

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 12:12 PM
To: 1601 UNIFORMED DIVISION; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry
Attachments: Guidance Memo (2.1.2017) (003).docx
Importance: High

FOR IMMEDIATE MUSTER

Consistent with the attached clarification received this morning from the Counsel to the President, and effective immediately, officers are instructed to no longer consider lawful permanent residents of the United States as falling within the Executive Order entitled "Protecting the Nation from Foreign Terrorist Entry into the United States." (Jan. 27, 2017).

Regards,

(b)(6), (b)(7)(C)
 Watch Commander
 U.S. Customs and Border Protection
 Charleston, South Carolina

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

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 11:53 AM
To: MCALEENAN, KEVIN K (b)(6), (b)(7)(C) Owen, Todd C (AC OFO)
 (b)(6), (b)(7)(C); WAGNER, JOHN P (b)(6), (b)(7)(C); HOFFMAN, TODD A
 (b)(6), (b)(7)(C); HUTTON, JAMES R (b)(6), (b)(7)(C)
Cc: (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
 FLANAGAN, PATRICK S (b)(6), (b)(7)(C) ALLES, RANDOLPH D (b)(6), (b)(7)(C)
Subject: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

ATTORNEY CLIENT PRIVILEGED
ATTORNEY WORK PRODUCT

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

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

Deputy Associate Chief Counsel
Enforcement and Operations
Office of the Chief Counsel
U.S. Customs and Border Protection

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

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THE WHITE HOUSE
WASHINGTON

February 1, 2017

MEMORANDUM TO THE ACTING SECRETARY OF STATE, THE ACTING ATTORNEY GENERAL, AND THE SECRETARY OF HOMELAND SECURITY

FROM: Donald F. McGahn II – Counsel to the President

SUBJECT: Authoritative Guidance on Executive Order Entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (Jan. 27, 2017)

Section 3(c) of the Executive Order entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (Jan. 27, 2017) suspends for 90 days the entry into the United States of certain aliens from countries referred to in section 217(a)(12) of the Immigration and Nationality Act (INA), 8 U.S.C. 1187(a)(12). Section 3(e) of the order directs the Secretary of Homeland Security, in consultation with the Secretary of State, to submit to the President a list of countries recommended for inclusion on a Presidential proclamation that would prohibit the entry of certain foreign nationals from countries that do not provide information needed to adjudicate visas, admissions, or other benefits under the INA.

I understand that there has been reasonable uncertainty about whether those provisions apply to lawful permanent residents of the United States. Accordingly, to remove any confusion, I now clarify that Sections 3(c) and 3(e) do not apply to such individuals. Please immediately convey this interpretive guidance to all individuals responsible for the administration and implementation of the Executive Order.

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 7:17 PM
To: 1601 UNIFORMED DIVISION; (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: RE: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Additional guidance: the memo below states that this particular exemption only applies to flights from pre-clearance airports or at land border POEs. HQ has further clarified that the required comprehensive screening and exemption process will be accomplished at the pre-clearance port of entry.

Regards,

(b)(6), (b)(7)(C)
 Watch Commander
 U.S. Customs and Border Protection
 Charleston, South Carolina
 (b)(6), (b)(7)(C) Phone
 (b)(6), (b)(7)(C) Fax
 (b)(6), (b)(7)(C) Cell

From: (b)(6), (b)(7)(C)
Sent: Wednesday, February 01, 2017 4:11 PM
To: 1601 UNIFORMED DIVISION (b)(7)(E) (b)(6), (b)(7)(C)
(b)(6), (b)(7)(C)
Subject: FW: Canadian Landed Immigrants and Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"
Importance: High

Updated guidance regarding Canadian Landed Immigrants subject to the Executive Order attached and below.

Regards,

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

Watch Commander
U.S. Customs and Border Protection
Charleston, South Carolina

(b)(6), (b)(7)(C) Phone
(b)(6), (b)(7)(C) Fax
(b)(6), (b)(7)(C) Cell

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

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

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

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

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




The admission of such individuals must be in the national interest of the United States. Prior to any such admission, each individual must be subjected to a thorough examination by an immigration officer, to include CBP conduct of: comprehensive biographic checks, verification airline reservation data (where appropriate), derogatory information against the (b)(7)(E) se, the (b)(7)(E) (b)(7)(E) and CBP holdings; biometric checks, including 10-print checks against IDENT and the biometric watchlist; and secondary examination and interview of the traveler focused on potential national security risks using (b)(7)(E) protocols. Each exemption must be considered on a case by case basis with waiver submitted to Commissioner of CBP as previously outlined in the attached email.

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

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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

Washington, DC

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



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From: Office of the Secretary
Sent: Monday, January 30, 2017 2:51 PM
Subject: Message from Secretary Kelly on the Executive Order on Protecting the Homeland



**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: HUTTON, JAMES R
Sent: Monday, January 30, 2017 9:17 PM
To: DIRECTORS FIELD OPS; BORDER SECURITY ASST DIRECTORS; EXECUTIVE DIRECTORS HQ
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
Subject: Guidance on Withdrawal - Court Compliance

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

(b)(5)

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

☎ (b)(6), (b)(7)(C)
 📎 (b)(6), (b)(7)(C)
 ✉ (b)(6), (b)(7)(C)



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

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

(OCC)

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

Subject: Guidance on Withdrawal

(b)(5)

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

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

Deputy Associate Chief Counsel
Office of Chief Counsel
U.S. Customs and Border Protection

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

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

DFOs

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

- JFK
- Newark
- Miami
- Chicago
- Dulles
- LAX
- Houston

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

(b)(7)(E)

(b)(7)(E) *This authority may not be further delegated.*

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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

Washington, DC

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



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From: MCALEENAN, KEVIN K

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

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

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

(b)(6), (b)(7)(C) FLANAGAN, PATRICK S (b)(6), (b)(7)(C)

Subject: Redlegation of Refugee Waiver Authority

Acting Deputy Commissioner/EAC,

Subject to my oversight, direction and guidance, I hereby delegate to the Deputy Commissioner, Executive Assistant Commissioner, Deputy Executive Assistant Commissioner, Executive Director Admissibility and Passenger Programs, Executive Director Operations, Executive Director National Targeting Center, Executive Director, National Targeting Center-Passenger, Directors, Field Operations, Port Director, John F. Kennedy Airport, and Port Director, Los Angeles International Airport, Office of Field Operations, U.S. Customs and Border Protection, the authority under § 5(e) of the Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry Into the United States," (January 27, 2017), to admit individuals to the United States as first-time refugees on a case-by-case basis, but only if the Commissioner and the Secretary of State, or his designee, jointly determine that the admission of such individuals as refugees is in the national interest and would not pose a risk to the security or welfare of the United States. (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

This authority may not be further delegated.




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

DFO's

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

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

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

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




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From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 9:34 PM
To: HOFFMAN, TODD A; (b)(6), (b)(7)(C) DIRECTORS FIELD OPS
 (b)(7)(E) EXECUTIVE DIRECTORS HQ; (b)(7)(E) BORDER SECURITY ASST DIRECTORS; (b)(6), (b)(7)(C)
Cc: Owen, Todd C (AC OFO); (b)(6), (b)(7)(C) WAGNER, JOHN P; (b)(6), (b)(7)(C)

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

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

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

Importance: High

DFO's

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

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

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

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

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

Sample

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

Waiver Narrative

(b)(5)

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

(b)(5)

(b)(5)

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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

Washington, DC



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



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From: HOFFMAN, TODD A

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

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

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

(b)(7)(E)

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

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

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

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

Importance: High

Directors,

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

Memorandum For: Directors, Field Operations

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

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

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

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

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

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

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

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

Returning Residents,

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

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

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

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

Returning aliens ineligible who withdraw their application for admission:

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

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

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

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

From: HUTTON, JAMES R
Sent: Saturday, January 28, 2017 9:34 PM
To: HOFFMAN, TODD A; DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)
 (b)(6), (b)(7)(C)
 (OCC); (b)(6), (b)(7)(C) (OCC)
Subject: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States
Attachments: RE: EO 212(f) Exemption Request for (b)(6), (b)(7)(C) RE: Waiver Request for 212(1) in re: (b)(6), (b)(7)(C) EO 212(f) Waiver for (b)(6), (b)(7)(C) (MINOR)
Importance: High

DFO's

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

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

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

- (b)(6), (b)(7)(C)
- EAC Owen
- DEAC Wagner
- (b)(5), (b)(6), (b)(7)(C)
- XD Hoffman
- (b)(6), (b)(7)(C)
- DXD Hutton
- OFO Field Liaison

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

Sample

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

Waiver Narrative

(b)(5)

(b)(5)

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

(b)(5)

(b)(5)

J. Ryan Hutton
Deputy Executive Director
Admissibility and Passenger Programs

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

☎
📧: (b)(6), (b)(7)(C)
✉



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From: HOFFMAN, TODD A
Sent: Saturday, January 28, 2017 1:07 AM
To: DIRECTORS FIELD OPS (b)(7)(E) EXECUTIVE DIRECTORS HQ
(b)(7)(E) BORDER SECURITY ASST DIRECTORS
(b)(7)(E)
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Subject: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States
Importance: High

Directors,

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

Memorandum For: Directors, Field Operations
From: Todd A. Hoffman
Executive Director

Admissibility and Passenger Programs
Office of Field Operations

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

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

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

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

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

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

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

Returning Residents,

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

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

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

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

Returning aliens ineligible who withdraw their application for admission:

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

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

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

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