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," as well as "a mechanism to assess whether or not the applicant has the intent to commit criminal or terrorist acts after entering the United States."

65. Upon information and belief, this "extreme vetting" program will dramatically expand CARRP, an existing program USCIS has implemented since April 2008.

66. CARRP is an agency-wide policy for identifying, processing, and adjudicating immigration applications that raise "national security concerns." As described below, however, CARRP unlawfully imposes extra statutory rules and criteria to delay and deny applicants immigration benefits to which they are entitled.

67. Congress did not enact CARRP, and USCIS did not promulgate it as a proposed rule with the notice-and-comment procedures mandated by the APA. *See* 5 U.S.C. § 553(b)-(c).

68. Upon information and belief, prior to CARRP's enactment, USCIS simply delayed the adjudication of many immigration applications that raised possible national security concerns, in part due to backlogs created by the FBI Name Check process (one of many security checks utilized by USCIS).

69. Indeed, the U.S. District Court for the Western District of Washington previously certified a district class of hundreds of naturalization applicants whose cases were delayed due to FBI Name Checks, *see Roshandel v. Chertoff*, 554 F. Supp. 2d 1194 (W.D. Wash. 2008), and denied the defendants' motion to dismiss the suit, *see Roshandel*, 2008 WL 1969646 (W.D. Wash. May 5, 2008). The case resulted in a settlement in which the defendants agreed to adjudicate class member applications within a specified time period. *See Roshandel*, No. C07-1739MJP, Dkt. 81 (W.D. Wash. Aug. 25, 2008).

70. Now, in lieu of delays based on the FBI Name Check process, USCIS delays applications by applying CARRP. Since CARRP's inception, USCIS has not made information about CARRP available to the public, except in response to Freedom of Information Act ("FOIA") requests and litigation to compel responses to those requests. *See ACLU of Southern California v. USCIS*, No. CV 13-861

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(D.D.C. filed June 7, 2013). In fact, the program was unknown to the public, including applicants for immigration benefits, until it was discovered in litigation challenging an unlawful denial of naturalization in *Hamdi v. USCIS*, No. EDCV 10-894 VAP (DTBx), 2012 WL 632397 (C.D. Cal. Feb. 25, 2012), and then revealed in greater detail through the government's response to a FOIA request.

71. CARRP directs USCIS officers to screen citizenship and immigration benefits applications for national security concerns.

72. If a USCIS officer determines that an application presents a national security concern, he or she will take the application off a routine adjudication track and—without notifying the applicant—place it on a CARRP adjudication track where it is subject to distinct procedures, heightened scrutiny, and, most importantly, extra-statutory criteria that result in lengthy delays and prohibit approvals, except in limited circumstances, regardless of an applicant's statutory eligibility.

1. CARRP's Definition of a National Security Concern

73. According to the CARRP definition, a national security concern arises when an individual or organization has been determined to have an articulable link—no matter how attenuated or unsubstantiated—to prior, current, or planned involvement in, or association with, an activity, individual, or organization described in sections 212(a)(3)(A), (B), or (F), or 237(a)(4)(A) or (B) of the Immigration and Nationality Act. Those sections of the INA make inadmissible or removable any individual who, *inter alia*, "has engaged in terrorist activity" or is a member of a "terrorist organization." 8 U.S.C. §§ 1182(a)(3) and 1227(a)(4).

74. For the reasons described herein, an individual need not be actually suspected of engaging in any unlawful activity or joining any proscribed organization to be branded a national security concern under CARRP.

75. CARRP distinguishes between two types of national security concerns: those ostensibly involving "Known or Suspected Terrorists" ("KSTs"), and those ostensibly involving "non-Known or Suspected Terrorists" ("non-KSTs").

76. USCIS automatically considers an applicant a KST, and thus a national security concern, if his or her name appears in the Terrorist Screening Database, also referred to as the Terrorist Watchlist ("TSDB" or "Watchlist"). USCIS, therefore, applies CARRP to any applicant whose name appears in

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the TSDB.

77. Upon information and belief, the TSDB includes approximately one million names, many of whom present no threat to the United States.

78. The government's Watchlisting Guidance sets a very low "reasonable suspicion" standard for placement on the Watchlist. Under the Guidance, concrete facts are not necessary to satisfy the reasonable suspicion standard, and uncorroborated information of questionable or even doubtful reliability can serve as the basis for blacklisting an individual. The Guidance further reveals that the government blacklists non-U.S. citizens, including LPRs, even where it cannot meet the already low reasonable suspicion standard of purported involvement with terrorist activity. The Guidance permits the watchlisting of noncitizens simply for being associated with someone else who has been watchlisted, even if there is no known involvement with that person's purportedly suspicious activity. The Guidance also states explicitly that noncitizens may be watchlisted based on information that is very limited or of suspected reliability. These extremely loose standards significantly increase the likelihood that the TSDB contains information on individuals who are neither known nor appropriately suspected terrorists.

79. Furthermore, the Terrorist Screening Center ("TSC"), which maintains the TSDB, has failed to ensure that individuals who do not meet the Watchlist's criteria are promptly removed from the TSDB (or not blacklisted in the first place). In 2013 alone, the watchlisting community nominated 468,749 individuals to the TSDB, and the TSC rejected only approximately one percent of those nominations. Public reports also confirm that the government has nominated or retained people on government watchlists as a result of human error.

80. The federal government's official policy is to refuse to confirm or deny any given individual's inclusion in the TSDB or provide a meaningful opportunity to challenge that inclusion. Nevertheless, individuals can become aware of their inclusion due to air travel experiences. In particular, individuals may learn that they are on the "Selectee List" or the "Expanded Selectee List," subsets of the TSDB, if their boarding passes routinely display the code "SSSS" or they are routinely directed for additional screening before boarding a flight over U.S. airspace. They may also learn of their inclusion in the TSDB if U.S. federal agents regularly subject them to secondary inspection when they enter the United States from abroad. Such individuals are also often unable to check-in for flights online or at airline

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electronic kiosks at the airport.

81. Where the KST designation does not apply, CARRP instructs officers to look for indicators of a non-Known or Suspected Terrorist ("non-KST") concern.

82. These indicators fall into three categories: (1) statutory indicators; (2) non-statutory indicators; and (3) indicators contained in security check results.

83. Statutory indicators of a national security concern arise when an individual generally meets the definitions described in Sections 212(a)(3)(A), (B), and (F), and 237(a)(4)(A) and (B) of the INA (codified at 8 U.S.C. § 1182(a)(3)(A), (B), and (F) and § 1227(a)(4)(A) and (B)), which list the security and terrorism grounds of inadmissibility and removability.[2] However, CARRP expressly defines statutory indicators of a national security concern more broadly than the statute, stating that the facts of the case do not need to satisfy the legal standard used in determining admissibility or removability under those provisions of the INA to give rise to a non-KST national security concern.

84. For example, CARRP policy specifically directs USCIS officers to scrutinize evidence of charitable donations to organizations later designated as financiers of terrorism by the U.S. Treasury Department and to construe such donations as evidence of a national security concern, even if an individual had made such donations without any knowledge that the organization was engaged in proscribed activity. Such conduct would not make an applicant inadmissible for a visa, asylum, or LPR status under the statute, *see* 8 U.S.C. § 1182(a)(3)(B), nor does it have any bearing on a naturalization application.

85. Under CARRP, non-statutory indicators of a national security concern include travel through or residence in areas of known terrorist activity; a large scale transfer or receipt of funds; a person's employment, training, or government affiliations; the identities of a person's family members or close associates, such as a roommate, co-worker, employee, owner, partner, affiliate, or friend; or simply other

[2] These security and terrorism grounds of inadmissibility, if applicable, may bar an applicant from obtaining lawful permanent resident status, asylum, or a visa. However, they do not bar an applicant who is already a lawful permanent resident from naturalization, which is governed by the statutory provisions specific to naturalization. *See* 8 U.S.C. §§ 1421-1458. The security and terrorism provisions may also render a non-citizen removable, *see* 8 U.S.C. § 1227(a)(4), but the government has not charged Plaintiffs with removability under these provisions.

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suspicious activities.

86. Finally, security check results are considered indicators of a national security concern in instances where, for example, the FBI Name Check produces a positive hit on an applicant's name and the applicant's name is associated with a national security-related investigatory file. Upon information and belief, this indicator leads USCIS to label applicants national security concerns solely because their names appear in a law enforcement or intelligence file, even if they were never the subject of an investigation. For example, an applicant's name could appear in a law enforcement file in connection with a national security investigation because he or she once gave a voluntary interview to an FBI agent, he or she attended a mosque that was the subject of FBI surveillance, or he or she knew or was associated with someone under investigation.

87. Upon information and belief, CARRP labels applicants national security concerns based on vague and overbroad criteria that often turn on national origin or innocuous and lawful activities or associations. These criteria are untethered from the statutory criteria that determine whether a person is eligible for the immigration status or benefit they seek, and are so general that they necessarily ensnare individuals who pose no threat to the security of the United States.

2. Delay and Denial

88. Once a USCIS officer identifies a CARRP-defined national security concern, the application is subjected to CARRP's rules and procedures that guide officers to deny such applications or, if an officer cannot find a basis to deny the application, to delay adjudication as long as possible.

a) Deconfliction

89. One such procedure is called "deconfliction," which requires USCIS to coordinate with—and, upon information and belief, subordinate its authority to—the law enforcement agency, often the FBI, that possesses information giving rise to the supposed national security concern.

90. During deconfliction, the relevant law enforcement agency has authority: to instruct USCIS to ask certain questions in an interview or to issue a Request for Evidence ("RFE"); to comment on a proposed decision on the benefit; and to request that USCIS deny, grant, or hold the application in abeyance for an indefinite period of time.

91. Upon information and belief, deconfliction allows law enforcement or intelligence agencies such

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as the FBI to directly affect the adjudication of a requested immigration benefit, and also results in the agencies conducting independent interrogations of the applicant—or the applicant's friends and family.

92. Upon information and belief, USCIS often makes decisions to deny immigration benefit applications because the FBI requests or recommends the denial, not because the person is statutorily ineligible for the benefit.

93. The FBI often seeks to use the pending immigration application to coerce the applicant to act as an informant or otherwise provide information.

b) Eligibility Assessment

94. In addition to deconfliction, once officers identify an applicant as a national security concern, CARRP directs officers to perform an "eligibility assessment" to determine whether the applicant is eligible for the benefit sought.

95. Upon information and belief, at this stage, CARRP instructs officers to look for any reason to deny an application so that time and resources are not expended to investigate the possible national security concern. Where no legitimate reason supports denial of an application subjected to CARRP, USCIS officers often utilize spurious or pretextual reasons to deny the application.

c) Internal Vetting

96. Upon information and belief, if, after performing the eligibility assessment, an officer cannot find a reason to deny an application, CARRP instructs officers to first "internally vet" the national security concern using information available in DHS systems and databases, open source information, review of the applicant's file, RFEs, and interviews or site visits.

97. After conducting the eligibility assessment and internal vetting, USCIS officers are instructed to again conduct deconfliction to determine the position of any interested law enforcement agency.

d) External Vetting

98. If the national security concern remains and the officer cannot find a basis to deny the benefit, the application then proceeds to "external vetting."

99. During external vetting, USCIS instructs officers to confirm the existence of the national security concern with the law enforcement or intelligence agency that possesses the information that created the concern and obtain additional information from that agency about the concern and its relevance to the

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individual.

100. CARRP policy instructs USCIS officers to hold applications in abeyance for periods of 180 days to enable law enforcement agents and USCIS officers to investigate the national security concern. According to CARRP policy, the USCIS Field Office Director may extend the abeyance periods as long as the investigation remains open.

101. Upon information and belief, CARRP provides no outer limit on how long USCIS may hold a case in abeyance, even though the INA requires USCIS to adjudicate a naturalization application within 120 days of examination, 8 C.F.R. § 335.3, and Congress has made clear its intent that USCIS adjudicate immigration applications, including visa petitions and accompanying applications for adjustment of status to lawful permanent residence, within 180 days of filing the application. 8 U.S.C. § 1571(b).

e) Adjudication

102. When USCIS considers an applicant to be a KST national security concern, CARRP policy forbids USCIS adjudications officers from granting the requested benefit even if the applicant satisfies all statutory and regulatory criteria.

103. When USCIS considers an applicant to be a non-KST national security concern, CARRP policy forbids USCIS adjudications officers from granting the requested benefit in the absence of supervisory approval and concurrence from a senior level USCIS official.

104. In *Hamdi*, 2012 WL 632397, when asked whether USCIS's decision to brand naturalization applicant Tarek Hamdi as a national security concern affected whether he was eligible for naturalization, a USCIS officer testified that "it doesn't make him statutorily ineligible, but because he is a—he still has a national security concern, it affects whether or not we can approve him." The officer testified that, under CARRP, "until [the] national security concern [is] resolved, he won't get approved."

105. Upon information and belief, USCIS routinely delays adjudication of applications subject to CARRP when it cannot find a reason to deny the application. When an applicant files a mandamus action to compel USCIS to finally adjudicate his or her pending application, it often has the effect of forcing USCIS to deny a statutorily-eligible application on pretextual grounds because CARRP prevents agency field officers from granting an application involving a national security concern.

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106. CARRP effectively creates two substantive regimes for immigration application processing and adjudication: one for those applications subject to heightened scrutiny and vetting under CARRP and one for all other applications. CARRP rules and procedures create substantive eligibility criteria that indefinitely delay adjudications and unlawfully deny immigration benefits to noncitizens who are statutorily eligible and entitled by law.

107. At no point during the CARRP process is the applicant made aware that he or she has been labeled a national security concern, nor is the applicant ever provided with an opportunity to respond to and contest the classification.

108. Upon information and belief, CARRP results in unauthorized adjudication delays, often lasting many years, and pre-textual denials of statutorily-eligible immigration applications.

B. Facts Specific To Each Plaintiff

Abdiqafar Wagafe

109. Plaintiff Abdiqafar Aden Wagafe is a thirty-two-year-old Somali national who currently resides in SeaTac, Washington.

110. Between 2001 and 2007, Mr. Wagafe lived in refugee camps and temporary refugee housing in Kenya and Ethiopia.

111. On May 24, 2007, he moved to the United States with nine family members and was admitted as a refugee. He has lived in the United States since then.

112. After arriving in the United States, Mr. Wagafe briefly stayed in Minneapolis, Minnesota with his brother. He then moved to Seattle, where his two sisters and another brother live.

113. All of the nine family members who moved to the United States with Mr. Wagafe have become U.S. citizens.

114. From July 2007 until February 2011, Mr. Wagafe worked for Delta Global Services until widespread layoffs left him without a job. Since February 2011, he has worked at a Somali restaurant, which he currently co-owns and manages.

115. On May 28, 2008, Mr. Wagafe filed an application for refugee adjustment of status to become an LPR.

116. USCIS granted his application on November 3, 2008, retroactively granting him LPR status as of

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May 24, 2007, the date he was admitted to the U.S. as a refugee. *See* 8 C.F.R. § 209.1(e).

117. Mr. Wagafe filed his first application for naturalization on July 3, 2012. USCIS interviewed him on October 29, 2012, but he failed the English-language portion of the exam. USCIS interviewed Mr. Wagafe a second time on January 3, 2013, but he again failed the English writing portion of the exam. He also did not understand English sufficiently to comprehend the Oath of Allegiance. On these bases, USCIS denied his first application for naturalization on January 9, 2013.

118. Mr. Wagafe has since improved his English skills significantly.

119. Mr. Wagafe filed a second application for naturalization on November 8, 2013. USCIS scheduled his interview for February 25, 2014, but cancelled it on January 29, 2014 without explanation.

120. Mr. Wagafe has made various inquiries concerning his case to USCIS, but he has not received an explanation for the delay. USCIS last responded to his queries in July 2015, instructing his attorney to have patience and that the agency would let him know when the agency was ready to interview him. His subsequent inquiries have gone unanswered.

121. Mr. Wagafe has resided continuously in the United States for at least five years preceding the date of filing his application for naturalization, and has resided continuously within the United States from the date of filing his application until the present.

122. Mr. Wagafe has never been convicted of a crime.

123. There is no statutory basis for denying his naturalization application.

124. Mr. Wagafe is Muslim and regularly attends Mosque. He also frequently sends small amounts of money to his relatives in Somalia, Kenya, and Uganda. He has been married to a woman in Uganda since December 2015 and makes visits to see her. He has been unable to bring her to the United States because of the delays in his case.

125. Mr. Wagafe's immigration Alien file ("A-file") makes clear that USCIS subjected his pending application to CARRP. The A-file states that a CARRP officer handled his case. In addition, a document in the A-File shows that on December 8, 2013, there was a hit on Mr. Wagafe's name in the FBI Name Check and that the Name Check result contained "derogatory information." The document also states that Mr. Wagafe appears eligible for naturalization absent confirmation of national security issues. The document then states that the case is being forwarded for external vetting.

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126. Upon information and belief, Mr. Wagafe's naturalization application is subject to CARRP or its successor "extreme vetting" program, which is causing the delay in adjudication of his naturalization application, despite the fact that he is statutorily entitled to naturalize.

127. Mr. Wagafe has suffered significant harm due to the delay in adjudication of his naturalization application. Although he is married to a Ugandan woman, he has been unable to bring her to live with him in the United States, because he must become a United States citizen in order for her to qualify as an immediate relative, *see generally* 8 U.S.C. § 1151, and thus avoid the waiting list for petitions filed by lawful permanent residents on behalf of their spouses. CARRP has also has harmed his professional options and prevented him from voting in local and national elections.

Mehdi Ostadhassan

128. Plaintiff Mehdi Ostadhassan is a thirty-three-year-old national of Iran. He resides in Grand Forks, North Dakota.

129. Mr. Ostadhassan moved to the United States in 2009 on a student visa and studied at the University of North Dakota. He earned his Ph.D. in Petroleum Engineering, and, after graduation, was immediately hired by the University of North Dakota as an Assistant Professor of Petroleum Engineering.

130. At the University of North Dakota, Mr. Ostadhassan met Bailey Bubach, a United States citizen. In January 2014, they were married in a small religious ceremony in California, and then obtained their marriage license in Grand Forks, North Dakota. Their first child was born in July 2016.

131. In February 2014, Ms. Bubach filed an immigrant visa petition (USCIS Form I-130) for Mr. Ostadhassan and he concurrently filed an application to adjust status (USCIS Form I-485) based upon his marriage.

132. Mr. Ostadhassan has never been convicted of a crime.

133. USCIS scheduled Mr. Ostadhassan for an interview on May 19, 2014, but when he appeared for the interview, USCIS informed him that it was cancelled.

134. USCIS rescheduled and conducted an interview almost a year and a half later, on September 24, 2015. At that interview, a USCIS officer told Mr. Ostadhassan that the agency still could not make a decision and that it needed to complete further background and security checks. To date, Mr.

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Ostadhassan is still waiting for a decision from USCIS.

135. Mr. Ostadhassan and Ms. Bubach are Muslim and active participants in their religious community. Each year they donate to Muslim charities in accordance with the teachings of Islam. They are both involved in the Muslim Student Association at the University of North Dakota. In addition, they run a Muslim Sunday School. Mr. Ostadhassan also coordinates the Muslim Congress's Koran competition every year.

136. Upon information and belief, USCIS considers Mr. Ostadhassan a non-KST national security concern and is subjecting him to CARRP. USCIS may have subjected Mr. Ostadhassan's adjustment application to CARRP because he has resided in and traveled through what the government considers areas of known terrorist activity—namely, Iran—and because of his donations to Islamic charities and involvement in the Muslim community.

137. In October 2014, an FBI agent contacted Mr. Ostadhassan and asked to meet to discuss his recent trip to Iran to visit family. Mr. Ostadhassan declined to meet with the FBI, and his lawyer informed the agent that any further communications should go through the attorney. The FBI has not contacted Mr. Ostadhassan since.

138. Upon information and belief, the request for a visit by the FBI was a product of CARRP's deconfliction process. As Mr. Ostadhassan is a citizen of Iran, one of the seven countries listed in the EO, his application for adjustment of status is subject to the EO. Upon information and belief, adjudication of his application therefore has been suspended indefinitely.

139. Upon information and belief, Mr. Ostadhassan's application for adjustment of status is also subject to CARRP or its successor "extreme vetting" program, which is has delayed the adjudication of his application, despite the fact that he is statutorily eligible for adjustment of status.

140. Mr. Ostadhassan has been significantly harmed by the delay in adjudication of his adjustment of status application. Because of his temporary nonimmigrant status, and without an approved adjustment application, he cannot travel outside the United States. He recently was unable to travel to Iran to introduce his American wife and infant to his Iranian family; his wife and child traveled to Iran without him. He has also lost out on significant professional opportunities. He is a college professor, and his unapproved adjustment application has prevented him from attending conferences overseas. Due to the

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delay, he and his wife feel that their lives and future in the United States are suspended in limbo, not knowing whether they have a future in the United States.

CLASS ACTION ALLEGATIONS

141. Pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(2), Plaintiffs bring this action on behalf of themselves and all other similarly-situated individuals. Plaintiffs do not bring claims for compensatory relief. Instead, Plaintiffs seek injunctive relief broadly applicable to members of the Plaintiff Classes, as defined below. The requirements for Rule 23 are met with respect to the classes defined below.

142. Plaintiffs seek to represent the following nationwide classes:

> A **Muslim Ban Class** defined as:
> A national class of all persons currently and in the future (1) who are in the United States, (2) have or will have an application for an immigration benefit pending before USCIS that is not a naturalization application, and (3) are a citizen or national of Syria, Iraq, Iran, Yemen, Somalia, Sudan, or Libya.
>
> An **Extreme Vetting Naturalization Class** defined as:
> A national class of all persons currently and in the future (1) who have or will have an application for naturalization pending before USCIS, (2) that is subject to CARRP or its successor "extreme vetting" program, and (3) that has not been or will not be adjudicated by USCIS within six months of having been filed.
>
> An **Extreme Vetting Adjustment of Status Class** defined as:
> A national class of all persons currently and in the future (1) who have or will have an application for adjustment of status pending before USCIS, (2) that is subject to CARRP or its successor "extreme vetting" program, and (3) that has not been or will not be adjudicated by USCIS within six months of having been filed.

143. Plaintiff Ostadhassan is an adequate class representative of the Muslim Ban class. Plaintiff Wagafe is an adequate representative of the Extreme Vetting Naturalization Class. Plaintiff Ostadhassan is also an adequate representation of the Extreme Vetting Adjustment of Status Class.

144. The Proposed Classes are each so numerous that joinder of all members is impracticable.

145. Although Plaintiffs do not know the total number of people from the seven countries targeted in the EO who have *pending* immigration benefits applications (excluding naturalization applications) at any given time, publicly available USCIS data reveals that in 2015, there were 83,109 people from those seven countries who were *granted* applications for lawful permanent residence, asylum, and refugee admission.

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146. Similarly, although Plaintiffs do not know the total number of people subject to CARRP or any successor "extreme vetting" program at any given time, USCIS data reveals that between Fiscal Year 2008 and Fiscal Year 2012, more than 19,000 people from twenty-one Muslim-majority countries or regions were subjected to CARRP. Upon information and belief, between 2008 and 2016, USCIS opened 41,805 CARRP cases.

147. This data includes individuals with pending naturalization and adjustment of status applications. For example, in March 2009, there were 1,437 adjustment of status (I-485) applications subject to CARRP that had been pending for at least six months and 1,065 naturalization (N-400) applications subject to CARRP that had been pending for at least six months.

148. The exact number of individuals subject to the EO, CARRP or any successor "extreme vetting" program at any given time fluctuates as applications are filed and USCIS applies these policies and practices to the applications. Moreover, members of the class reside in various locations across the country. For these and other reasons, joinder of the members of the Classes would create substantial challenges to the efficient administration of justice. Joinder is thus impracticable here.

149. In addition, there are questions of law and fact common to the members of the Classes. The Muslim Ban and Extreme Vetting Adjustment of Status Class are subject to Defendants' unauthorized suspension of immigration benefits adjudications. All classes are subject to CARRP (or a successor "extreme vetting" program). Accordingly, common questions of law and fact include, but are not limited to, the following:

- Whether Defendants' unauthorized suspension of immigration benefits adjudications under the EO violates Defendants' duty to timely adjudicate immigration benefit applications authorized by the Immigration and Nationality Act;

- Whether Defendants' unauthorized suspension of immigration benefits adjudications under the EO to Plaintiff Ostadhassan's application violates the Establishment Clause of the First Amendment to the United States Constitution by not pursuing a course of neutrality with regard to different religious faiths;

- Whether Defendants' unauthorized suspension of immigration benefits adjudications under the EO and application of CARRP (or a successor "extreme vetting" program) to Plaintiffs' applications discriminates against Plaintiffs on the basis of their country of origin, and without sufficient justification, and therefore violates the equal protection component of the Due Process Clause of the Fifth Amendment to the United States Constitution.

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- Whether Defendants' unauthorized suspension of immigration benefits adjudications under the EO and application of CARRP (or a successor "extreme vetting" program) to Plaintiffs' applications is substantially motivated by animus toward—and has a disparate effect on—Muslims in violation of the equal protection component of the Due Process Clause of the Fifth Amendment to the United States Constitution;

- Whether Defendants' unauthorized suspension of immigration benefits adjudications under the EO and application of CARRP or a successor "extreme vetting" program to Plaintiffs' applications for immigration benefits, for which they are statutorily eligible and to which they are legally entitled, constitutes an arbitrary denial in violation of Plaintiffs' right to substantive due process under the Fifth Amendment to the United States Constitution;

- Whether Defendants' unauthorized suspension of immigration benefits adjudications under the EO and application of CARRP (or a successor "extreme vetting" program) to Plaintiffs' applications violates the INA by creating additional, non-statutory, substantive criteria that must be met prior to a grant of a naturalization or adjustment of status application;

- Whether Defendants' unauthorized suspension of immigration benefits adjudications under the EO and application of CARRP (or a successor "extreme vetting" program) to Plaintiffs' applications violates the APA, 5 U.S.C. § 706, as final agency action that is arbitrary and capricious, contrary to constitutional law, and in excess of statutory authority;

- Whether Defendants' the application of CARRP (or a successor "extreme vetting" program) to Plaintiffs' applications constitutes a substantive rule and, as a result, Defendants violated the APA, 5 U.S.C. § 553, when they promulgated CARRP without providing a notice-and-comment period prior to implementing it;

- Whether Defendants' failure to give Plaintiffs notice of their classification under CARRP (or a successor "extreme vetting" program), a meaningful explanation of the reason for such classification, and a process by which Plaintiffs can challenge their classification violates the Due Process Clause of the Fifth Amendment to the United States Constitution; and

- Whether Defendants' application of CARRP (or a successor "extreme vetting" program) to Plaintiff Wagafe's application violates the Uniform Rule of Naturalization, Article I, Section 8, Clause 4 of the United States Constitution by establishing criteria for naturalization not authorized by Congress.

150. The claims of the named Plaintiffs are typical of their respective Plaintiff Classes. Plaintiffs know of no conflict between their interests and those of the Plaintiff Classes they seek to represent. In defending their own rights, the named Plaintiffs will defend the rights of all proposed Plaintiff Class members fairly and adequately. The members of the Classes are readily ascertainable through notice and discovery.

151. Plaintiffs are represented by counsel with particular expertise in immigration and constitutional

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law, and extensive experience in class action and other complex litigation.

152. Defendants have acted or refused to act on grounds generally applicable to each member of the Plaintiff Classes by unlawfully applying the EO and/or CARRP (or its successor "extreme vetting" program) to their immigration applications—thus applying additional non-statutory, substantive requirements for naturalization and adjustment of status, and causing them to have suffered and continue to suffer injury in the form of unreasonable delays and denials of their applications.

153. A class action is superior to other methods available for the fair and efficient adjudication of this controversy because joinder of all members of the Classes is impracticable. Absent the relief they seek here, there would be no other way for the Plaintiff Class members to individually redress the wrongs they have suffered and will continue to suffer.

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF

Immigration and Nationality Act and the Administrative Procedure Act

(Plaintiff Ostadhassan on behalf of himself and the Muslim Ban Class)

154. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

155. Section 212(f) of the Immigration and Nationality, 8 U.S.C. § 1182(f), is entitled "Suspension of Entry or Imposition of Restrictions by President." That provision authorizes the President to suspend entries or impose restrictions on entries. That provision does not authorize the President to suspend adjudication of immigration petitions, applications, or requests of any class of persons.

156. Defendants have interpreted the EO to authorize the suspension of immigration petitions, applications, or requests involving Plaintiff Ostadhassan and members of the Muslim Ban Class.

157. Accordingly, Defendants have suspended adjudication of such immigration benefits petitions, applications, or requests.

158. Defendants' actions in suspending adjudications violates 8 U.S.C. § 1182(f) and is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; in excess of statutory jurisdiction, authority, or limitations, or short of statutory right; and without observance of procedure required by law, in violation of the Administrative Procedure Act, 5 U.S.C. §§ 706(2)(A)-(D).

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SECOND CLAIM FOR RELIEF

Mandamus (28 U.S.C. § 1361)

(Plaintiff Ostadhassan on behalf of himself and the Muslim Ban Class)

159. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

160. Defendants have a duty to adjudicate all immigrant benefits petitions, applications or requests authorized by the Immigration and Nationality Act, implementing regulations, or other law.

161. The EO does not authorize the suspension of adjudication of immigration benefits petitions, applications, or requests.

162. Defendants have interpreted the EO to authorize the suspension of immigration benefit applications for petitions, applications, or requests involving Plaintiff Ostadhassan and members of the Muslim Ban Class.

163. Accordingly, Defendants have suspended adjudication of immigration benefits petitions, applications, or requests.

164. Defendants' refusal to adjudicate immigration benefits petitions, applications, or requests violates Defendants' statutory and constitutional duty to adjudicate these matters, and to do so in a nondiscriminatory manner.

THIRD CLAIM FOR RELIEF

First Amendment (Establishment Clause)

(Plaintiff Ostadhassan on behalf of himself and the Muslim Ban Class)

165. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

166. The EO was intended to target a specific religious faith, Islam, and gives preference to other religious faiths, principally Christianity, and it has that intended effect when applied to Plaintiffs and members of the Muslim Ban Class. Defendants' application of the EO to Plaintiffs and members of the Plaintiff Classes violates the Establishment Clause of the First Amendment to the United States Constitution by not pursuing a course of neutrality with regard to different religious faiths.

FOURTH CLAIM FOR RELIEF

Fifth Amendment (Procedural Due Process)

(All Plaintiffs on behalf of themselves and the Plaintiff Classes)

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167. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

168. Defendants' failure to give Plaintiffs and members of the Extreme Vetting Naturalization and Extreme Vetting Adjustment of Status Classes notice of their classification under CARRP (or successor "extreme vetting" program), a meaningful explanation of the reason for such classification, and any process by which Plaintiffs can challenge their classification, violates the Due Process Clause of the Fifth Amendment to the United States Constitution.

169. The EO's directive to screen applicants for immigration benefits based on "the applicant's likelihood of becoming a positively contributing member of society and the applicant's ability to make contributions to the national interest" also is void because it is unconstitutionally vague under the Due Process Clause of the Fifth Amendment to the United States Constitution.

170. Because of these violations of their constitutional rights, Plaintiffs and members of the Plaintiff Classes have suffered and continue to suffer injury in the form of unreasonable delays and unwarranted denials of their immigration applications.

FIFTH CLAIM FOR RELIEF

Fifth Amendment (Substantive Due Process)

(All Plaintiffs on behalf of themselves and the Plaintiff Classes)

171. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

172. Defendants' unauthorized and indefinite suspension of the adjudication of Plaintiffs' and the Proposed Classes' applications for immigration benefits violates their right to substantive due process under the Fifth Amendment to the United States Constitution, because Plaintiffs cannot be denied immigration benefits for which they are statutorily eligible, and to which they are entitled by law, in an arbitrary manner.

SIXTH CLAIM FOR RELIEF

Fifth Amendment (Equal Protection)

(All Plaintiffs on behalf of themselves and the Plaintiff Classes)

173. Plaintiffs incorporate the allegations of the proceeding paragraphs as if fully set forth herein.

174. Defendants' indefinite suspension of the adjudication of Plaintiffs' applications for immigration benefits on the basis of their country of origin, and without sufficient justification, violates the equal

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protection component of the Due Process Clause of the Fifth Amendment.

175. Additionally, Defendants' indefinite suspension of the adjudication of Plaintiff Ostadhassan and the Muslim Ban Class applications for immigration benefits under 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.

176. Applying a general law in a fashion that discriminates on the basis of religion violates Plaintiffs' and the Plaintiff Classes' rights to equal protection under the Fifth Amendment Due Process Clause.

177. The EO is intended and will be applied primarily to exclude individuals on the basis of their national origin and religion. 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 Plaintiffs and the Proposed Classes.

178. Defendants have applied the EO with discriminatory animus and discriminatory intent in violation of the equal protection component of the Fifth Amendment.

SEVENTH CLAIM FOR RELIEF

Immigration and Nationality Act and Implementing Regulations

(Plaintiffs on behalf of themselves and the Extreme Vetting Naturalization and Extreme Vetting Adjustment of Status Classes)

179. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

180. To secure naturalization and adjustment of status, an applicant must satisfy certain statutorily-enumerated criteria.

181. By its terms, CARRP creates additional, non-statutory, substantive adjudicatory criteria.

182. Accordingly, CARRP violates 8 U.S.C. § 1427, 8 C.F.R. § 316.2, and 8 C.F.R. § 335.3, as those provisions set forth the exclusive applicable statutory and regulatory criteria for a grant of naturalization.

183. CARRP also violates 8 U.S.C. § 1255, 8 U.S.C. § 1159, 8 C.F.R. § 245.1, and 8 C.F.R. § 209.1, as those provisions set forth the applicable statutory and regulatory criteria for individuals present in the United States to adjust their status.

184. Because of these violations and/or because CARRP's additional, non-statutory, substantive criteria have been applied to their applications, Plaintiffs and Plaintiff Class members have suffered and

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will continue to suffer injury in the form of unreasonable delays and unwarranted denials of their applications for naturalization and adjustment of status.

EIGHTH CLAIM FOR RELIEF

Administrative Procedure Act (5 U.S.C. § 706)

(Plaintiffs on behalf of themselves and the Extreme Vetting Naturalization and Extreme Vetting Adjustment of Status Classes)

185. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

186. CARRP constitutes final agency action that is arbitrary and capricious because it "neither focuses on nor relates to a [noncitizen's] fitness to" obtain the immigration benefits subject to its terms. *Judulang v. Holder*, 132 S. Ct. 476, 485 (2011).

187. CARRP is also not in accordance with law, is contrary to constitutional rights, and is in excess of statutory authority because it violates the INA and exceeds USCIS's statutory authority to implement (not create) the immigration laws, as alleged herein.

188. As a result of these violations, Plaintiffs and members of the Proposed Extreme Vetting Naturalization and Extreme Vetting Adjustment of Status Classes have suffered and continue to suffer injury in the form of unreasonable delays and unwarranted denials of their immigration applications.

NINTH CLAIM FOR RELIEF

Administrative Procedure Act (Notice and Comment)

(Plaintiffs on behalf of themselves and the Extreme Vetting Naturalization and Extreme Vetting Adjustment of Status Classes)

189. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

190. The APA, 5 U.S.C. § 553, requires administrative agencies to provide a notice-and-comment period prior to implementing a substantive rule.

191. CARRP constitutes a substantive agency rule within the meaning of 5 U.S.C. § 551(4).

192. Defendants failed to provide a notice-and-comment period prior to the adoption of CARRP.

193. Because CARRP is a substantive rule promulgated without the notice-and-comment period, it violates 5 U.S.C. § 553 and is therefore invalid.

194. As a result of these violations, Plaintiffs and members of the Plaintiff Classes have suffered and

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continue to suffer injury in the form of unreasonable delays and unwarranted denials of their immigration applications.

TENTH CLAIM FOR RELIEF

"Uniform Rule of Naturalization"

(Plaintiff Abdiqafar Wagafe on behalf of himself and the Naturalization Class)

195. Plaintiffs incorporate the allegations of the preceding paragraphs as if fully set forth herein.

196. Congress has the sole power to establish criteria for naturalization, and any additional requirements not enacted by Congress are ultra vires.

197. By its terms, CARRP creates additional, non-statutory, substantive criteria that must be met prior to a grant of a naturalization application.

198. Accordingly, CARRP violates Article I, Section 8, Clause 4 of the United States Constitution.

199. Because of this violation and because CARRP's additional, non-statutory, substantive criteria have been applied to their applications, Plaintiff Wagafe and Naturalization Plaintiff Class members have suffered and will continue to suffer injury in the form of unreasonable delays and unwarranted denials of their naturalization applications.

200.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court grant the following relief:

1. Certify the case as a class action as proposed herein;
2. Appoint Plaintiff Ostadhassan a representative of the Muslim Ban Class;
3. Appoint Plaintiff Wagafe as representative of the Extreme Vetting Naturalization Class, and Plaintiff Ostadhassan as representative of the Extreme Vetting Adjustment of Status Class;
4. Order Defendants to adjudicate the petitions, applications or requests of Plaintiffs and members of the proposed classes;
5. Order Defendants to adjudicate Plaintiffs' and proposed class members' petitions, applications, or requests based solely on the statutory criteria;
6. Declare that Sections 3(c) and 4 of the Executive Order contrary to the Constitution and the INA;
7. Issue an order enjoining Defendants from applying Section 3(c) and 4 to Plaintiffs and members

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of the proposed classes;

8. Declare that CARRP or any successor "extreme vetting" program violates the Constitution, the INA and the APA;
9. Enjoin Defendants, their subordinates, agents, employees, and all others acting in concert with them from applying CARRP or any successor "extreme vetting" program to the processing and adjudication of the immigration benefit petitions, applications, or requests of Plaintiffs and members of the proposed classes;
10. Order Defendants to rescind CARRP because they failed to follow the process for notice and comment by the public;
11. Alternatively, order Defendants to provide Plaintiffs and members of the proposed classes with notice that they have been subjected to CARRP or any successor "extreme vetting" program, the reasons for subjecting them to CARRP or any successor "extreme vetting" program, and a reasonable opportunity to respond to those allegations before a neutral decisionmaker;
12. Award Plaintiffs and other members of the proposed class reasonable attorneys' fees and costs; and
13. Grant any other relief that this Court may deem fit and proper.

Respectfully submitted this 1st day of February, 2017.

By:

s/Matt Adams

s/Glenda M. Aldana Madrid

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Glenda M. Aldana Madrid, WSBA No. 46987
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s/ Nicholas P. Gellert
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Gillispie, Anna E

From: Alfonso, Angelica M
Sent: Wednesday, February 01, 2017 7:31 AM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Farnam, Julie E
Subject: FW: State Department EO FAQs
Attachments: Executive Order Guidance FAQs 01-31-2017.docx

I haven't had a chance to take a look yet..

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

From: Atkinson, Ronald A
Sent: Wednesday, February 01, 2017 1:24:58 PM
To: #USCIS-HQOLA
Subject: State Department EO FAQs

All:

FYI, here are FAQs from the State Department.

...Alan

Ronald Alan Atkinson
Deputy Chief
USCIS Office of Legislative Affairs
20 Massachusetts Avenue, NW
Washington, DC 20529
[redacted] (b)(6)

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Referred to Department of Homeland Security

Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Thanks Don. We will add it.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Neufeld, Donald W
Sent: Saturday, January 28, 2017 3:58 PM
To: Renaud, Tracy L; Groom, Molly M; Scialabba, Lori L; Busch, Philip B; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Tracy,

I saw the forwarded questions. I would like to add the EOS/COS issue as a corollary to the I-485 question.

From: Renaud, Tracy L
Sent: Saturday, January 28, 2017 3:33:46 PM
To: Groom, Molly M; Scialabba, Lori L; Busch, Philip B; Renaud, Daniel M; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

All-

The 2:45 call did not address any of our outstanding issues. The call centered on a group of travel ready refugees and a discussion on whether to recommend applying a waiver allowing them to travel and be admitted. However, there is a WH principals' call at 4:00 that Lori will be on and we were encouraged to send our questions forward in advance of that call so DHS can either get us answers based on their knowledge or address the questions during the 4:00 call. Lori will be forwarding those questions. Stay tuned, we may have some guidance on at least some of our issues later today.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
[redacted]
(b)(6)

From: Groom, Molly M
Sent: Saturday, January 28, 2017 2:03 PM
To: Scialabba, Lori L; Busch, Philip B; Renaud, Daniel M; Renaud, Tracy L; Carter, Jeffrey T (Jeff); Ruppel, Joanna; Valverde, Michael; Farnam, Julie E; Nicholson, Maura J; Walters, Jessica S; Neufeld, Donald W; McCament, James W
Cc: Hatchett, Dolline L; Cosgrove, Daniel J; Strack, Barbara L; Stone, Mary M; Alfonso, Angelica M
Subject: RE: Clearance for Extreme Vetting Q&A

Oh we were not clear on whether it applied to adjustment but were looking for clarity. Maybe there is still time to get another answer?

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Gillispie, Anna E

From: Alfonso, Angelica M
Sent: Saturday, January 28, 2017 5:25 PM
To: Renaud, Tracy L; Scialabba, Lori L
Cc: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Atkinson, Ronald A
Subject: RE: 5:00 EO call
Attachments: Evening Communications Briefing.eml

FYSA: WH evening communications briefing

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

[redacted] (b)(6)

From: Alfonso, Angelica M
Sent: Saturday, January 28, 2017 11:19:51 PM
To: Renaud, Tracy L; Scialabba, Lori L
Cc: Carter, Jeffrey T (Jeff); Hatchett, Dolline L; Atkinson, Ronald A
Subject: 5:00 EO call

Hi Lori and Tracy,
The 5:00 comms call was mostly an organizing/info sharing call. WH is starting to push questions back down to DHS on both the leg and comms sides. WH is handling the 60k level stuff but the majority of incoming has to do with process questions.
OPA has Lori's Q document. Based on the call, it sounds like they want components filling in the answers. Seeking clarification on this point. Alan emphasized the need to have clear, consistent, and concise messaging. I flagged Lori's interest in sending out a message internally. They will want to see it and clear it and it will need to encompass overarching messaging which has yet to be developed.
Gene provided a few general updates: LPRs are being allowed to board, checks will be run/re run and additional screening once they land. Sounds like DOS has provisionally revoked all non immigrant visas.
He mentioned the importance of vernacular - that this is not a "muslim ban". This is about public safety and national security. We need to reflect a sense of calm and purpose.
They will be staffing the NJIC 24/7. Gillian will get back to me on what they'll need from us.
I'll let you know if I hear anything else about Q/A document. Scott Krause (DHS alum under Ridge I believe) will be coordinating the NJIC efforts.
If I were to guess, a lot of this will end up falling on USCIS and CBP. WE know how to do this and do it well.
Let me know if you have any questions.
Angie

Angelica Alfonso-Royals
Chief, Office of Legislative Affairs
U.S. Citizenship and Immigration Services

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Gillispie, Anna E

From: Scialabba, Lori L
Sent: Saturday, January 28, 2017 4:57 PM
To: Hamilton, Gene; Higgins, Jennifer B; Nielsen, Kirstjen
Cc: MCALEENAN, KEVIN K; Ragsdale, Daniel H
Subject: FW: Action Memo S re travel exemption (L HRR) (3) (clean).docx
Attachments: Action Memo S re travel exemption (L HRR) (3) (clean).docx

You probably already have this but fyi in case you don't.

From: Strack, Barbara L
Sent: Saturday, January 28, 2017 5:40:23 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Ruppel, Joanna; Stone, Mary M; Groom, Molly M; Zengotitabengoa, Colleen R
Subject: FW: Action Memo S re travel exemption (L HRR) (3) (clean).docx

FYI.

Referred to U.S. Department of State

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Referred to U.S. Department of State

Gillispie, Anna E

From: Risch, Carl C
Sent: Saturday, January 28, 2017 1:02 PM
To: Scialabba, Lori L; Renaud, Tracy L
Cc: Symons, Craig M; Nuebel Kovarik, Kathy
Subject: DOS Guidance Cable
Attachments: Cable 17-STATE-8708.pdf

Attached is State's guidance cable on implementing yesterday's Executive Order.

Referred to U.S. Department of State

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