

To: (b)(6), (b)(7)(C)  
Cc: (b)(6), (b)(7)(C)  
Subject: Update - LPR HA 458 (b)(6), (b)(7)(C) - Saturday 1/28/2017

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

We are still waiting (b)(7)(E)

See info below.

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

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

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

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

Chief, Honolulu Intl Airport

Customs and Border Protection

Ph

Cel **(b)(6), (b)(7)(C)**

Fax



From: (b)(6), (b)(7)(C)  
Sent: Saturday, January 28, 2017 8:40 AM  
To: (b)(6), (b)(7)(C)  
Cc: (b)(6), (b)(7)(C)  
Subject: FW: HA 458 (b)(6), (b)(7)(C) Saturday 1/28/2017

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

We are expecting an LPR who is a Iran, German and Georgia citizen on HA458, eta 0905.

We'll conduct our exam according to instructions received.

*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 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).*

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

Chief, Honolulu Intl Airport

Customs and Border Protection

Ph [redacted]  
Cel: (b)(6), (b)(7)(C)  
Fax: [redacted]

From: (b)(6), (b)(7)(C)  
Sent: Saturday, January 28, 2017 8:29 AM  
To: (b)(6), (b)(7)(C)  
Subject: FW: HA 458 (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)  
Sent: Saturday, January 28, 2017 8:24 AM  
To: (b)(6), (b)(7)(C)  
Cc: HNL-RCLG (b)(7)(E)  
Subject: FW: HA 458 (b)(6), (b)(7)(C)

1d l/o entered by (b)(6), (b)(7)(C)

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

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

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

**Sent:** Saturday, January 28, 2017 8:21 AM

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

**Cc:** PAU-HNL <(b)(7)(E)>

**Subject:** HA 458 (b)(6), (b)(7)(C)



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

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

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



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

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

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

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

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**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, January 28, 2017 1:05 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Action: Executive Order - Local Engagement.

Excellent. (b)(6), (b)(7)(C) called about our first LPRs and I just received an email from an immigration attorney. Lots of panic and understandable confusion in the traveling public.

Brian J. Humphrey  
 Director, Field Operations  
 San Francisco/Portland

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

San Francisco, California 94105

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 10:41:06 AM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Subject:** FW: Action: Executive Order - Local Engagement.

Sir,

In order to be prepared for any inquiries from HQ on this subject, I asked (b)(6), (b)(7)(C) for a brief message detailing their engagement plan.

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

Assistant Director Field Operations  
 Border Security  
 San Francisco Field Office  
 US Customs and Border Protection

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 7:19:35 AM  
**To:** DIRECTORS FIELD OPS; BORDER SECURITY ASST DIRECTORS; TRADE OPERATIONS ASST DIRECTORS; MISSION SUPPORT ASST DIRECTORS; EXECUTIVE DIRECTORS HQ  
**Cc:** OFO-FIELD LIAISON; (b)(6), (b)(7)(C) HUTTON, JAMES R; (b)(6), (b)(7)(C)  
**Subject:** Action: Executive Order - Local Engagement.

Directors,

In light of the changes that were made with the new executive order and our current operational stance, please have your Port Directors at your larger locations engage directly, today, with local stakeholders to explain the changes and answer any questions as necessary. The focus for this should be at our larger airport operations.

As a side note headquarters Admissibility and Passenger Programs held a call last night with airline stakeholders at the national level and will also be doing so today.

Thank you,

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

Deputy Executive Director (Acting)  
OFO Operations

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

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**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, January 28, 2017 1:30 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: EO applicability to LPRs

Your copy.

Brian J. Humphrey  
 Director, Field Operations  
 San Francisco/Portland  
 33 New Montgomery St., Suite 1620  
 San Francisco, California 94105  
 (b)(6), (b)(7)(C)

---

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, January 28, 2017 1:28:13 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: EO applicability to LPRs

The Executive Order applies to LPRs who are citizens of the seven listed countries. The Secretary has delegated waiver authority to CBP Field Office Directors for returning LPRs.

A limited number of additional categories of travelers from the seven countries may be considered for waiver, but those waivers must be approved by our Acting Commissioner or the Secretary.

But generally speaking, all immigrant and non immigrant visas from the seven countries have been revoked and those persons are not eligible for a waiver. They will be offered the opportunity to withdraw their application for admission. Lacking passenger agreement with the withdrawal, they will, other things equal, be expeditiously removed.

I appreciate your outreach and the opportunity to explain our current read of the EO, realizing that this is a fast evolving process. CBP will follow the EO while treating all with dignity and respect.

Brian J. Humphrey  
 Director, Field Operations  
 San Francisco/Portland  
 33 New Montgomery St., Suite 1620  
 San Francisco, California 94105  
 (b)(6), (b)(7)(C)

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 12:26:40 PM

**To:** HUMPHREY, BRIAN J (DFO)  
**Subject:** Fwd: EO applicability to LPRs

Dear Officer FOD Humphrey,

I'm a staff attorney at the Asian Law Caucus, a non-profit in San Francisco. We are getting many calls from people confused if the EO applies to them and if they should board flights. I wanted to clarify if the EO applies to LPRs from the designated countries who otherwise would not be seeking admission?

We want to try and get accurate information out there.

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

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

Staff Attorney, Immigrant Rights Program  
Asian Law Caucus  
55 Columbus Avenue  
San Francisco, California 94111  
Telephone: (b)(6), (b)(7)(C)  
Fax: (b)(6), (b)(7)(C)

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

Staff Attorney, Immigrant Rights Program  
Asian Law Caucus  
55 Columbus Avenue  
San Francisco, California 94111  
Telephone: (b)(6), (b)(7)(C)  
Fax: (b)(6), (b)(7)(C)



**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, January 28, 2017 12:11 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: FINAL SIGNED EO FOR ACTION

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

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland  
(b)(6), (b)(7)(C)  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 12:09:34 AM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Subject:** RE: FINAL SIGNED EO FOR ACTION

We have received and sent out.

(b)(6), (b)(7)(C)  
Area Port Director  
Office of Field Operations  
Anchorage, AK  
Phone (b)(6), (b)(7)(C)  
Fax  
Cell (b)(6), (b)(7)(C)

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**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Friday, January 27, 2017 6:14:34 PM  
**To:** (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**(b)(6), (b)(7)(C)**  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

The attached executive order is effective immediately. Because of the urgency and sensitivity, I ask that each Area PD acknowledge receipt. Thank you.

Detailed guidance is expected within the hour, including reporting requirements. In the interim, this is my summary of tonight's conference call with HQ.

Affected countries: Iran, Iraq, Syria, Libya, Sudan, Somalia, Yemen

Effective immediately, all immigrant (including refugees) and non-immigrant visas of citizens from these countries are revoked. These passengers are to be offered withdrawal of application for admission. If they do not agree to withdrawal, they will be expeditiously removed. If they claim credible fear, they will be processed accordingly. A/G/NATO visa holders are exempt and allowed entry.

LPRs presenting passports from these countries are included in the executive order. However, the Secretary has delegated waiver authority to DFOs to admit LPRs after undergoing a (b)(7)(E) (secondary where we don't have (b)(7)(E) with proper notation of the DFO waiver in the remarks section. No LPR is to be removed.

Unaccompanied Alien Children, previously admitted refugees, previously admitted asylees, and persons with approved advanced paroles are included in the executive order. These individuals currently require a Secretary approved waiver. HQ guidance will cover the waiver procedures. HQ is requesting DFO delegated authority for these groups as well, but it is not yet approved. Such individuals will also be referred for secondary exam (b)(7)(E) where teams exist), with notation of the approved waiver in the remarks. Until such time that waiver authority is delegated (if at all), we will need to hold the passengers pending Secretary approval of the waiver. These individuals will not be expeditiously removed.

At this time, these procedures are to be followed for the next 90 days. Further guidance will follow at that time.

The State Department has already cancelled all the immigrant and non-immigrant visas, and (b)(7)(E)

Reporting: Eventually an automated report is expected from (b)(7)(E) but in the meantime, we will owe HQ a report each morning by 0500 hours Eastern Time. We will need the information in the SFFO by midnight Pacific Time in order to compile a consolidated FO response. Please copy (b)(6), (b)(7)(C) and I. A spreadsheet of the report fields is expected with the guidance due out soon from HQ.

Any questions, please feel free to call me.

Brian J. Humphrey  
Director, Field Operations  
San Francisco and Portland Field Offices  
(b)(6), (b)(7)(C)  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 6:07 PM  
**To:** DIRECTORS FIELD OPS (b)(7)(E)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

Thank you,

(b)(6), (b)(7)(C)  
Acting Deputy Executive Director

Operations  
US Customs and Border Protection  
Office (b)(6), (b)(7)(C)  
Cell (b)(6), (b)(7)(C)

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 6:41 PM  
**To:** HOFFMAN, TODD A <(b)(6), (b)(7)(C)>; HUTTON, JAMES R <(b)(6), (b)(7)(C)>  
**(b)(6), (b)(7)(C)**  
(b)(6), (b)(7)(C) MURDOCK, JUDSON W  
(b)(6), (b)(7)(C)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

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**From:** MCALEENAN, KEVIN K  
**Sent:** Friday, January 27, 2017 6:41 PM  
**To:** WAGNER, JOHN P <(b)(6), (b)(7)(C)>  
FLANAGAN, PATRICK S  
**(b)(6), (b)(7)(C)**  
**Subject:** FINAL SIGNED EO FOR ACTION

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, January 28, 2017 11:07 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Federal Court Stay - Hold all departures. Need confirmation

Correct. Continued detention. And all other actions on arriving aliens and LPRs remain in place

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 10:59:28 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Subject:** RE: Federal Court Stay - Hold all departures. Need confirmation

So we hold the people but we do not send them out?

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, January 28, 2017 7:44:22 PM  
**To:** (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: Federal Court Stay - Hold all departures. Need confirmation

To all Ports: We are to suspend departures of individuals targeted by the Executive Order who were subject to ER or withdrawal of application. All other actions of targeted arriving aliens remain in place, including continued detention of those previously set for departure via removal or withdrawal.

Area PDs please acknowledge

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland

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

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

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**From:** Owen, Todd C (AC OFO)  
**Sent:** Saturday, January 28, 2017 10:34:00 PM  
**To:** DIRECTORS FIELD OPS  
**Subject:** Federal Court Stay - Hold all departures. Need confirmation

DFOs,

Based on this evening's federal court stay, we are to **suspend all departures** of those found inadmissible under the Executive Order, including those who wished to voluntarily depart. We should freeze all departures but continue to detain the individuals in the airports while we await further legal guidance. All pre-departure actions will remain underway.

Need confirmation from each DFO.

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

---

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, January 28, 2017 11:35 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: (No Subject)

Please do not forward.

Gentlemen: If that is the case, Chicago allowing the attorneys access was contrary to HQ direction and long standing policy. Arriving aliens are not permitted representation and US courts do not have jurisdiction. The temporary injunction will be vacated shortly as has been the case historically once the court reviews case law and determines it lacks jurisdiction.

Allowing attorneys access to SFO for six impacted persons would create chaos, disruption and unnecessary delay to the other 13,494 passengers expected today. I realize it sounds like a compassionate idea, but experience tells me it is disruptive to the overall operation. The six individuals will remain in detention but not ultimately removed at this time. Thus far, I have used my authority as delegated by the Secretary to waive provisions applicable to Legal Permanent Residents in all cases throughout the Field Office thus far.

Brian J. Humphrey  
 Director, Field Operations  
 San Francisco/Portland  
 33 New Montgomery St., Suite 1620  
 San Francisco, California 94105  
 (b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 11:14:21 PM  
**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Subject:** Re:

Thanks Brian...Understood and appreciated. I talked to the ORD Airport Director. She says CBP has allowed the attorneys access. Can you help with this?

---

**From:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 8:00 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:**

(b)(6), (b)(7)(C) For your awareness as my trusted partners. Please do not forward.

---



To all Ports: We are to suspend departures of individuals targeted by the Executive Order who were subject to ER or withdrawal of application. All other actions of targeted arriving aliens remain in place, including continued detention of those previously set for departure via removal or withdrawal.

Area PDs please acknowledge

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland  
33 New Montgomery St., Suite 1620  
San Francisco, California 94105

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

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Friday, January 27, 2017 10:25 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: FINAL SIGNED EO FOR ACTION

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

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland  
(b)(6), (b)(7)(C)  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 10:23:52 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** RE: FINAL SIGNED EO FOR ACTION

Mr. Humphrey,

San Francisco acknowledges receipt. We will notify our staff immediately.

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**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Friday, January 27, 2017 7:14:34 PM  
**To:** (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

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

The attached executive order is effective immediately. Because of the urgency and sensitivity, I ask that each Area PD acknowledge receipt. Thank you.

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withdrawal, they will be expeditiously removed. If they claim credible fear, they will be processed accordingly. A/G/NATO visa holders are exempt and allowed entry.

LPRs presenting passports from these countries are included in the executive order. However, the Secretary has delegated waiver authority to DFOs to admit LPRs after undergoing a (b)(7)(E) (secondary where we don't have (b)(7)(E) with proper notation of the DFO waiver in the remarks section. No LPR is to be removed.

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At this time, these procedures are to be followed for the next 90 days. Further guidance will follow at that time.

The State Department has already cancelled all the immigrant and non-immigrant visas, and (b)(7)(E) (b)(7)(E)

Reporting: Eventually an automated report is expected from (b)(7)(E) but in the meantime, we will owe HQ a report each morning by 0500 hours Eastern Time. We will need the information in the SFFO by midnight Pacific Time in order to compile a consolidated FO response. Please copy (b)(6), (b)(7)(C) and I. A spreadsheet of the report fields is expected with the guidance due out soon from HQ.

Any questions, please feel free to call me.

Brian J. Humphrey  
Director, Field Operations  
San Francisco and Portland Field Offices  
(b)(6), (b)(7)(C)  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 6:07 PM  
**To:** DIRECTORS FIELD OPS <(b)(7)(E)>  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

Thank you,

(b)(6), (b)(7)(C)  
Acting Deputy Executive Director  
Operations  
US Customs and Border Protection  
Office (b)(6), (b)(7)(C)  
Cell (b)(6), (b)(7)(C)

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

**Sent:** Friday, January 27, 2017 6:41 PM

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

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

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

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

**Subject:** FW: FINAL SIGNED EO FOR ACTION

**From:** MCALEENAN, KEVIN K

**Sent:** Friday, January 27, 2017 6:41 PM

**To:** WAGNER, JOHN P (b)(6), (b)(7)(C)  
FLANAGAN, PATRICK S

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

**Subject:** FINAL SIGNED EO FOR ACTION

---

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, January 28, 2017 10:37 PM  
**To:** Owen, Todd C (AC OFO)  
**Subject:** RE: Federal Court Stay - Hold all departures. Need confirmation

Received and understood. In constant contact with my airport COOs all day.

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland

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

---

**From:** Owen, Todd C (AC OFO)  
**Sent:** Saturday, January 28, 2017 10:34:00 PM  
**To:** DIRECTORS FIELD OPS  
**Subject:** Federal Court Stay - Hold all departures. Need confirmation

DFOs,

Based on this evening's federal court stay, we are to suspend all departures of those found inadmissible under the Executive Order, including those who wished to voluntarily depart. **(b)(5), (b)(7)(E)**

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

Need confirmation from each DFO.

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

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, January 28, 2017 9:00 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: E.O. - (b)(6), (b)(7)(C)

Thank you

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland  
33 New Montgomery St., Suite 1620  
San Francisco, California 94105

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 8:55:22 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C); HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Subject:** RE: E.O. - (b)(6), (b)(7)(C)

Given that there (b)(5), (b)(7)(E) (b)(5)  
(b)(5)

(b)(6), (b)(7)(C)  
[Watch Commander, Port of San Francisco](#)

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 5:50 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: E.O. - (b)(6), (b)(7)(C)

Section Chief

(b)(5)

Thank You

Chief Supervisory CBP Officer (b)(6), (b)(7)(C)  
San Francisco International Airport  
US Customs and Border Protection

Office of Field Operations

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

From: (b)(6), (b)(7)(C)  
Sent: Saturday, January 28, 2017 4:35 PM  
To: (b)(6), (b)(7)(C)  
Subject: FW: E.O. - (b)(6), (b)(7)(C)

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

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

Respectfully,

(b)(6), (b)(7)(C)  
Customs and Border Protection Officer  
(b)(7)(E)  
San Francisco International Airport

From: (b)(6), (b)(7)(C)  
Sent: Saturday, January 28, 2017 4:06 PM  
To: (b)(6), (b)(7)(C)  
Subject: E.O. - (b)(6), (b)(7)(C)

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

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

Respectfully,

(b)(6), (b)(7)(C)  
Customs and Border Protection Officer  
(b)(7)(E)  
San Francisco International Airport

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Friday, February 03, 2017 8:51 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland  
33 New Montgomery St., Suite 1620  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

**From:** MCALEENAN, KEVIN K  
**Sent:** Friday, February 03, 2017 8:23:19 PM  
**To:** Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; DIRECTORS FIELD OPS  
**Cc:** ALLES, RANDOLPH D; (b)(6), (b)(7)(C) HUTTON,  
JAMES R; FLANAGAN, PATRICK S; (b)(6), (b)(7)(C)  
**Subject:** IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

All,

Per the Department of Justice:

(b)(5)

**Accordingly, effective immediately, U.S. Customs and Border Protection will suspend any and all actions implementing the affected sections of the Executive Order 13769 entitled, “Protecting the Nation from Foreign Terrorist Entry into the United States” (January 27, 2017). Field Offices are instructed to immediately resume inspection of travelers in accordance with standard policy and procedure.**

This will include actions to suspend targeting system rules that flag travelers for operational action subject to the Executive Order including the State Department’s letter revoking visas based on that Executive Order (attached).

Please communicate this suspension as appropriate with key stakeholders such as airlines.

**(b)(5)**

Thank you,



Kevin K. McAleenan  
Acting Commissioner  
U.S. Customs and Border Protection

---

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

*We are the guardians of our Nation's borders.  
We are America's frontline.*

*Vigilance • Service • Integrity*



**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Thursday, February 02, 2017 8:01 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)

FYI.

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland  
33 New Montgomery St., Suite 1620  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

---

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Thursday, February 02, 2017 7:58:44 PM  
**To:** (b)(6), (b)(7)(C); OFO-OPS-CAT; ENFORCEMENT PROGRAMS DIVISION; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C); HOFFMAN, TODD A; HUTTON, JAMES R  
**Cc:** (b)(6); MURDOCK, JUDSON W; (b)(6), (b)(7)(C)  
**Subject:** RE: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)

(b)(5)

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland  
33 New Montgomery St., Suite 1620  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 6:58:24 PM  
**To:** HUMPHREY, BRIAN J (DFO); OFO-OPS-CAT; ENFORCEMENT PROGRAMS DIVISION; (b)(6)  
(b)(6), (b)(7)(C); HOFFMAN, TODD A; HUTTON, JAMES R  
**Cc:** (b)(6); MURDOCK, JUDSON W; (b)(6), (b)(7)(C)  
**Subject:** RE: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)

Sir,



(b)(5)

(b)(6), (b)(7)(C) EO CAT

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Thursday, February 02, 2017 6:27 PM  
**To:** OFO-OPS-CAT (b)(7)(E) ENFORCEMENT PROGRAMS DIVISION  
 (b)(7)(E)  
**Cc:** (b)(6), (b)(7)(C) (b)(6)  
 MURDOCK, JUDSON W (b)(6), (b)(7)(C);  
 (b)(6), (b)(7)(C)  
**Subject:** FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)

CAT: Below and attached please find correspondence from private Counsel representing a (b)(6), (b)(7)(C) attempting travel under an immigrant visa (b)(6), (b)(7)(C) Counsel representing (b)(6), (b)(7)(C) is of the opinion that the Central District of California (CDCA) injunction covers her client. (b)(5)

(b)(5) Counsel for (b)(6), (b)(7)(C) is requesting issuance of a travel letter. Would OFO support the SFFO issuing a transportation letter given the interest of Senator Feinstein and media interest in the CDCA court injunction? (b)(6), (b)(7)(C) Media is also aware of the (b)(6), (b)(7)(C) though no mention of CBP at this time.

Brian J. Humphrey  
 Director, Field Operations  
 San Francisco and Portland Field Offices  
 33 New Montgomery Street, Suite 1620  
 San Francisco, California 94105  
 (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 3:41 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)

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

Thank you for speaking with me today.

As I explained, I understand that CBP has the authority to issue Transportation/Boarding letters to individuals who are abroad. <http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

Section 3(g) of the Executive Order provides that the ban on travel may be lifted on a case-by-case basis “when in the national interest” to do so. CBP guidance issued yesterday also reiterates that there are case-by-case exceptions available. <https://www.cbp.gov/border-security/protecting-nation-foreign-terrorist-entry-united-states>

The Q&A says:

What do the two exemptions in the Executive Order mean? How are they applied to individual cases? 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.

As I explained briefly on the phone, I represent **(b)(6), (b)(7)(C)** in all immigration matters, who is a

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

We are seeking a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa because her admission for purposes of family reunification is in the national interest of our country. The U.S. Department of State, after years of national security vetting, has already determined that **(b)(6), (b)(7)(C)** poses no danger to our nation. Furthermore, it is in our nation's interest to reunite her with **(b)(6), (b)(7)(C)** and promote family unification, a core value of our immigration laws.

Furthermore, the U.S. District Court for the Central District of California order that was signed on January 31, 2017 (and is attached), applies to my client **(b)(6), (b)(7)(C)**. It orders that Defendants, inform all relevant airport, airline, and other authorities that Plaintiffs (and other persons from **(b)(6), (b)(7)(C)** with valid immigrant visas) are permitted to travel to the United States on their valid immigrant visas. Given this Court Order, I believe CBP could also issue a Transportation/Boarding letter to her.

Thank you for considering my request for **(b)(6), (b)(7)(C)** to be issued a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa. Please let me know if you would like us to fill out the form here:

<http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

If you need further information, please do not hesitate to email me at **(b)(6), (b)(7)(C)** or call me at **(b)(6), (b)(7)(C)**  
**(b)(6), (b)(7)(C)**

Client information:

Case Number: **(b)(7)(E)**  
I-130 Receipt Number: **(b)(7)(E)**  
A-number: **(b)(7)(E)**  
Visa Applicant: **(b)(7)(E)**  
Petitioner: **(b)(6), (b)(7)(C)**

Thank you,

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

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

Van Der Hout, Brigagliano & Nightingale, LLP  
180 Sutter Street, Fifth Floor  
San Francisco, CA 94104

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

[www.vblaw.com](http://www.vblaw.com)

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**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Thursday, February 02, 2017 5:54 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** RE: Mohammed v. Trump, No. 17-cv-00786

(b)(5)

Brian J. Humphrey  
Director, Field Operations  
San Francisco and Portland Field Offices  
33 New Montgomery Street, Suite 1620  
San Francisco, California 94105

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 2:50 PM  
**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: Mohammed v. Trump, No. 17-cv-00786

Hi DFO Humphrey,

(b)(5)

(b)(6), (b)(7)(C)  
Assistant Chief Counsel, San Francisco  
Desk: (b)(6), (b)(7)(C)  
Mobile: (b)(6), (b)(7)(C)

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Thursday, February 02, 2017 1:17 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** FW: Mohammed v. Trump, No. 17-cv-00786

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

Brian J. Humphrey



Director, Field Operations  
San Francisco and Portland Field Offices  
33 New Montgomery Street, Suite 1620  
San Francisco, California 94105

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

**From:** HOFFMAN, TODD A  
**Sent:** Thursday, February 02, 2017 2:41 AM  
**To:** DIRECTORS FIELD OPS (b)(7)(E)  
**Cc:** Owen, Todd C (AC OFO) (b)(6), (b)(7)(C); WAGNER, JOHN P (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); HOWE, RANDY J (b)(6), (b)(7)(C); ENFORCEMENT PROGRAMS DIVISION (b)(7)(E); HUTTON, JAMES R (b)(6), (b)(7)(C)  
**Subject:** FW: Mohammed v. Trump, No. 17-cv-00786

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 2:37:59 AM  
**To:** HOFFMAN, TODD A  
**Cc:** HUTTON, JAMES R  
**Subject:** RE: Mohammed v. Trump, No. 17-cv-00786

**MEMORANDUM FOR:** Executive Directors, Office of Field Operations  
Executive Director, National Targeting Center  
Directors, Field Operations

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

**SUBJECT:** Mohammed v. Trump, No. 17-cv-00786

The Federal District Court has made an order in the litigation, Mohammed v. Trump, No. 17-cv-00786. The Department of Justice will make a formal request from the plaintiffs for confirmation of passport numbers and dates of birth. In the interim, the 38 individuals below should be permitted to board commercial carriers bound for the United States and on arrival should be processed for an exception to the Executive Order and admitted, unless inadmissibility unrelated to section 212(f) of the Immigration and Nationality Act exists.

Upon receipt of the court's order, CBP Los Angeles should provide, via email, a copy of the order to all international carriers at Los Angeles International Airport. Additionally, Regional Carrier Liaison Groups and the (b)(7)(E) should update records to ensure there is no impediment to these individuals boarding commercial carriers and take any other appropriate steps to facilitate travel.

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

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

If you have any questions or require additional information, please contact **(b)(6), (b)(7)(C)** E.O. CAT  
Operations Duty Director, at **(b)(6), (b)(7)(C)** or send inquiries to **(b)(7)(E)**

**(b)(6), (b)(7)(C)**  
CBP HQ  
EO Crisis Action Team  
**(b)(6), (b)(7)(C)**

---

**From:** MCALEENAN, KEVIN K  
**Sent:** Wednesday, February 01, 2017 9:11:09 PM  
**To:** ALLES, RANDOLPH D; Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; **(b)(6), (b)(7)(C)** HUTTON, JAMES R  
**Cc:** **(b)(6), (b)(7)(C)**  
**(b)(6), (b)(7)(C)**  
**Subject:** RE: Mohammed v. Trump, No. 17-cv-00786

Adding DFO LA and APD LAX

**From:** MCALEENAN, KEVIN K  
**Sent:** Thursday, February 02, 2017 12:09:50 AM  
**To:** ALLES, RANDOLPH D; Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; (b)(6), (b)(7)(C) HUTTON, JAMES R  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** Mohammed v. Trump, No. 17-cv-00786

Acting Deputy/Executive Assistant Commissioner,

Please see the below guidance from counsel on implementing an order from Federal District Court in the above-referenced case. Please confirm receipt and action.

1. We recommend (b)(5), (b)(7)(E)

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

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

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



**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Thursday, February 02, 2017 4:21 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from Yemen  
**Attachments:** Central District of CA case 2-17-cv-00786-AB-PLA.PDF; (b)(6), (b)(7)(C)

(b)(5)

Brian J. Humphrey  
 Director, Field Operations  
 San Francisco and Portland Field Offices  
 33 New Montgomery Street, Suite 1620  
 San Francisco, California 94105  
 (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 3:57 PM  
**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Subject:** FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6) from (b)(6)

Here's another one. I've not seen the injunction issued out of the Central District.

Thanks

(b)(6), (b)(7)(C)  
 Supervisory Program Manager  
 Admissibility/Immigration Policy  
 Department of Homeland Security  
 Customs and Border Protection  
 Office of Field Operations - San Francisco

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



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From: (b)(6), (b)(7)(C)  
Sent: Wednesday, February 01, 2017 3:41 PM  
To: (b)(6), (b)(7)(C)  
Subject: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)

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

Thank you for speaking with me today.

As I explained, I understand that CBP has the authority to issue Transportation/Boarding letters to individuals who are abroad. <http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

Section 3(g) of the Executive Order provides that the ban on travel may be lifted on a case-by-case basis “when in the national interest” to do so. CBP guidance issued yesterday also reiterates that there are case-by-case exceptions available. <https://www.cbp.gov/border-security/protecting-nation-foreign-terrorist-entry-united-states>

The Q&A says:

What do the two exemptions in the Executive Order mean? How are they applied to individual cases? 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.

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

We are seeking a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa because her admission for purposes of family reunification is in the national interest of our country. The U.S. Department of State, after years of national security vetting, has already determined that (b)(6), (b)(7)(C) poses no danger to our nation. Furthermore, it is in our nation’s interest to reunite her with (b)(6), (b)(7)(C) and promote family unification, a core value of our immigration laws.

Furthermore, the U.S. District Court for the Central District of California order that was signed on January 31, 2017 (and is attached), applies to my client (b)(6), (b)(7)(C). It orders that Defendants, inform all relevant airport, airline, and other authorities that Plaintiffs (and other persons from (b)(6), (b)(7)(C) with valid immigrant visas) are permitted to travel to the United States on their valid immigrant visas. Given this Court Order, I believe CBP could also issue a Transportation/Boarding letter to her.

Thank you for considering my request for (b)(6), (b)(7)(C) to be issued a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa. Please let me know if you would like us to fill out the form here:

<http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

If you need further information, please do not hesitate to email me at (b)(6), (b)(7)(C) or call me at (b)(6), (b)(7)(C)

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

Client information:

Case Number: (b)(7)(E)  
I-130 Receipt Number: (b)(7)(E)  
A-number: (b)(7)(E)  
Visa Applicant: (b)(7)(E)  
Petitioner: (b)(7)(E)

Thank you,

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

(b)(6), (b)(7)(C)  
Van Der Hout, Brigagliano & Nightingale, LLP  
180 Sutter Street, Fifth Floor  
San Francisco, CA 94104

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

[www.vblaw.com](http://www.vblaw.com)

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**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Thursday, February 02, 2017 8:45 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)




Making progress

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland  
(b)(6), (b)(7)(C)  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

---

**From:** HUTTON, JAMES R  
**Sent:** Thursday, February 02, 2017 8:35:33 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Subject:** RE: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)  
(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:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Thursday, February 02, 2017 8:35 PM  
**To:** HUTTON, JAMES R; (b)(6), (b)(7)(C); OFO-OPS-CAT (b)(7)(E); ENFORCEMENT PROGRAMS DIVISION (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); HOFFMAN, TODD A (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C); (b)(6); MURDOCK, JUDSON W (b)(6), (b)(7)(C); (b)(6), (b)(7)(C)  
**Subject:** RE: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)

Much appreciated.

Brian J. Humphrey  
 Director, Field Operations  
 San Francisco/Portland  
 (b)(6), (b)(7)(C)  
 San Francisco, California 94105  
 (b)(6), (b)(7)(C)

**From:** HUTTON, JAMES R  
**Sent:** Thursday, February 02, 2017 8:02:36 PM  
**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C); OFO-OPS-CAT; ENFORCEMENT PROGRAMS DIVISION; (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); HOFFMAN, TODD A  
**Cc:** (b)(6); (b)(6), (b)(7)(C); (b)(6), (b)(7)(C)  
**Subject:** RE: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)

DFO  
 (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:** HUMPHREY, BRIAN J (DFO)

**Sent:** Thursday, February 02, 2017 7:59 PM

**To:** (b)(6), (b)(7)(C); OFO-OPS-CAT (b)(7)(E) ENFORCEMENT PROGRAMS DIVISION (b)(7)(E) (b)(6), (b)(7)(C) (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) MURDOCK, JUDSON W (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)  
**Subject:** RE: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)

(b)(5)

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland  
(b)(6), (b)(7)(C)  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 6:58:24 PM  
**To:** HUMPHREY, BRIAN J (DFO); OFO-OPS-CAT; ENFORCEMENT PROGRAMS DIVISION; (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) HOFFMAN, TODD A; HUTTON, JAMES R  
**Cc:** (b)(6) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)  
**Subject:** RE: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)

Sir,

(b)(5)

(b)(6), (b)(7)(C) EO CAT

**From:** HUMPHREY, BRIAN J (DFO)

**Sent:** Thursday, February 02, 2017 6:27 PM

**To:** OFO-OPS-CAT (b)(7)(E) ENFORCEMENT PROGRAMS DIVISION (b)(7)(E)  
**Cc:** (b)(6), (b)(7)(C) (b)(6)

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

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

Subject: FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)

CAT: Below and attached please find correspondence from private Counsel representing a (b)(6), (b)(7)(C) attempting travel under an immigrant visa (b)(6), (b)(7)(C) Counsel representing (b)(6), (b)(7)(C) is of the opinion that the Central District of California (CDCA) injunction covers her client. (b)(5)

(b)(5) Counsel for (b)(6), (b)(7)(C) is requesting issuance of a travel letter. Would OFO support the SFFO issuing a transportation letter given the interest of Senator Feinstein and media interest in the CDCA court injunction? (b)(6), (b)(7)(C) Media is also aware of the (b)(6), (b)(7)(C) though no mention of CBP at this time.

Brian J. Humphrey  
Director, Field Operations  
San Francisco and Portland Field Offices  
(b)(6), (b)(7)(C)  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)  
Sent: Wednesday, February 01, 2017 3:41 PM  
To: (b)(6), (b)(7)(C)  
Subject: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)

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

Thank you for speaking with me today.

As I explained, I understand that CBP has the authority to issue Transportation/Boarding letters to individuals who are abroad. <http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

Section 3(g) of the Executive Order provides that the ban on travel may be lifted on a case-by-case basis “when in the national interest” to do so. CBP guidance issued yesterday also reiterates that there are case-by-case exceptions available. <https://www.cbp.gov/border-security/protecting-nation-foreign-terrorist-entry-united-states>

The Q&A says:  
What do the two exemptions in the Executive Order mean? How are they applied to individual cases?  
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.

As I explained briefly on the phone, I represent (b)(6), (b)(7)(C) in all immigration matters, who is a

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

We are seeking a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa because her admission for purposes of family reunification is in the national interest of our country. The U.S. Department of State, after years of national security vetting, has already determined that (b)(6), (b)(7)(C) poses no danger to our nation. Furthermore, it is in our nation’s interest to reunite



her with: (b)(6), (b)(7)(C) and promote family unification, a core value of our immigration laws.

Furthermore, the U.S. District Court for the Central District of California order that was signed on January 31, 2017 (and is attached), applies to my client: (b)(6), (b)(7)(C). It orders that Defendants, inform all relevant airport, airline, and other authorities that Plaintiffs (and other persons from (b)(6), (b)(7)(C) with valid immigrant visas) are permitted to travel to the United States on their valid immigrant visas. Given this Court Order, I believe CBP could also issue a Transportation/Boarding letter to her.

Thank you for considering my request for (b)(6), (b)(7)(C) to be issued a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa. Please let me know if you would like us to fill out the form here:

<http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

If you need further information, please do not hesitate to email me at (b)(6), (b)(7)(C) or call me at (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)

Client information:

Case Number: (b)(7)(E)  
I-130 Receipt Number: (b)(7)(E)  
A-number: (b)(7)(E)  
Visa Applicant: (b)(7)(E)  
Petitioner: (b)(7)(E)

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

(b)(6), (b)(7)(C)  
Van Der Hout, Brigagliano & Nightingale, LLP  
180 Sutter Street, Fifth Floor  
San Francisco, CA 94104

(b)(6), (b)(7)(C)  
[www.vblaw.com](http://www.vblaw.com)

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**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Thursday, February 02, 2017 7:57 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Mohammed v. Trump, No. 17-cv-00786

(b)(6), (b)(7)(C) this is the answer to the question we discussed late yesterday regarding the young lady and the boarding letter request

Brian J. Humphrey  
 Director, Field Operations  
 San Francisco/Portland  
 33 New Montgomery St., Suite 1620  
 San Francisco, California 94105

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

---

**From:** HOFFMAN, TODD A  
**Sent:** Thursday, February 02, 2017 5:40:38 AM  
**To:** DIRECTORS FIELD OPS  
**Cc:** Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C) HOWE, RANDY J; ENFORCEMENT PROGRAMS DIVISION; HUTTON, JAMES R  
**Subject:** FW: Mohammed v. Trump, No. 17-cv-00786

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 2:37:59 AM  
**To:** HOFFMAN, TODD A  
**Cc:** HUTTON, JAMES R  
**Subject:** RE: Mohammed v. Trump, No. 17-cv-00786

MEMORANDUM FOR: Executive Directors, Office of Field Operations  
 Executive Director, National Targeting Center  
 Directors, Field Operations

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

SUBJECT: Mohammed v. Trump, No. 17-cv-00786

The Federal District Court has made an order in the litigation, Mohammed v. Trump, No. 17-cv-00786. The Department of Justice will make a formal request from the plaintiffs for confirmation of passport numbers and dates of birth. In the interim, the 38 individuals below should be permitted to board commercial carriers bound for the United States and on arrival should be processed for an exception to the Executive Order and admitted, unless inadmissibility unrelated to section 212(f) of the Immigration and Nationality Act exists.

Upon receipt of the court's order, CBP Los Angeles should provide, via email, a copy of the order to all international carriers at Los Angeles International Airport. Additionally, Regional Carrier Liaison Groups and the [redacted (b)(7)(E)] should update records to ensure there is no impediment to these individuals boarding commercial carriers and take any other appropriate steps to facilitate travel.

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

If you have any questions or require additional information, please contact [redacted (b)(6), (b)(7)(C)] E.O. CAT Operations Duty Director, at [redacted (b)(6), (b)(7)(C)] or send inquiries to [redacted (b)(7)(E)]

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

CBP HQ  
EO Crisis Action Team

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

---

**From:** MCALEENAN, KEVIN K  
**Sent:** Wednesday, February 01, 2017 9:11:09 PM  
**To:** ALLES, RANDOLPH D; Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; (b)(6), (b)(7)(C) HUTTON, JAMES R  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** RE: Mohammed v. Trump, No. 17-cv-00786

Adding DFO LA and APD LAX

---

**From:** MCALEENAN, KEVIN K  
**Sent:** Thursday, February 02, 2017 12:09:50 AM  
**To:** ALLES, RANDOLPH D; Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; (b)(6), (b)(7)(C) HUTTON, JAMES R  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** Mohammed v. Trump, No. 17-cv-00786

Acting Deputy/Executive Assistant Commissioner,

Please see the below guidance from counsel on implementing an order from Federal District Court in the above-referenced case. Please confirm receipt and action.

1. We recommend (b)(5), (b)(7)(E)

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

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

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

---

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, January 28, 2017 11:36 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Gov Hawaii

Thank you. I'm with you and happy to speak with the Governor

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland  
33 New Montgomery St., Suite 1620  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 11:24:24 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Subject:** Gov Hawaii

Sir,

(b)(6), (b)(7)(C) just called and said the Governor and State AG have been asking about the local impact of the EO. I told him there has been little impact here, and that it will probably be even less likely after the next day or two.

He said the Gov might want to speak with us early next week. I think his interest will probably diminish by then.

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

(b)(6), (b)(7)(C)  
Area Port Director  
US Customs and Border Protection  
Honolulu, Hawaii

---

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Sunday, January 29, 2017 8:41 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: EO - Hawaii

Correct. We have encountered LPRs but after (b)(7)(E) I approved waivers. No persons in custody

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland  
33 New Montgomery St., Suite 1620  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 8:33:06 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Subject:** EO - Hawaii

(b)(5)

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, February 04, 2017 10:56 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: (b)(6), (b)(7)(C)

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

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland  
33 New Montgomery St., Suite 1620  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, February 04, 2017 7:39:42 PM  
**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Subject:** RE: (b)(6), (b)(7)(C)

**(b)(5)**

(b)(6), (b)(7)(C)  
Assistant Chief Counsel, San Francisco  
Desk: (b)(6), (b)(7)(C)  
Mobile: (b)(6), (b)(7)(C)

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, February 04, 2017 12:44 PM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** RE: (b)(6), (b)(7)(C)

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

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland  
33 New Montgomery St., Suite 1620

San Francisco, California 94105

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

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

**Sent:** Saturday, February 04, 2017 2:18:16 PM

**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)

**Subject:** RE: (b)(6), (b)(7)(C)

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

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

Assistant Chief Counsel, San Francisco

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

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

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

**Sent:** Friday, February 03, 2017 8:23 PM

**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)

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

**Subject:** RE: (b)(6), (b)(7)(C)

Understood: (b)(5)

**From:** HUMPHREY, BRIAN J (DFO)

**Sent:** Friday, February 03, 2017 8:20:52 PM

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

**Subject:** (b)(6), (b)(7)(C) in Djibouti

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

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland  
33 New Montgomery St., Suite 1620  
San Francisco, California 94105

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



**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Friday, February 03, 2017 8:25 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: (b)(6), (b)(7)(C)

(b)(5)

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland  
33 New Montgomery St., Suite 1620  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, February 03, 2017 7:53:58 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Subject:** (b)(6), (b)(7)(C)

Hello DFO Humphrey:

(b)(5)

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

(b)(6), (b)(7)(C) Senior Attorney  
Office of the Chief Counsel | U.S. Customs and Border Protection  
Department of Homeland Security | San Francisco  
(b)(6), (b)(7)(C)

---

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Sunday, January 29, 2017 12:15 AM  
**To:** (b)(6)  
**Subject:** RE: Contact

Thanks, (b)(6). We received updated guidance from HQ less than an hour ago. We are suspending departures of targeted persons set for ER or withdrawal. However, we have been directed to continue their detention and we continue all other operations on targeted arriving aliens, including LPRs.

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland  
33 New Montgomery St., Suite 1620  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

---

**From:** (b)(6)  
**Sent:** Saturday, January 28, 2017 11:55:18 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Subject:** Contact

Hi Brian - I'm the ERO FOD in SF. I received a call from the US Marshal regarding the EO's. He wanted your info in case we have court ordered releases out here like NY and VA. I gave him your outlook info. Just wanted you to know in case he gives you a call this weekend.

My cell is (b)(6), (b)(7)(C)

thanks (b)(6)

---

Field Office Director  
San Francisco, CA

Sent with Good ([www.good.com](http://www.good.com))

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Sunday, January 29, 2017 3:20 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: detention in violation of the stay order

We are working through the latest guidance from HQ received within the last hour. As you can appreciate, much of this guidance is evolving rapidly. I have already exercised maximum discretion in personally approving waivers for every LPR arriving in this AOR subject to the EO. Together, we will work through the remaining matters of the six arriving aliens not normally entitled to representation or court review of decisions related to their application for admission who were originally subject to withdrawal or expedited removal under the EO. In balancing the interests of these six individuals, I was on site all day

I have provided the latest guidance to my Port Directors.

Brian J. Humphrey  
 Director, Field Operations  
 San Francisco/Portland  
 33 New Montgomery St., Suite 1620  
 San Francisco, California 94105  
 (b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 2:53:25 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Subject:** Re: detention in violation of the stay order

Dear FOD Humphrey and Chief: (b)(6), (b)(7)(C)

I am writing to follow up on my colleague (b)(6), (b)(7)(C) email regarding the detention of two individuals at SFO, and to reiterate that their removal would both violate the stay issued by the Eastern District and the underlying statutory and constitutional protections on which the stay is based.

I just spoke to CBP Supervisors (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) at SFO and attempted to give them G 28s for these individuals, but they refused to accept them or tell me where to file them. They directed me to the CBP public affairs website and I am CCing the Headquarters Branch Chief as well. I attach my g 28.

We urgently request information about the status of these clients and reiterate the unlawful nature of their removal.

My cell phone is: (b)(6), (b)(7)(C)





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

Senior Attorney  
Deportation Defense and Legal Advocacy Program  
Dolores Street Community Services  
[938 Valencia St., San Francisco, CA 94110](http://www.doloresstreet.org)

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

E-mail: (b)(6), (b)(7)(C)

Please Note: The information in this email message may be legally privileged and confidential information intended only for the use of the individual(s) named above. If you are not the intended recipient of this email, you should not further disseminate, distribute or forward this email message. If you have received this email in error, please notify the sender and promptly delete the original message. Thank you.

On Jan 28, 2017, at 11:09 PM, (b)(6), (b)(7)(C) wrote:

Dear FOD Humphrey,

The two individuals below are detained at SFO. They had B-2 visas and were denied entry this morning. They are Iranian citizens. I believe they are awaiting a departing flight but that the denial of entry was in violation of the subsequently issued stay by the Eastern District of New York.

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

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

They arrived on flight EY 183.

I have G-28s for them.

My cell is (b)(6), (b)(7)(C)

Thanks,

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

--

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

Staff Attorney, Immigrant Rights Program

Asian Law Caucus

55 Columbus Avenue

San Francisco, California 94111

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

Fax: (4 (b)(6), (b)(7)(C)

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Wednesday, February 01, 2017 5:27 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Feb 4th - potential protest

(b)(6), (b)(7)(C) Can you or (b)(6), (b)(7)(C) give me a quick call about our latest updates on the EO?

Brian J. Humphrey  
Director, Field Operations  
San Francisco and Portland Field Offices  
33 New Montgomery Street, Suite 1620  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 2:25 PM  
**To:** (b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO)  
(b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: Feb 4th - potential protest

FYI..

(b)(6), (b)(7)(C) SFO  
Chief Operating Officer  
San Francisco International Airport | P.O. Box 8097 | San Francisco, CA 94128  
Tel: (b)(6), (b)(7)(C) | Cell: (b)(6), (b)(7)(C) | Fax: (b)(6), (b)(7)(C) | [www.flysfo.com](http://www.flysfo.com)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 2:14 PM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** Feb 4th - potential protest

Just spotted this. I'll keep digging for more info

---

 **49** \* (b)(6), (b)(7)(C) 7m 

Going to **#SFO** ON Feb 4? Looks like the airport protest movement fizzled after 1/31. Only one remains at **@flySFO** on Feb 4.

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

Director of Communications | Communications & Marketing  
San Francisco International Airport | P.O. Box 8097 | San Francisco 94128

Te (b)(6), (b)(7)(C) | [www.flysfo.com](http://www.flysfo.com)



**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 1:12 PM  
**To:** (b)(6), (b)(7)(C) Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; (b)(6), (b)(7)(C) HUTTON, JAMES R; OFO Field Programs; ENFORCEMENT PROGRAMS DIVISION  
**Cc:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Subject:** RE: EO 212(f) Exemption for: (b)(6), (b)(7)(C)

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

(b)(6), (b)(7)(C)  
 Deputy Chief Counsel  
 U.S. Customs and Border Protection  
 (Office)  
 (b)(6), (b)(7)(C) (Mobile)

ATTORNEY-CLIENT PRIVILEGED/ATTORNEY WORK PRODUCT

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 12:48 PM  
**To:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
 Owen, Todd C (AC OFO) (b)(6), (b)(7)(C) WAGNER, JOHN P (b)(6), (b)(7)(C)  
 HOFFMAN, TODD A (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)  
 HUTTON, JAMES R (b)(6), (b)(7)(C); OFO Field Programs (b)(7)(E)  
 ENFORCEMENT PROGRAMS DIVISION (b)(7)(E)  
**Cc:** HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)

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

**Subject:** EO 212(f) Exemption for: (b)(6), (b)(7)(C)

**Waiver Narrative**

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

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



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

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

Section Chief – Tactical Branch  
Customs and Border Protection  
Area Port of San Francisco

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

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

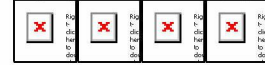
**From:** GovExec Today (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 5:41 AM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Subject:** Why some feds are leaving; VA's freeze exemptions; Trump's conflicts



**GovExec Today**

January 27, 2017

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[Exploiting Public Office for Private Gain](#) // Steven L. Schooner and Kathleen Clark

A primer on government corruption.

['I Can't Get Out Fast Enough': Meet the Feds Who Say They're Leaving Under Trump](#) //

Eric Katz

Many federal employees say they won't wait out the new administration.

[Meet the Trump Cabinet: A Cheat Sheet Guide](#)

Few presidential transitions have been as fraught with uncertainty as the one associated with the upcoming Trump Administration. To understand how the Trump presidency may play out, it's important to look at the individuals tapped for his key Cabinet positions who will lead the government's key federal agencies.

[This card stack](#) breaks down each Cabinet nomination to date and helps fill in the gaps of uncertainty that exist within the incoming Trump administration.

[Explore Now](#)

[VA Exempts Roughly 100 Job Titles From Hiring Freeze, Leaves Door Open For More](#) //

Kellie Lunney

Doctors, nurses, police, engineers and cemetery caretakers are among the positions listed in the acting secretary's memo.

[What Trump's Executive Order on Immigration Does—and Doesn't Do](#) // Krishnadev

Calamur

The order has caused chaos; White House statements haven't clarified what's going on.

[How Trump Plans to Slash Regulations by 75 Percent](#) // Charles S. Clark

As the new administration seeks to curtail Obama's rules, some look to Britain for a model.

[One Reason for GSA's Silence on Trump Hotel: It's Complicated](#) // Charles S. Clark

There's no easy solution for an agency caught in a highly politicized situation.

[How Trump Plans to Slash Regulations by 75 Percent](#) // Charles S. Clark

As the new administration seeks to curtail Obama's rules, some look to Britain for a model.

[How Reporters Misread Trump's First Week in Office](#) // Donald F. Kettl

The new president's opening act has disrupted governing traditions, but it's the second act that matters most.

[Despite Breaches, Many Americans Don't Worry About ID Theft](#) // Mohana Ravindranath

However, a survey found that over half of those concerned about identity theft trust the public sector to protect their personal information better than private-sector institutions.

[Obama's White House Webmaster Says We Should Cut Trump's Team Some Slack](#) //

Georgia Frances King

There's plenty of reason to believe changes and glitches are just par for the course.

[Lawmaker Still Wants Feds to Stop Watching Porn at Work, Plus Other Bills to Watch](#) //

Heather Kuldell

Rep. Mark Meadows introduced the Eliminating Pornography from Agencies Act in the 113th and 114th sessions in response to a fed who reportedly watched two to six hours of it a day at work.

[Big Questions Hang Over State Budgets as Trump Era Begins](#) // Bill Lucia

"I think it's going to be stormy," one expert said at an Urban Institute panel discussion on what may be in store for state budgets in the years ahead.

[What's Up With the Office of Management and Budget Website?](#) // Frank Konkel

Currently, the integral agency—a repository for memoranda issued by the executive branch—is without a website.

[State Procurement Officers Release Priorities for 2017](#) // Mitch Herckis

Fundamental growth of centralized procurement leads the way.

[Meet the Trump Cabinet: A Cheat Sheet Guide](#)

Few presidential transitions have been as fraught with uncertainty as the one associated with the upcoming Trump Administration. To understand how the Trump presidency may play out, it's important to look at the individuals

tapped for his key Cabinet positions who will lead the government's key federal agencies.

[This card stack](#) breaks down each Cabinet nomination to date and helps fill in the gaps of uncertainty that exist within the incoming Trump administration.

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Government Executive Media Group:

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

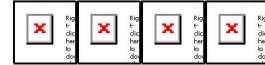
**From:** GovExec PM update <news@e.govexec.com>  
**Sent:** Tuesday, January 31, 2017 3:24 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Subject:** Bill would give feds a 3.2% raise in 2018; DHS defends rushed response to Trump executive order



## GovExec PM Update

January 31, 2017

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### [Bill Would Give Federal Employees a 3.2 Percent Pay Raise in 2018](#) // Eric Katz

FAIR Act author says the boost is necessary due to the demonization of civil servants in recent years.

### [New Homeland Security Team Defends Rushed Response to Trump Directives](#) // Charles S. Clark

Secretary Kelly denies reports he was surprised by White House border policy.

Brought to you by FireEye

#### FireEye 4th Annual Government Forum

Cybersecurity threats exist almost everywhere you look. To identify, assess, respond and mitigate threats as well as predict and prevent the “unknown threat,” agencies need to build intelligence-led security operations. Join the 4th annual FireEye Government Forum “Operationalizing Security for a New Era” on March 15 to collaborate and network with experts from federal, state, local and allied partner governments as well as industry partners on how to integrate intelligence-led security. [Secure your seat today.](#)

### [OMB Nominee Needs to Understand Creating a 'High-Performing' Workforce Won't Be Easy](#) // Howard Risher

Rep. Mick Mulvaney wants to do a better job of rewarding top employees and holding poor performers accountable.

### [An Acting Attorney General Fired for Defying Trump](#) // Matt Ford and Adam Serwer

Monday night began with a dramatic showdown between the Trump administration and the Department of Justice over the legality of Trump's executive order on immigration.



**[Play of the Day: Donald Trump Loves 'Finding Dory' // Ross Gianfortune](#)**

The president watched a movie about a family being separated over the weekend.

**[Top Federal IT Contracts to Watch for in 2017 // Frank Konkel](#)**

This year will offer more contracting opportunities valued at far less than the number of contracts that went out to bid in 2016.

**[Trump to Meet With U.S. Governors in February // Dave Nyczepir](#)**

The president will host a dinner when the National Governors Association is in D.C. next month, and a private sit-down is also expected.

**Brought to you by FireEye**

**FireEye 4th Annual Government Forum**

Cybersecurity threats exist almost everywhere you look. To identify, assess, respond and mitigate threats as well as predict and prevent the “unknown threat,” agencies need to build intelligence-led security operations. Join the 4th annual FireEye Government Forum “Operationalizing Security for a New Era” on March 15 to collaborate and network with experts from federal, state, local and allied partner governments as well as industry partners on how to integrate intelligence-led security. [Secure your seat today.](#)

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Government Executive Media Group, 600 New Hampshire Avenue NW, Washington, DC 20037

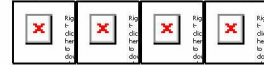
**From:** GovExec PM update (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 3:03 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Subject:** Supreme Court nominee could alter court's view of regulation; Immigration order doesn't affect citizenship applications



## GovExec PM Update

February 1, 2017

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### [SCOTUS Nominee Could Alter High Court's View of Regulation](#) // Charles S. Clark

Neil Gorsuch's difference with Scalia in the Chevron decision could boost Republican-backed deregulation.

### [Trump's Immigration Order Doesn't Affect Citizenship Applications](#) // David Yanofsky

Nationals of Iran, Iraq, Sudan, Syria, Libya, Somalia, and Yemen can still become American citizens.

Brought to you by **KPMG**

#### [A-123 Aims to Strengthen Government with Enterprise Risk Management](#)

When the Office of Management and Budget (OMB) first released Circular A-123, its intent was to give government a framework for managing risk within agencies. Most organizations, however, tended to place focus on financial risk and A-123's specific controls addressing, for example, financial reporting. [Read more...](#)

### [Play of the Day: Trump Missed a Chance to Use His Catchphrase](#) // Ross Gianfortune

Sally Yates never got to hear "you're fired!" from the president.

### [NIST Seeks Input on Trusted Identities Guidance](#) // Joseph Marks

The draft guidance was previously edited for four months on GitHub.

### [In the 'New Un-Normal' of Trump, Cities Will Continue to Be Beacons of Progress](#) //

Michael Grass

Long Beach Mayor Robert Garcia discusses how a new White House administration won't stop the momentum that's pushed his city and others like it forward.

**Brought to you by KPMG**

**[A-123 Aims to Strengthen Government with Enterprise Risk Management](#)**

When the Office of Management and Budget (OMB) first released Circular A-123, its intent was to give government a framework for managing risk within agencies. Most organizations, however, tended to place focus on financial risk and A-123's specific controls addressing, for example, financial reporting. [Read more...](#)

[GOVERNMENT EXECUTIVE](#) // [CUSTOMER SERVICE](#) // [CONTACT US](#) // [PRIVACY POLICY](#) // [UNSUBSCRIBE](#)

This message was sent from Government Executive to (b)(6), (b)(7)(C) You have been sent GovExec PM Update because you have opted in to receive it. Note: It may take our system up to two business days to process your unsubscribe request and during that time you may receive one or two more newsletters. Thank you for reading GovExec PM Update.



Government Executive Media Group, (b)(6), (b)(7)(C)



**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 11:10 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Subject:** RE: Federal Court Stay - Hold all departures. Need confirmation

Thank you so much for your support and for your presence (b)(6), (b)(7)(C) has done a great job. I know he's had to field calls from (b)(6), (b)(7)(C) and I all day; on top of everything else going.

---

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, January 28, 2017 8:02:45 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: Federal Court Stay - Hold all departures. Need confirmation

Thank you. I also called (b)(6), (b)(7)(C) directly. He's been a real trooper all day, especially for putting up with me at the airport half the day.

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 11:01:00 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Subject:** RE: Federal Court Stay - Hold all departures. Need confirmation

APD acknowledges.

---

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, January 28, 2017 7:44:22 PM  
**To:** (b)(6), (b)(7)(C); (b)(6), (b)(7)(C); HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: Federal Court Stay - Hold all departures. Need confirmation

To all Ports: We are to suspend departures of individuals targeted by the Executive Order who were subject to ER or withdrawal of application. All other actions of targeted arriving aliens remain in place, including continued detention of those previously set for departure via removal or withdrawal.

Area PDs please acknowledge

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland

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

---

**From:** Owen, Todd C (AC OFO)  
**Sent:** Saturday, January 28, 2017 10:34:00 PM  
**To:** DIRECTORS FIELD OPS  
**Subject:** Federal Court Stay - Hold all departures. Need confirmation

DFOs,

Based on this evening's federal court stay, we are to **suspend all departures** of those found inadmissible under the Executive Order, including those who wished to voluntarily depart. We should freeze all departures but continue to detain the individuals in the airports while we await further legal guidance. All pre-departure actions will remain underway.

Need confirmation from each DFO.

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 1:47 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
HUMPHREY, BRIAN J (DFO)  
**Subject:** People being held due to EO

No updates since the last report.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 2:53 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Subject:** Re: detention in violation of the stay order  
**Attachments:** image1.JPG; image2.JPG; image3.JPG; image4.JPG; image5.JPG; image6.JPG; image7.JPG; image8.JPG

Dear FOD Humphrey and Chief (b)(6), (b)(7)(C)

I am writing to follow up on my colleague (b)(6), (b)(7)(C) email regarding the detention of two individuals at SFO, and to reiterate that their removal would both violate the stay issued by the Eastern District and the underlying statutory and constitutional protections on which the stay is based.

I just spoke to CBP Supervisors (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) at SFO and attempted to give them G 28s for these individuals, but they refused to accept them or tell me where to file them. They directed me to the CBP public affairs website and I am CCing the Headquarters Branch Chief as well. I attach my g 28.

We urgently request information about the status of these clients and reiterate the unlawful nature of their removal.

My cell phone is: (b)(6), (b)(7)(C)





(b)(6)

Senior Attorney  
Deportation Defense and Legal Advocacy Program  
Dolores Street Community Services  
[938 Valencia St., San Francisco, CA 94110](#)

T: (b)(6), (b)(7)(C) | F: (b)(6), (b)(7)(C)

E-mail: (b)(6)

Please Note: The information in this email message may be legally privileged and confidential information intended only for the use of the individual(s) named above. If you are not the intended recipient of this email, you should not further disseminate, distribute or forward this email message. If you have received this email in error, please notify the sender and promptly delete the original message. Thank you.

On Jan 28, 2017, at 11:09 PM, (b)(6), (b)(7)(E) wrote:

Dear FOD Humphrey,

The two individuals below are detained at SFO. They had B-2 visas and were denied entry this morning. They are Iranian citizens. I believe they are awaiting a departing flight but that the denial of entry was in violation of the subsequently issued stay by the Eastern District of New York.

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

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

They arrived on flight EY 183.

I have G-28s for them.

My cell is (b)(6), (b)(7)(C)

Thanks,

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

--

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

Staff Attorney, Immigrant Rights Program  
Asian Law Caucus  
55 Columbus Avenue  
San Francisco, California 94111

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



Notice of Entry of Appearance  
as Attorney or Accredited Representative

Department of Homeland Security

DHS  
Form G-28  
OMB No. 1615-0105  
Expires 03/31/2018

Part 1. Information About Attorney or Accredited Representative

1. USCIS ELIS Account Number (if any)

Name and Address of Attorney or Accredited Representative

Part 2. Notice of Appearance as Attorney or Accredited Representative

This appearance relates to immigration matters before (Select only one box):

1.a.  USCIS

1.b. List the form numbers

(b)(5), (b)(6)



Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)

Information About Applicant, Petitioner, Requestor, or Respondent (continued)

- 7. USCIS ELIS Account Number (if any)
- 8. Alien Registration Number (A-Number) or Receipt Number
- 9. Daytime Telephone Number
- 10. Mobile Telephone Number (if any)
- 11. E-Mail Address (if any)

Mailing Address of Applicant, Petitioner, Requestor, or Respondent

NOTE: Provide the mailing address of the applicant, petitioner, requestor, or respondent. Do not provide the business mailing address of the attorney or accredited representative unless it serves as the safe mailing address on the application, petition, or request being filed with this Form G-28.

- 12.a. Street Number and Name
- 12.b. Apt.  Ste.  Flr.
- 12.c. City or Town
- 12.d. State  12.e. ZIP Code
- 12.f. Province
- 12.g. Postal Code
- 12.h. Country

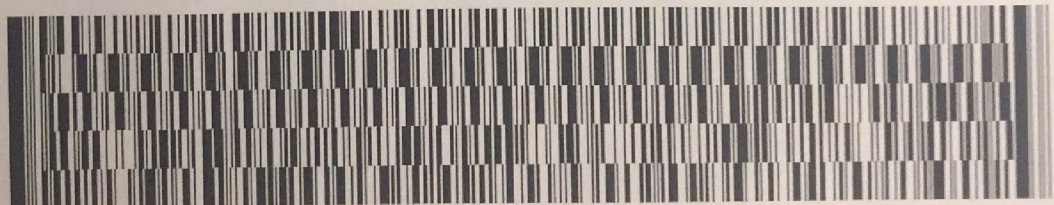
Part 3. Eligibility Information for Attorney or Accredited Representative

Select all applicable items.

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

subject to any order of any court or administrative agency disbarring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use Part 6.)

- 2.a.  I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.
- 2.b. Name of Recognized Organization
- 2.c. Date accreditation expires (mm/dd/yyyy)





**Part 3. Eligibility Information for Attorney or Accredited Representative (continued)**

3.  I am associated with \_\_\_\_\_, the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request.

NOTE: If you select this item, also complete **Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c.** in **Part 3.** (whichever is appropriate).

4.a.  I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2)(iv).

4.b. Name of Law Student or Law Graduate  
\_\_\_\_\_

**Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature**

*Consent to Representation and Release of Information*

1. I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you **unless** you select **Item Number 2.a.** in **Part 4.** All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) at your U.S. mailing address **unless** you ask us to send your secure identity documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select **all applicable** boxes below:

2.a.  I request DHS send any notice (including Form I-94) on an application, petition, or request to the U.S. business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.

2.b.  I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the U.S. business address of my attorney of record or accredited representative as listed in this form or to a designated military or diplomatic address for pickup in a foreign country (if permitted). I consent to having my secure identity document sent to my attorney of record or accredited representative's U.S. business address and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

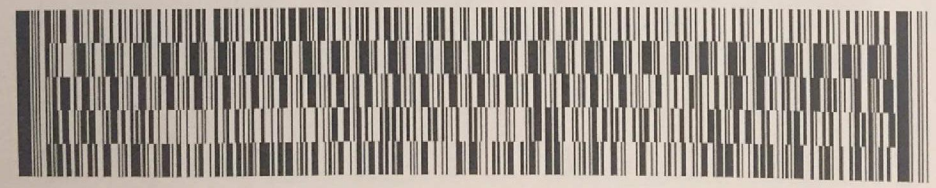
3.a. Signature of Applicant, Petitioner, Requestor, or Respondent

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

**Part 5. Signature of Attorney or Accredited Representative**

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. Signature of Attorney or Accredited Representative  
2. **(b)(6), (b)(7)(C)**  
3.









**Part 2. Notice of Appearance as Attorney or Accredited Representative (continued)**

**Information About Applicant, Petitioner, Requestor, or Respondent (continued)**

- 7. USCIS ELIS Account Number (if any)
  - ▶
- 8. Alien Registration Number (A-Number) or Receipt Number
  -
- 9. Daytime Telephone Number
  -
- 10. Mobile Telephone Number (if any)
  -
- 11. E-Mail Address (if any)
  -

**Mailing Address of Applicant, Petitioner, Requestor, or Respondent**

**NOTE:** Provide the mailing address of the applicant, petitioner, requestor, or respondent. **Do not** provide the business mailing address of the attorney or accredited representative **unless** it serves as the safe mailing address on the application, petition, or request being filed with this Form G-28.

- 12.a. Street Number and Name
- 12.b. Apt.  Ste.  Flr.
- 12.c. City or Town
- 12.d. State  12.e. ZIP Code
- 12.f. Province
- 12.g. Postal Code
- 12.h. Country

**Part 3. Eligibility Information for Attorney or Accredited Representative**

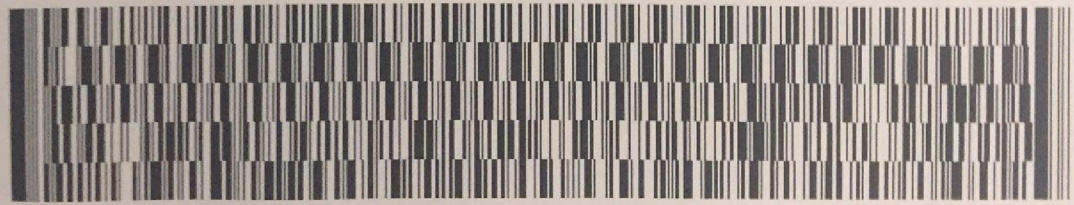
Select **all** applicable items.

- 1.a.
- 1.b.
- 1.c.
- 1.d.

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

subject to any order of any court or administrative agency disbaring, suspending, enjoining, restraining, or otherwise restricting me in the practice of law. If you are subject to any orders, explain in the space below. (If you need additional space, use **Part 6**.)

- 2.a.  I am an accredited representative of the following qualified nonprofit religious, charitable, social service, or similar organization established in the United States, so recognized by the Department of Justice, Board of Immigration Appeals, in accordance with 8 CFR 292.2. Provide the name of the organization and the expiration date of accreditation.
- 2.b. Name of Recognized Organization
- 2.c. Date accreditation expires (mm/dd/yyyy) ▶





**Part 3. Eligibility Information for Attorney or Accredited Representative (continued)**

3.  I am associated with [redacted], the attorney or accredited representative of record who previously filed Form G-28 in this case, and my appearance as an attorney or accredited representative is at his or her request.

**NOTE:** If you select this item, also complete **Item Numbers 1.a. - 1.b. or Item Numbers 2.a. - 2.c.** in **Part 3.** (whichever is appropriate).

4.a.  I am a law student or law graduate working under the direct supervision of the attorney or accredited representative of record on this form in accordance with the requirements in 8 CFR 292.1(a)(2)(iv).

4.b. Name of Law Student or Law Graduate [redacted]

**Part 4. Applicant, Petitioner, Requestor, or Respondent Consent to Representation, Contact Information, and Signature**

**Consent to Representation and Release of Information**

1. I have requested the representation of and consented to being represented by the attorney or accredited representative named in **Part 1.** of this form. According to the Privacy Act of 1974 and DHS policy, I also consent to the disclosure to the named attorney or accredited representative of any record pertaining to me that appears in any system of records of USCIS, ICE or CBP.

When you (the applicant, petitioner, requestor, or respondent) are represented, DHS will send notices to both you and your attorney or accredited representative either through mail or electronic delivery.

DHS will also send the Form I-94, Arrival Departure Record, to you **unless** you select **Item Number 2.a.** in **Part 4.** All secure identity documents and Travel Documents will be sent to you (the applicant, petitioner, requestor, or respondent) at your U.S. mailing address **unless** you ask us to send your secure identity documents to your attorney of record or accredited representative.

If you do not want to receive original notices or secure identity documents directly, but would rather have such notices and documents sent to your attorney of record or accredited representative, please select **all applicable** boxes below:

2.a.  I request DHS send any notice (including Form I-94) on an application, petition, or request to the U.S. business address of my attorney of record or accredited representative as listed in this form. I understand that I may change this election at any future date through written notice to DHS.

2.b.  I request that DHS send any secure identity document, such as a Permanent Resident Card, Employment Authorization Document, or Travel Document, that I am approved to receive and authorized to possess, to the U.S. business address of my attorney of record or accredited representative as listed in this form or to a designated military or diplomatic address for pickup in a foreign country (if permitted). I consent to having my secure identity document sent to my attorney of record or accredited representative's U.S. business address and understand that I may request, at any future date and through written notice to DHS, that DHS send any secure identity document to me directly.

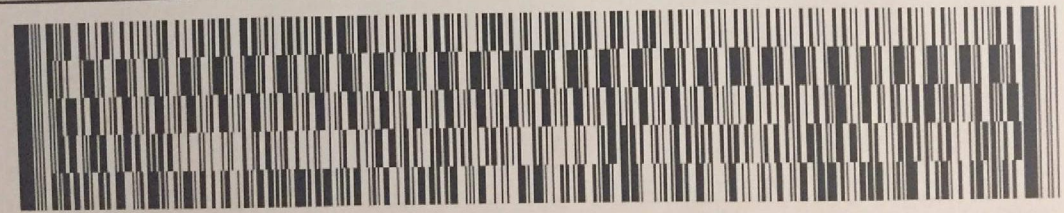
3.a. Signature of Applicant, Petitioner, Requestor, or Respondent [redacted] **(b)(6), (b)(7)(C)**

3.b. Date of Signature (mm/dd/yyyy) ▶ 01/28/2017

**Part 5. Signature of Attorney or Accredited Representative**

I have read and understand the regulations and conditions contained in 8 CFR 103.2 and 292 governing appearances and representation before the Department of Homeland Security. I declare under penalty of perjury under the laws of the United States that the information I have provided on this form is true and correct.

1. Signature of Attorney or Accredited Representative [redacted]  
2. **(b)(5), (b)(6), (b)(7)(C)**  
3. [redacted]





**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 4:16 PM  
**To:** (b)(6), (b)(7)(C); HUMPHREY, BRIAN J (DFO)  
**Subject:** RE: Executive Order Update on Seaport Operations and Consolidated Guidance

(b)(5)

(b)(6), (b)(7)(C)  
Program Manager; Public Affairs Liaison  
Customs and Border Protection  
San Francisco Field Office  
Tel: (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 1:01 PM  
**To:** (b)(6), (b)(7)(C); HUMPHREY, BRIAN J (DFO)  
(b)(6), (b)(7)(C)  
**Subject:** RE: Executive Order Update on Seaport Operations and Consolidated Guidance

(b)(5)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 12:56:18 PM  
**To:** (b)(6), (b)(7)(C); HUMPHREY, BRIAN J (DFO)  
**Subject:** RE: Executive Order Update on Seaport Operations and Consolidated Guidance

(b)(5)

(b)(6), (b)(7)(C)  
Program Manager; Public Affairs Liaison  
Customs and Border Protection  
San Francisco Field Office  
Tel: (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 12:46 PM  
**To:** (b)(6), (b)(7)(C); HUMPHREY, BRIAN J (DFO)  
(b)(6), (b)(7)(C)  
**Subject:** RE: Executive Order Update on Seaport Operations and Consolidated Guidance



(b)(5)

(b)(6), (b)(7)(C)  
Program Manager, Public Affairs Liaison  
Customs and Border Protection  
San Francisco Field Office  
Tel: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)  
Sent: Tuesday, January 31, 2017 12:28 PM  
To: (b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO)  
(b)(6), (b)(7)(C)  
Subject: RE: Executive Order Update on Seaport Operations and Consolidated Guidance

(b)(5)

(b)(6), (b)(7)(C)  
Assistant Chief Counsel, San Francisco  
Desk: (b)(6), (b)(7)(C)  
Mobile: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)  
Sent: Tuesday, January 31, 2017 11:52 AM  
To: (b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO)  
(b)(6), (b)(7)(C)  
Subject: RE: Executive Order Update on Seaport Operations and Consolidated Guidance

Until I receive verification, please DO NOT give my name and number out as a POC for ACLU. HQ is working on a solution.

(b)(6), (b)(7)(C)  
Program Manager, Public Affairs Liaison  
Customs and Border Protection  
San Francisco Field Office  
Tel: (b)(6), (b)(7)(C)

From: (b)(6), (b)(7)(C)  
Sent: Tuesday, January 31, 2017 11:44 AM  
To: (b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO)  
(b)(6), (b)(7)(C)  
Subject: RE: Executive Order Update on Seaport Operations and Consolidated Guidance

Copy that, I just wanted to verify. I am seeking additional guidance from HQ.

(b)(6), (b)(7)(C)  
Program Manager, Public Affairs Liaison



Customs and Border Protection  
San Francisco Field Office  
Tel: (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 11:42 AM  
**To:** (b)(6), (b)(7)(C); HUMPHREY, BRIAN J (DFO)  
(b)(6), (b)(7)(C)  
**Subject:** RE: Executive Order Update on Seaport Operations and Consolidated Guidance

(b)(5)

(b)(6), (b)(7)(C)  
Assistant Chief Counsel, San Francisco  
Desk: (b)(6), (b)(7)(C)  
Mobile: (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 11:35 AM  
**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** RE: Executive Order Update on Seaport Operations and Consolidated Guidance

A question:

(b)(5)

(b)(6), (b)(7)(C)  
Program Manager; Public Affairs Liaison  
Customs and Border Protection  
San Francisco Field Office  
Tel: (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 11:28 AM  
**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** RE: Executive Order Update on Seaport Operations and Consolidated Guidance

I will check in with HQ and send you an update as soon as possible.

(b)(6), (b)(7)(C)  
Program Manager; Public Affairs Liaison  
Customs and Border Protection  
San Francisco Field Office  
Tel: (b)(6), (b)(7)(C)

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Tuesday, January 31, 2017 11:25 AM

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

Cc:

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

Now that S1 and C1 have spoken to the public via press conference, let me see if local interaction is now authorized.

(b)(6), (b)(7)(C) Can you please check on the latest guidance?

Brian J. Humphrey  
Director, Field Operations  
San Francisco and Portland Field Offices

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

San Francisco, California 94105

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

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

Sent: Tuesday, January 31, 2017 9:23 AM

To: HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)

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

Good morning Mr. Humphrey,

(b)(5)

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

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

Assistant Chief Counsel, San Francisco

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

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

From: HUMPHREY, BRIAN J (DFO)

Sent: Tuesday, January 31, 2017 9:01 AM

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

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

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

HUMPHREY, BRIAN J

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

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

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

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

Good morning: Below and attached please find a message consolidating previous guidance, plus a summary of waiver authorities. From my read, the most significant pending change to existing policy is the request to S1 to delegate authority to DFOs for waivers currently requiring C1 approval. I'll keep you posted if that delegated authority is received today as anticipated.

Thanks for your attention, patience and perseverance.

Brian J. Humphrey  
Director, Field Operations  
San Francisco and Portland Field Offices  
(b)(6), (b)(7)(C)  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

**From:** HOFFMAN, TODD A  
**Sent:** Tuesday, January 31, 2017 4:17 AM  
**To:** DIRECTORS FIELD OPS (b)(7)(E)  
**Cc:** HUTTON, JAMES R (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) Owen, Todd C (AC OFO) (b)(6), (b)(7)(C) WAGNER, JOHN P  
(b)(6), (b)(7)(C) EXECUTIVE DIRECTORS HQ (b)(7)(E)

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

Directors,

Here is a quick summary regarding the Executive Order:

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

- We'll have FAQs posted via CBP website and a public inquiry call center established later today.

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

1/30 email: court compliance on WD

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

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

1/28 email: Waiver Routing [REDACTED] added to routing on 1/29.

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

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

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

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 7:25 PM  
**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: Recent EO Orders  
**Attachments:** HOMAMMED v US\_TRO Granted\_2-17-cv-00786-AB-PLA.PDF

(b)(5)

(b)(6), (b)(7)(C)  
 Assistant Chief Counsel, San Francisco  
 Desk: (b)(6), (b)(7)(C)  
 Mobile: (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 8:31 PM  
**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** Recent EO Orders

(b)(5)

(b)(6), (b)(7)(C)  
 Assistant Chief Counsel, San Francisco  
 U.S. Customs and Border Protection  
 (b)(6), (b)(7)(C)  
 San Francisco, CA 94111  
 Office: (b)(6), (b)(7)(C)  
 Fax: (b)(6), (b)(7)(C)  
 Mobile: (b)(6), (b)(7)(C)



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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**

1 OMAR ALI MOHSEN MURSHED;  
2 BASSAM ALI MOHSEN MURSHED;  
3 NADHRA SALEH ALZEER;  
4 MUHRAH MOHSEN SALEH  
5 MOQBEL SALEH;  
6 QASEM ABDULRAHMAN SALEM  
7 AL-HASANI;  
8 MUNA O AL SAKKAF,

9 Plaintiffs,

10 v.

11 UNITED STATES OF AMERICA;  
12 UNITED STATES DEPARTMENT  
13 OF HOMELAND SECURITY;  
14 UNITED STATES CITIZENSHIP  
15 AND IMMIGRATION SERVICES;  
16 UNITED STATES DEPARTMENT  
17 OF STATE;  
18 UNITED STATES CUSTOMS AND  
19 BORDER PATROL;  
20 DONALD J. TRUMP, in his official  
21 capacity as President of the United  
22 States of America;  
23 DANA J. BOENTE, in his official  
24 capacity as the Acting Attorney  
25 General of the United States;  
26 JOHN KELLY, Secretary of the  
27 Department of Homeland Security;  
28 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.

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

## DISCUSSION

1  
2 A temporary restraining order (“TRO”) is “an extraordinary remedy that may only  
3 be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v.*  
4 *Nat. Res. Def. Council*, 555 U.S. 7, 22 (2008). The purpose of a TRO is to preserve the  
5 status quo before a preliminary injunction hearing may be held. *Granny Goose Foods,*  
6 *Inc. v. Bhd. of Teamsters & Auto Truck Drivers Local No. 70 of Alameda City.*, 415 U.S.  
7 423, 439 (1974). Federal Rule of Civil Procedure 65 governs the issuance of TROs and  
8 preliminary injunctions, and courts apply the same standard to both. *Frontline Med.*  
9 *Assocs., Inc. v. Coventry Healthcare Workers Comp., Inc.*, 620 F. Supp. 2d 1109, 1110  
10 (C.D. Cal. 2009).

11 A party seeking preliminary injunctive relief must satisfy one of two tests. Under  
12 one test, the party must establish that he is (1) likely to succeed on the merits of his  
13 claims, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief,  
14 (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public  
15 interest. *Am. Trucking Ass’n, Inc. v. City of Los Angeles*, 559 F.3d 1046, 1052 (9th Cir.  
16 2009).

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

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



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

4  
5 **IT IS HEREBY ORDERED THAT:**

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

21  
22 Unless otherwise agreed upon by the parties:

- 23 • Plaintiffs shall file any **supplemental brief** in support of their motion for  
24 preliminary injunction **by February 2, 2017**.  
25 • Defendants shall file their **opposition by February 5, 2017**.  
26 • Plaintiffs shall file their **reply by February 8, 2017**.  
27 • Defendants shall appear on **February 10, 2017 at 10:00 a.m.** to show cause why  
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the preliminary injunctive relief sought in the Ex Parte Application for Temporary Restraining Order And/Or Preliminary Injunction should not be granted.

**IT IS SO ORDERED.**

Dated: January 31, 2017



\_\_\_\_\_  
HONORABLE ANDRÉ BIROTTE JR.  
UNITED STATES DISTRICT COURT JUDGE

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 3:01 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: Executive Order Delegation of 3(g) and 5(e) Authority

OK, please call me on my personal cell (b)(6), (b)(7)(C) if you have not heard, I'm teleworking with a torn right Achilles tendon.

(b)(6), (b)(7)(C)  
Assistant Chief Counsel, San Francisco  
Desk: (b)(6), (b)(7)(C)  
Mobile: (b)(6), (b)(7)(C)

---

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Thursday, February 02, 2017 11:58 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: Executive Order Delegation of 3(g) and 5(e) Authority

I will call you. I also have a message to return to USA Stretch

Brian J. Humphrey  
Director, Field Operations  
San Francisco/Portland

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 1:33:18 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** Executive Order Delegation of 3(g) and 5(e) Authority

Good morning DFO Humphrey,

(b)(5)

**(b)(5)**

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

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

Assistant Chief Counsel, San Francisco  
U.S. Customs and Border Protection

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

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

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 3:05 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: Executive Order Delegation of 3(g) and 5(e) Authority  
**Attachments:** (b)(5)

(b)(5)

(b)(6), (b)(7)(C)  
Assistant Chief Counsel, San Francisco  
Desk: (b)(6), (b)(7)(C)  
Mobile: (b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 10:33 AM  
**To:** HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** Executive Order Delegation of 3(g) and 5(e) Authority

Good morning DFO Humphrey,

(b)(5)

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

Assistant Chief Counsel, San Francisco  
U.S. Customs and Border Protection

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

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

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 6:50 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: RE: Litigation Hold/Preservation Notice; Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States; January 27, 2017  
**Attachments:** Litigation Hold EO Protecting the Nation from Foreign Terrorist Entry into the US Jan 27 2017.pdf

Good afternoon DFO Humphrey,

(b)(5)

(b)(6), (b)(7)(C)  
 Assistant Chief Counsel, San Francisco  
 Desk: (b)(6), (b)(7)(C)  
 Mobile: (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 2:12 PM  
**To:** FLANAGAN, PATRICK S (b)(6), (b)(7)(C) OCC  
 CBP Chicago (b)(6), (b)(7)(C) OCC CBP Houston (b)(6), (b)(7)(C) OCC CBP HQ  
 (b)(6), (b)(7)(C) OCC CBP ITL (b)(6), (b)(7)(C) OCC CBP LA (b)(6), (b)(7)(C) OCC  
 CBP Managers (b)(6), (b)(7)(C) OCC CBP Miami (b)(6), (b)(7)(C) OCC CBP NFC  
 (b)(6), (b)(7)(C) OCC CBP NY (b)(6), (b)(7)(C) OCC CBP TUCSON  
 (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C) Owen, Todd C (AC OFO)  
 (b)(6), (b)(7)(C) WAGNER, JOHN P (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C) SMITH, BRENDA BROCKMAN (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C) LOWRY, KIM M  
 (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C) FRIEL, MICHAEL J  
 (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C) (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C) SITUATION ROOM (b)(7)(E) CBP CHIEF OF STAFFS  
 (b)(7)(E)  
**Cc:** (b)(6), (b)(7)(C) CBP-OCC-PARALEGALS-MAILBOX (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)



**Subject:** RE: Litigation Hold/Preservation Notice; Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States; January 27, 2017

Good afternoon,

**(b)(5)**


If you have any questions, please contact **(b)(6), (b)(7)(C)** at **(b)(6), (b)(7)(C)** or by e-mail at **(b)(6), (b)(7)(C)**

Thank you for your assistance in this matter.

**(b)(6), (b)(7)(C)**  
Paralegal Specialist  
Office of the Chief Counsel  
U.S. Customs and Border Protection

**(b)(6), (b)(7)(C)** (Desk)  
**(b)(6), (b)(7)(C)** (Fax)

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

 Please consider the environment before printing this email or attachments

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 4:24 PM  
**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Subject:** RE: Request for CBP to issue Transportation/Boarding Letter to (b)(7)(C) from (b)(6), (b)(7)(C)

(b)(5)

(b)(6), (b)(7)(C)  
Assistant Chief Counsel, San Francisco

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

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Thursday, February 02, 2017 1:21 PM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)

(b)(5)

Brian J. Humphrey  
Director, Field Operations  
San Francisco and Portland Field Offices  
33 New Montgomery Street, Suite 1620  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 3:57 PM  
**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FW: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)

Here's another one. I've not seen the injunction issued out of the Central District.

Thanks

(b)(6), (b)(7)(C)  
Supervisory Program Manager  
Admissibility/Immigration Policy  
Department of Homeland Security  
Customs and Border Protection  
Office of Field Operations - San Francisco  
(b)(6), (b)(7)(C)

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



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From: (b)(6), (b)(7)(C)  
Sent: Wednesday, February 01, 2017 3:41 PM  
To: (b)(6), (b)(7)(C)  
Subject: Request for CBP to issue Transportation/Boarding Letter to (b)(6), (b)(7)(C) from (b)(6), (b)(7)(C)

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

Thank you for speaking with me today.

As I explained, I understand that CBP has the authority to issue Transportation/Boarding letters to individuals who are abroad. <http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

Section 3(g) of the Executive Order provides that the ban on travel may be lifted on a case-by-case basis “when in the national interest” to do so. CBP guidance issued yesterday also reiterates that there are case-by-case exceptions available. <https://www.cbp.gov/border-security/protecting-nation-foreign-terrorist-entry-united-states>

The Q&A says:

What do the two exemptions in the Executive Order mean? How are they applied to individual cases? 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.

As I explained briefly on the phone, I represent (b)(6), (b)(7)(C) in all immigration matters, who is a

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

We are seeking a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa because her admission for purposes of family reunification is in the national interest of our country. The U.S. Department of State, after years of national security vetting, has already determined that (b)(6), (b)(7)(C) poses no danger to our nation. Furthermore, it is in our nation’s interest to reunite her with her (b)(6), (b)(7)(C) and promote family unification, a core value of our immigration laws.

Furthermore, the U.S. District Court for the Central District of California order that was signed on January 31, 2017 (and is attached), applies to my client (b)(6), (b)(7)(C). It orders that Defendants, inform all relevant airport, airline,

and other authorities that Plaintiffs (and other persons from (b)(6), (b)(7)(C) with valid immigrant visas) are permitted to travel to the United States on their valid immigrant visas. Given this Court Order, I believe CBP could also issue a Transportation/Boarding letter to her.

Thank you for considering my request for (b)(6), (b)(7)(C) to be issued a Transportation/Boarding letter so that she may be immediately allowed to travel to and enter the United States on her approved immigrant visa. Please let me know if you would like us to fill out the form here:

<http://photos.state.gov/libraries/shanghai/228904/ACS/TLApplicationFormat.pdf>

If you need further information, please do not hesitate to email me at (b)(6), (b)(7)(C) or call me at (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

Client information:

Case Number (b)(7)(E)

I-130 Receipt Number (b)(7)(E)

A-number (b)(7)(E)

Visa Applicant (b)(7)(E)

Petitioner (b)(7)(E)

Thank you,

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

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

Van Der Hout, Brigagliano & Nightingale, LLP  
180 Sutter Street, Fifth Floor  
San Francisco, CA 94104

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

[www.vblaw.com](http://www.vblaw.com)

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 1:33 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** Executive Order Delegation of 3(g) and 5(e) Authority  
**Attachments:** Executive Order Redelelegation From Commissioner to OFO SES Draft 2-1-17.docx; Executive Order 2017 Foreign Terrorist Entry -- Highlighted.docx; State 5(e) Waiver For 872 Refugees.pdf; White House Counsel Guidance Memo 2-1-17.docx

Good morning DFO Humphrey,

(b)(5)

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

(b)(6), (b)(7)(C)  
 Assistant Chief Counsel, San Francisco  
 U.S. Customs and Border Protection

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

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



**U.S. CUSTOMS AND BORDER PROTECTION  
DELEGATION ORDER**

**ORIGINATING OFFICE:** OC

**DISTRIBUTION:**

**ORDER NUMBER:**

**ISSUE DATE:** February 1, 2017

**EFFECTIVE DATE:** February 1, 2017

**SUBJECT:** Protecting the Nation From Foreign Terrorist Entry Into the United States

**DELEGATED BY**

Commissioner

**DELEGATED TO**

Deputy Commissioner  
Executive Assistant Commissioner, Field Operations  
Deputy Executive Assistant Commissioner, Field Operations  
Executive Director Operations, Field Operations  
Executive Director, (b)(7)(E)  
Directors, Field Operations  
Port Director, John F. Kennedy Airport  
Port Director, Los Angeles International Airport

**SOURCE OF AUTHORITY BEING DELEGATED**

Homeland Security Act of 2002, Pub. L. No. 107-296, 116 Stat. 2135 (2002), as amended (6 U.S.C. § 112); Title 8, U.S.C. Section 1103, “Powers and duties of the Secretary, the Under Secretary, and the Attorney General” [Immigration and Nationality Act, § 103(a)(1)]; Title 8, U.S.C. Section 1357, “Powers of immigration officers and employees” [Immigration and Nationality Act, § 287]; The President’s Executive Order entitled, “Protecting the Nation from Foreign Terrorist Entry into the United States,” (January 27, 2017); Title 8, U.S.C. Section 1182, “Inadmissible aliens” [Immigration and Nationality Act, § 212]; Delegations from the Secretary to the Commissioner effective that pursuant to the referenced Executive Order (January 28-29, 2017); Memorandum from Counsel to the President to the Acting Secretary of State, the Acting Attorney General, and the Secretary of Homeland Security, entitled “Authoritative Guidance on Executive Order Entitled “Protecting the Nation from Foreign Terrorist Entry into the United States (Jan. 27, 2017)” (February 1, 2017).

**DELEGATION**

Authority under Section 3(g) of the Executive Order to issue a visa or other immigration benefits to nationals of countries for which visas and benefits are otherwise blocked under Section 3 of the Executive Order, on a case-by-case basis, and when in the national interest of the United States. Prior to taking any such action, the individual who is the subject of the action must be

subjected to a thorough examination by an immigration officer. Pursuant to clarifying and authoritative guidance received from Counsel to the President on February 1, 2017, Sections 3(c) and 3(e) of the Executive Order do not apply to lawful permanent residents of the United States.

Authority under Section 5(e) of the Executive Order to admit individuals to the United States as first-time refugees on a case-by-case basis, but only if the Commissioner (or appropriate designee pursuant to this delegation) and the Secretary of State, or his designee, jointly determine that the admission of such individuals as refugees is in the national interest and would not pose a risk to the security or welfare of the United States. Prior to any such admission as a first-time refugee, each such individual must be subjected to a thorough examination by an immigration officer, to include CBP conduct of: comprehensive biographic checks to include airline reservation data, airline manifest information, against the Terrorist Screening Database, the National Crime Information Center database, 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)

(b)(7)(E)

This authority may not be further delegated.

Commissioner



**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 5:21 PM  
**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

Dear Brian,

Many thanks. I'm glad that you are in contact with her attorney, and we really appreciate your response.

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

(b)(6), (b)(7)(C) Attorney  
(b)(6), (b)(7)(C) Immigration Lawyers  
(b)(6), (b)(7)(C)

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**Sent:** January 31, 2017 2:13 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: (b)(6), (b)(7)(C)

Thank you. I spoke with her attorney approximately 1 hour ago. (b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

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

Brian J. Humphrey  
Director, Field Operations  
San Francisco and Portland Field Offices  
(b)(6), (b)(7)(C)  
San Francisco, California 94105  
(b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 1:21 PM  
**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** (b)(6), (b)(7)(C)

Dear Brian and (b)(6), (b)(7)(C)

I hope you are well. You may have already heard from various Congressional offices about the imminent arrival at SFO of a U.S. Lawful Permanent Resident, **(b)(6), (b)(7)(C)** (I apologize if we're duplicating information you already have.)

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

You may have heard about this from other sources, so I apologize if we're duplicating information. However, **(b)(6), (b)(7)(C)** we thought you might like to have advance notice of her arrival.

Best,

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

**(b)(6), (b)(7)(C)** | Attorney

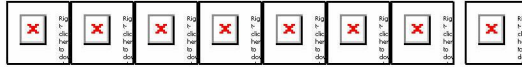
**(b)(6), (b)(7)(C)** Immigration Lawyers

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

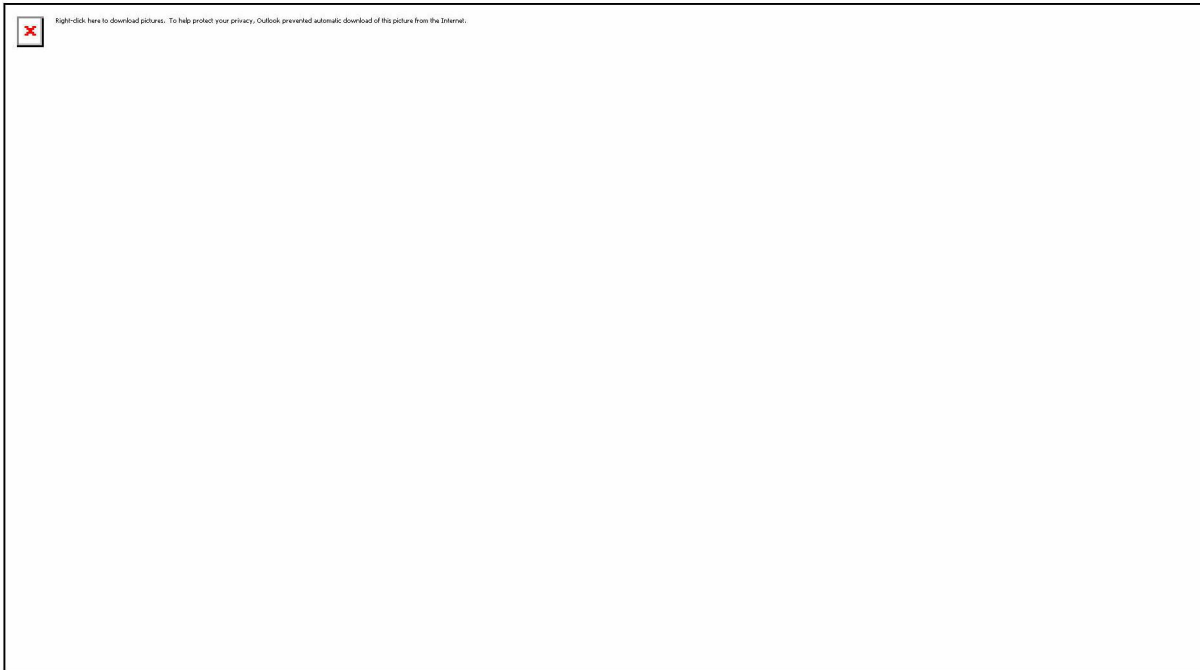
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**From:** CAIR-Chicago TV <communications@cairchicago.org>  
**Sent:** Tuesday, January 31, 2017 9:17 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Subject:** We Will Not Back Down.

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## We will not back down.



Since Trump' Executive Ban Order, CAIR-Chicago has taken a three pronged response. Legal, Media, and Legislative. Here we share with you a selection of our media work on the last few days to raise awareness and push back in the public sphere.



ABC 7. After the protests, and at the volunteer attorney bank, where pro bono lawyers are assisting travelers. CAIR-Chicago helped bring public officials to deliver a message to Customs and Border Patrol to TV cameras.



This Syrian young girl's tears may not mean much to Trump and his team. But they mean a lot to us and our community. The ban is not just a legal debate. It is a human story wherein many REAL people are treated like third class residents subjected to separation, pain, and humiliation. Putting a human face on the debate is an important angle of CAIR-Chicago's consistent media outreach.



Ahmed Rehab and attorney Kalman Resnick debated two Trump ban supporters on PBS's "Chicago Tonight." Ahmed explained that Muslims are just as much risk under ISIS and Assad, if not more, debunking the "minority vs majority" defense of the ban. He also explained the difference between data based security and religion-based scrutiny, the latter being neither safe nor just - and most of all non-constitutional. CAIR filed a lawsuit challenging Trump's ban.



At the WGN studio, Ahmed explained that the Executive Order IS a Muslim ban, and pointed to Rudy Giuliani's admission.



On ABC, Ahmed pointed out the reality on the ground, after six Muslims were killed while in prayer in Quebec, Canada, by a Trump supporter.

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**We need your support now more than ever. We need to hire more legal assistance and increase our capacity to deal with the increasing demand. Please use the button above to support us with your zakat-eligible, tax-deductible donation. Thank you!**

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# DEFENDING CIVIL RIGHTS. FIGHTING BIGOTRY.

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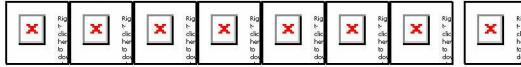
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**From:** CAIR-Chicago eNewsletter <e-newsletter@cairchicago.org>  
**Sent:** Friday, February 03, 2017 8:35 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Subject:** A lot is happening...check it out!

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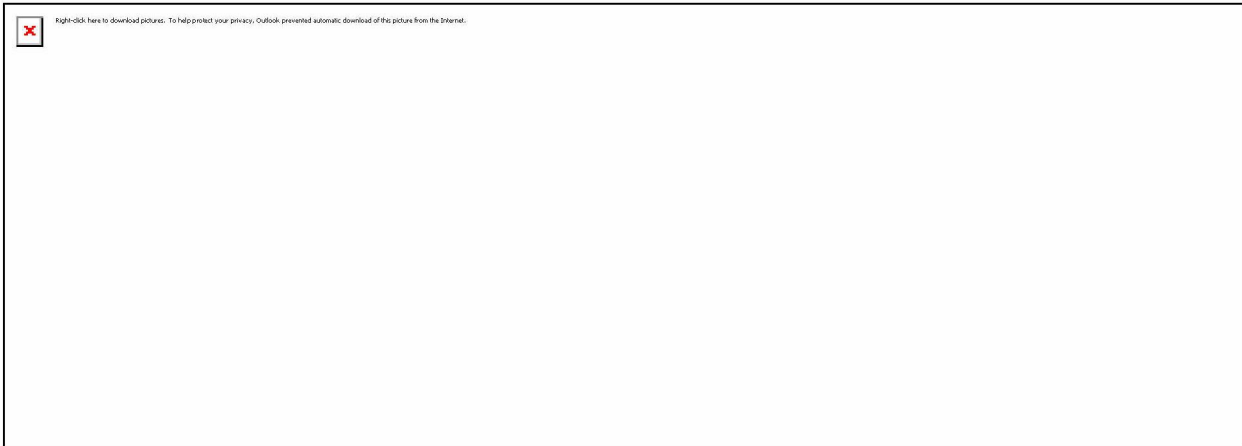
February 3rd, 2017

WEBSITE

GET HELP

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## CAIR-CHICAGO Launches the Travelers Assistance Project (TAP) in Response to Trump's Muslim Ban



Welcome to **TAP**, CAIR-Chicago's Traveler's Assistance Project. The first of its kind nationally this program is created to help travelers secure legal help in light of the **#MuslimBan**. **TAP** includes an online system that collects at-risk traveler information and puts it in a queue for our in-house Attorney Corps and legal teams of our partner



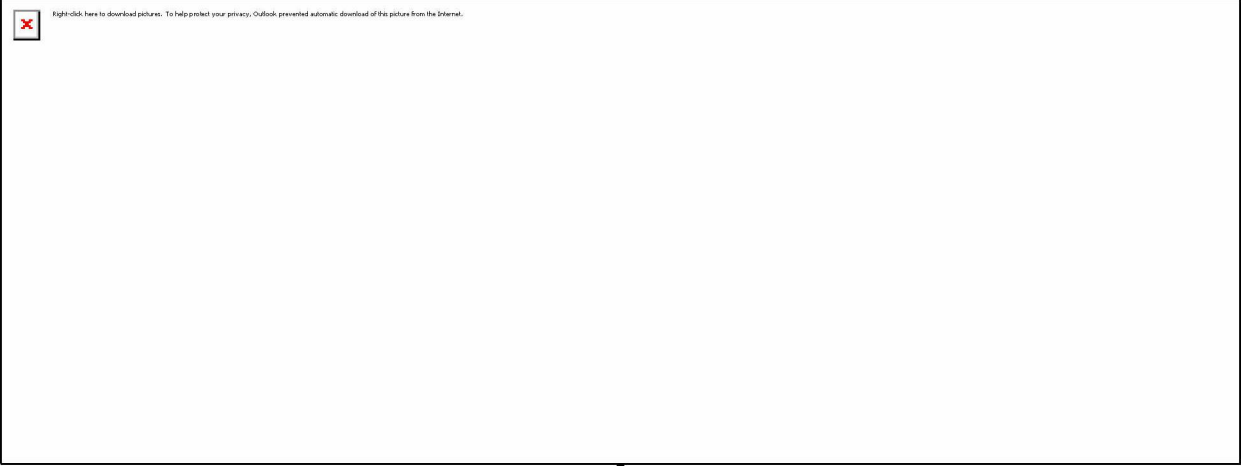
organizations to streamline on our ability to assist on the ground. It provides important traveler "know your rights" updates. You can also sign up to **join us as a volunteer attorney** or **interpreter**.

If you or someone you know is flying into O'Hare and are worried how the Muslim Ban might affect you, **register your flight with us!** Also, **watch the TAP tutorial here**.

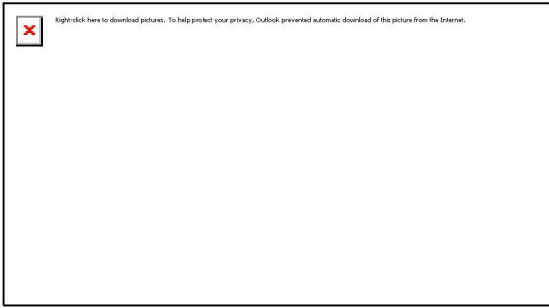
## CAIR-Chicago's Annual Banquet!



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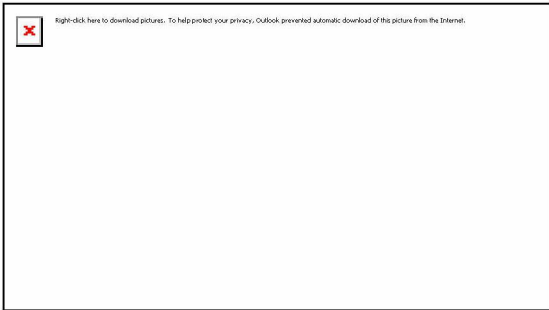


## Latest News



**Â AHMED REHAB TO SPEAK AT  
"AMERICAN MUSLIMS: BETWEEN  
BELONGING & VILIFICATION"**

On Tuesday, February 21st, Executive Director Ahmed Rehab will be giving a lecture titled "American Muslims: Between Belonging & Vilification" at Benedictine University at 12:30pm.



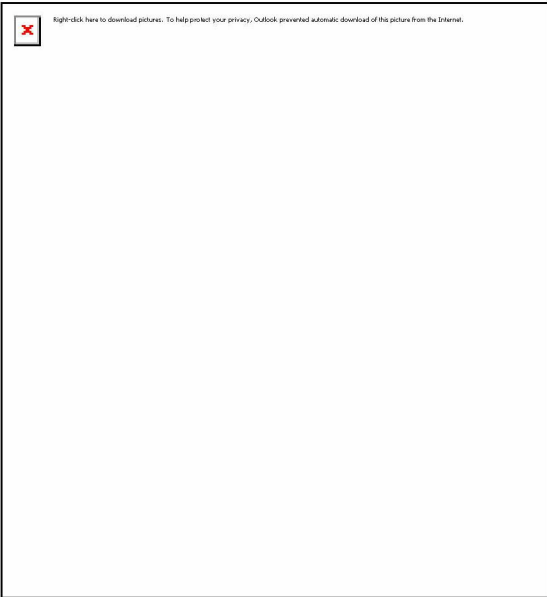
**TSEDENYA BIZANI GIVES KNOW  
YOUR RIGHTS TRAINING AT  
SUDANESE RESOURCE CENTER**

On February 3rd CAIR-Chicago Operations Coordinator Tsedenya Bizani gave a "Know Your Rights" training at the Sudanese Resource Center to Iraq, Somalian, Sudanese, and Syrian members of the community in regards to the new Executive Order and how it affects them.



**CAIR-CHICAGO WELCOMES NEW  
LEGISLATIVE ATTORNEY: MAARIA  
MOZAFFAR**

Maaria Mozaffar is a civil rights attorney,  
policy drafter and legislative consultant.  
We're excited to welcome Maaria to the  
CAIR-Chicago team!



**SUFYAN SOHEL SPEAKS AT  
KOREMATSU DAY EVENT**

Sohel discussed how America forgets the  
persecution and discrimination faced by so  
many immigrant populations throughout  
American history.



CAIR-Chicago, 17 N. State Street, Suite 1500, Chicago, IL 60602

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, February 03, 2017 1:47 PM  
**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** 17-v-557: Newest ACLU complaint re Executive Order  
**Attachments:** 17-557 - Complaint .pdf

FYI—

(b)(5)

(b)(6), (b)(7)(C) Senior Attorney  
Office of the Chief Counsel | U.S. Customs and Border Protection  
Department of Homeland Security | San Francisco

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



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 10 Doe, on behalf of themselves and others  
 11 similarly situated; ACLU of Northern  
 12 California; Jewish Family & Community  
 13 Services East Bay

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Attorneys for Plaintiffs  
 Hadil Al-Mowafak, Wasim Ghaleb and John  
 Doe, on behalf of themselves and others  
 similarly situated; ACLU of Northern  
 California; Jewish Family & Community  
 Services East Bay

12 [SEE NEXT PAGE FOR ADDITIONAL COUNSEL]

13 UNITED STATES DISTRICT COURT

14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 Hadil Al-Mowafak, Wasim Ghaleb and  
 16 John Doe, on behalf of themselves and  
 17 others similarly situated; ACLU of  
 18 Northern California; Jewish Family &  
 Community Services East Bay,

19 Plaintiffs,

20 v.

21 Donald Trump, President of the United  
 22 States; U.S. Department of State; U.S.  
 23 Department of Homeland Security; U.S.  
 24 Customs and Border Protection; Rex W.  
 25 Tillerson, Secretary of State; John Kelly,  
 26 Secretary of U.S. Department of Homeland  
 Security; Kevin McAleenan, Acting  
 Commissioner of U.S. Customs and Border  
 Patrol; Carrie Azurin, Field Director, San  
 Francisco Field Office of U.S. Customs  
 and Border Patrol,

27 Defendants.  
 28

Civil Case No. \_\_\_\_\_

**CLASS ACTION COMPLAINT FOR  
 DECLARATORY AND INJUNCTIVE  
 RELIEF**

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 5 Los Angeles, CA 90017  
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 18 AMERICAN CIVIL LIBERTIES UNION  
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 26 JENNIFER CHANG NEWELL, SBN 233033  
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 Facsimile: (212) 395-0950  
 Email: cwang@aclu.org

\*Pro Hac Vice Forthcoming

## INTRODUCTION

1  
2 1. On December 7, 2015, then-candidate Donald J. Trump issued a statement “calling  
3 for a total and complete shutdown of Muslims entering the United States.” Defendant Trump  
4 remained consistent on this position throughout his campaign for the presidency.

5  
6 2. Following his election as President, Defendant Trump implemented his plan to ban  
7 individuals on the basis of their religious beliefs: One week after he took office, on January 27,  
8 2017, Defendant Trump issued an Executive Order (the “Executive Order”) completely  
9 prohibiting for at least 90 days the entry or re-entry of all persons who are nationals of seven  
10 predominantly Muslim countries—Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen (the  
11 “Designated Countries”)—regardless of whether such persons hold valid visas or are lawful  
12 permanent residents of the United States. As one of Defendant Trump’s senior advisors  
13 confirmed the next day, the Executive Order is an attempt to institute the promised “Muslim ban.”  
14

15  
16 3. Also on January 27, 2017, the Deputy Assistant Secretary for Visa Services at the  
17 Bureau of Consular Affairs of the Department of State, relying on the authority of the Executive  
18 Order, summarily and provisionally revoked all valid nonimmigrant and immigrant visas of nationals  
19 of the seven predominantly Muslim Countries, subject to exceptions not relevant here. This  
20 revocation (“the Provisional Revocation Letter”) threatens countless nationals of the Designated  
21 Countries who are currently in the United States or who reside in the United States but were  
22 traveling abroad when the letter was issued.  
23

24 4. The First Amendment does not allow the government to circumvent its protections  
25 for religious freedom so easily. As the Supreme Court explained in striking down a law that targeted  
26 members of an unpopular religion, “[o]fficial action that targets religio[n] ... cannot be shielded by  
27  
28



1 mere compliance with the requirement of facial neutrality. The Free Exercise Clause protects  
2 against governmental hostility which is masked, as well as overt.” *Church of the Lukumi Babalu*  
3 *Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 534 (1993). The Executive Order and the Provisional  
4 Revocation Letter violate the First Amendment because they are thinly veiled attempts to  
5 discriminate against Muslims by barring them from entry to the United States.  
6

7 5. The Immigration and Nationality Act (“INA”) ensures that the United States does not  
8 adopt certain discriminatory immigration policies. The INA prohibits preference or discrimination  
9 on the basis of “a person’s race, sex, nationality, place of birth or place of residence.” 8 U.S.C.  
10 §1152(a)(1)(A). The Executive Order and the Provisional Revocation Letter contradict this statute  
11 and instead would revoke visas and deny entry based on nothing but “nationality, place of birth or  
12 place of residence.”  
13

14 6. Plaintiffs include nationals of the Designated Countries who are or have been  
15 lawfully present in California and who, but for the Executive Order and/or the Provisional  
16 Revocation Letter, have the lawful right to travel to and from the United States. Plaintiffs also  
17 include organizations that wish to hear from and associate with people barred from entering the  
18 nation under the orders. Plaintiffs bring this action on behalf of themselves and other persons  
19 similarly situated to challenge various provisions of the Executive Order and the Provisional  
20 Revocation Letter that violate the First Amendment, the equal-protection and due process rights  
21 granted under the Fifth Amendment, the Religious Freedom Restoration Act, 42 U.S.C.  
22 § 2000bb-1 *et seq.*, the Immigration and Nationality Act, 8 U.S.C. § 1101 *et seq.*, and the  
23 Administrative Procedure Act.  
24  
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27 ////  
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**JURISDICTION AND VENUE**

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7. This Court has jurisdiction under 5 U. S. C. § 706 and 28 U.S.C. §§ 1331 and 1361, and has further remedial authority pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*

8. Venue properly lies within the Northern District of California under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to this action occurred in the District.

**INTRADISTRICT ASSIGNMENT**

9. Pursuant to Civil L.R. 3-2(c), this case should be assigned to the San Francisco or Oakland Division of this Court because the action arises in San Francisco County.

**PARTIES**

10. Plaintiff Hadil Al-Mowafak is a Yemeni national who is currently in her freshman year at Stanford University in Palo Alto, California. She possesses a valid F-1 student visa and has continuously resided in the United States since September 17, 2016. As described below, Plaintiff Al-Mowafak plans to travel to Yemen in the summer of 2017 to visit her husband, who lives in Yemen. Because her husband does not have a United States visa, the only way that Plaintiff Al-Mowafak can see her husband is if she travels to Yemen to visit him.

11. Plaintiff Wasim Ghaleb is a Yemeni national who is currently studying business administration at Grossmont College in San Diego, California. Plaintiff Ghaleb possesses a valid F-1 student visa and continuously resided in California from March 4, 2016 to January 15, 2017. As described below, Plaintiff Ghaleb travelled to Saudi Arabia on January 15 to visit his family,

1 fully intending to return to California two weeks later for the spring semester. Instead, he is now  
2 stuck outside the country because of the Executive Order.

3 12. Plaintiff John Doe is an Iranian national who is currently a Ph.D. candidate at  
4 University of California, Berkeley. He possesses a valid F-1 student visa and has continuously  
5 resided in the United States since September 2012. As described below, Plaintiff Doe received  
6 and accepted a job offer at a top Fortune 50 Company in Silicon Valley. He fears that his post-  
7 graduate work authorization will be affected by the Executive Order and result in the loss of this  
8 job opportunity. He brings suit under a pseudonym because he fears retaliation.  
9

10 13. Plaintiff American Civil Liberties Union of Northern California (“ACLU-NC”),  
11 founded in 1934 and based in San Francisco, California, is one of the largest ACLU affiliates,  
12 with more than 95,000 members, thousands of whom live in this District. Plaintiff ACLU-NC  
13 has long been dedicated to protecting the constitutional rights of its members and of all  
14 Californians, including their rights to religious liberty and equal protection of the laws. Plaintiff  
15 ACLU-NC has members of many faiths— Muslim, Christian, Jewish and others— who are  
16 directly affected by the Executive Order and its implementation, including nationals of the  
17 Designated Countries who are now unable to travel. Other ACLU-NC members are U.S. citizens  
18 and permanent residents who wish to hear the speech of and associate with people of all faiths  
19 who are now unable to travel or return to the United States because of the Executive Order. In  
20 addition, Plaintiff ACLU-NC has members who pay federal taxes and are opposed to the use of  
21 their tax dollars to implement and enforce the unlawful actions that are the subject of this lawsuit.  
22

23 14. Plaintiff Jewish Family & Community Services East Bay (“JFCS-EB”), founded in  
24 1877 as the Daughters of Israel Relief Society, has a long history of working to resettle and  
25

26  
27  
28



1 provide legal and other services to refugees and immigrants from many countries, including  
2 people from the Designated Countries, in the San Francisco Bay Area, and serves and supports  
3 Alameda and Contra Costa County residents of all ages, races, and religions. Plaintiff JFCS-EB  
4 supports those refugees and immigrants who are already present in the area, and stands ready to  
5 welcome and provide services to additional refugees and immigrants who are able to gain entry to  
6 the United States. Defendants' actions impede JFCS-EB's ability to carry out its mission, as  
7 JFCS-EB has been forced to divert its limited resources from critical ongoing work in support of  
8 refugees and immigrants in order to assist individuals negatively impacted by the Executive  
9 Order, such as responding to new and acute inquiries and requests for assistance.  
10  
11

12 15. Defendant Donald J. Trump is the President of the United States. He is sued in his  
13 official capacity.

14 16. Defendant U.S. Department of State is a cabinet department of the United States  
15 federal government that is responsible for issuing visas.  
16

17 17. Defendant U.S. Department of Homeland Security ("DHS") is a cabinet  
18 department of the United States federal government with the primary mission of securing the  
19 United States.  
20

21 18. Defendant U.S. Customs and Border Protection ("CBP") is an agency within DHS  
22 with the primary mission of detecting and preventing the unlawful entry of persons and goods  
23 into the United States.

24 19. Defendant Rex W. Tillerson is the Secretary of State. He is sued in his official  
25 capacity.  
26

27 20. Defendant John Kelly is the Secretary of DHS. He is sued in his official capacity.  
28



1 exceptions not relevant here. This section of the Executive Order appears on its face to prevent  
2 all persons who are nationals of such countries from entering the United States, regardless of  
3 whether they are otherwise admissible.

4           26. Under Section 1 of the Executive Order, entitled “Purpose,” the Executive Order  
5 states that at the time of the September 11, 2001 terrorist attacks, “State Department policy  
6 prevented consular officers from properly scrutinizing the visa applications of several of the 19  
7 foreign nationals” involved in those attacks. However, the Executive Order does not impose any  
8 restrictions on nationals of the countries of which the September 11 attackers were citizens.

9           27. The same day the Executive Order issued, the Deputy Assistant Secretary for Visa  
10 Services at the Bureau of Consular Affairs of the Department of State, relying on the Executive  
11 Order, issued a letter purporting to provisionally revoke all valid nonimmigrant and immigrant visas  
12 of nationals of the Designated Countries, subject to exceptions not relevant here. The Provisional  
13 Revocation Letter was not publicized; to the contrary, it was withheld from the public until it was  
14 filed four days later under a “Notice of Supplemental Authority” in multiple cases challenging the  
15 Executive Order. The existence of the Provisional Revocation Letter broadens the chaos caused by  
16 the Executive Order. The federal government has apparently issued no public and legally binding  
17 guidance regarding the meaning or proper interpretation of the Provisional Revocation Letter. A  
18 copy of this letter is attached to this Complaint as Exhibit B.

19           28. The Provisional Revocation Letter also appears to expand the scope of the Executive  
20 Order’s application: it applies on its face to persons who are present inside the United States as well  
21 as persons outside the United States, rather than being limited to persons seeking to enter the United  
22 States. Under section 221(a)(1)(B) of the INA, 8 U. S. C. § 1227(a)(i)(B), any alien whose  
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1 nonimmigrant visa has been revoked under 8 U. S. C. § 1201(i) (INA § 221(i), referenced in the  
 2 Provisional Revocation Letter) is deportable. Immigration attorneys report that the Provisional  
 3 Revocation Letter is now being applied to immigrants lawfully residing within the United States who  
 4 have pending applications for asylum, lawful permanent residence and other immigration benefits.

6 **The Text and History of the Executive Order Show Discriminatory Intent**

7 29. The Executive Order and the Provisional Revocation Letter currently apply to  
 8 nationals of seven countries, all of which are majority Muslim countries: Iraq, Iran, Libya,  
 9 Somalia, Sudan, Syria, and Yemen. The Executive Order, by its express terms, suspends  
 10 immigrant and nonimmigrant entry into the United States based on nationality, place of birth or  
 11 place of residence. The Provisional Revocation Letter similarly revokes “all valid nonimmigrant  
 12 and immigrant visas of nationals” based on nationality, place of birth, or place of residence.

15 30. The Executive Order is an attempt by Defendant Trump to fulfill a campaign  
 16 promise to ban Muslims from entering the United States. In a December 7, 2015 written  
 17 statement, “Donald J. Trump Statement on Preventing Muslim Immigration,” then-candidate  
 18 Trump said that he was “calling for a total and complete shutdown of Muslims entering the  
 19 United States.” This statement is still displayed on the official Trump-Pence website.<sup>1</sup>

21 31. That same day, Defendant Trump sent a tweet that stated “DONALD J. TRUMP  
 22 STATEMENT ON PREVENTING MUSLIM IMMIGRATION,” linking to the statement.<sup>2</sup> He  
 23 also read a slightly modified version of the statement himself in public, declaring that “Donald J.  
 24

27 <sup>1</sup> <https://www.donaldjtrump.com/press-releases/donald-j.-trump-statement-on-preventing-muslim-immigration> [last  
 28 accessed on February 1, 2017].  
<sup>2</sup> <https://twitter.com/realDonaldTrump/status/673993417429524480> [last accessed on February 1, 2017].

1 Trump is calling for a total and complete shutdown of Muslims entering the United States until  
2 our country's representatives can figure out what the hell is going on. We have no choice.”<sup>3</sup>

3 32. On December 13, 2015, during an interview on CNN, Defendant Trump  
4 reaffirmed his intent to institute a ban on Muslims entering the country. When asked about his  
5 “call ... for, ‘a total and complete shutdown of Muslims entering the U.S.’” he nodded his head  
6 and defended his position. Later, when he was asked whether he thought the ban would be was  
7 constitutional, he replied, “first of all, they’re not citizens.”<sup>4</sup>

8  
9 33. Defendant Trump repeatedly referred to a ban on Muslim immigration on the  
10 campaign trail. For example, in a speech on June 13, 2016, Defendant Trump stated, “I called for  
11 a ban after San Bernardino and was met with great scorn and anger. But now many ... are saying  
12 that I was right to do so.”<sup>5</sup>

13  
14 34. In July 24, 2016 interview on Meet the Press, Defendant Trump was asked directly  
15 if a plan similar to the now-enacted Executive Order was a “rollback” from “[t]he Muslim Ban.”  
16 Defendant Trump rejected the suggestion: “I don’t think so. I actually don’t think it’s a rollback.  
17 In fact, you could say it is an expansion.”<sup>6</sup>

18  
19 35. After the election, on December 22, 2016, a reporter asked Defendant Trump  
20 whether his “plans to create a Muslim register or ban Muslim immigration to the United States”  
21

22  
23  
24  
25 <sup>3</sup> <http://wpo.st/O0uY2> [last accessed on February 1, 2017].

26 <sup>4</sup> A video of this interview is available on CNN’s Youtube Channel at  
<https://www.youtube.com/watch?v=JKtcdn0zAqw>; the referenced comments occur during the first 15 seconds of the  
27 interview and at 8:45 [last accessed on February 1, 2017].

28 <sup>5</sup> <http://www.vox.com/2016/6/13/11925122/trump-orlando-foreign-policy-transcript> [last accessed on February 1,  
2017].

<sup>6</sup> <http://www.nbcnews.com/meet-the-press/meet-press-july-24-2016-n615706> [last accessed on February 1, 2017].

1 had changed. Defendant Trump responded “you’ve known my plans all along” and that he was  
2 “100% correct” in his position.<sup>7</sup>

3 36. In the days after the Executive Order, Defendant Trump referred to the Executive  
4 Order as a “ban.” On January 30, Defendant Trump tweeted: “If the ban were announced with a  
5 one week notice, the ‘bad’ would rush into our country during that week.”<sup>8</sup> On February 1,  
6 Defendant Trump expressed his indifference to whether the Executive Order is characterized as a  
7 ban on Muslims: “Everyone is arguing whether or not it is a BAN. Call it what you want...”<sup>9</sup>

8  
9 37. Senior advisors to Defendant Trump have engaged in anti-Muslim rhetoric that  
10 provide additional support for the notion that the Executive Order was prompted by animus  
11 toward Islam and Muslims.  
12

13 38. In the summer of 2014, Stephen Bannon, chief strategist and senior counselor to  
14 Defendant Trump and a reported principal architect of the Executive Order, advocated for  
15 separation from those of the Muslim faith, telling a meeting of the Human Dignity Institute: “If  
16 you look back at the long history of the Judeo-Christian West struggle against Islam, I believe  
17 that our forefathers kept their stance, and I think they did the right thing. I think they kept it out  
18 of the world, whether it was at Vienna, or Tours, or other places... It bequeathed to us the great  
19 institution that is the church of the West.” Bannon continued: “[T]hey were able to stave this off,  
20 and they were able to defeat it, and they were able to bequeath to us a church and a civilization  
21 that really is the flower of mankind, so I think it’s incumbent on all of us to do what I call a gut  
22 check, to really think about what our role is in this battle that’s before us.”<sup>10</sup>  
23  
24  
25

26  
27 <sup>7</sup> <http://time.com/4611229/donald-trump-berlin-attack/> [last accessed February 1, 2017].

<sup>8</sup> <https://twitter.com/realDonaldTrump/status/826060143825666051> [last accessed on February 1, 2017].

<sup>9</sup> <https://twitter.com/realDonaldTrump/status/826774668245946368> [last accessed on February 1, 2017].

<sup>10</sup> <https://www.buzzfeed.com/lesterfeder/this-is-how-steve-bannon-sees-the-entire-world> [last accessed February 1,



1           39. In an interview on January 28, 2017, one of Defendant Trump's senior advisors,  
2 Rudolph Giuliani, left no doubt that the ban on entry from nationals of the Designated Countries  
3 was intended to carry out a ban on Muslims, and that the Executive Order was crafted to create a  
4 pretextual cover for a Muslim ban. Mr. Giuliani stated: "I'll tell you the whole history of it. So,  
5 when he [Defendant Trump] first announced it, he said, 'Muslim ban.' He called me up. He said,  
6 'Put a commission together. Show me the right way to do it legally.'"<sup>11</sup>

8           40. On January 29, an anonymous "senior administration official" briefed a reporter from  
9 Breitbart.com on the intended purpose of the Executive Order: "The reality, though, is that the  
10 situation [of large Islamic populations] that exists today in parts of France, in parts of Germany, in  
11 Belgium, etcetera, is not a situation we want replicated inside the United States."<sup>12</sup>

13           41. Defendant Trump and his agents have also made it clear that they intend to favor  
14 non-Muslims nationals of the Designated Countries over Muslim nationals of those countries. In  
15 an interview with the Christian Broadcasting Network on January 27, 2017, Defendant Trump  
16 asserted that the United States had been discriminating against Christian refugees from Syria in  
17 favor of Muslims, claiming that "If you were a Muslim, you could come in. But if you were  
18 Christian, it was almost impossible." He continued, "they were chopping off the heads of  
19 everybody but more so the Christians. I thought it was very, very unfair. So we are going to help  
20 them."<sup>13</sup>

23           42. Consistent with Defendant Trump's expressed intent to favor Christians, Section  
24 5(e) of the Executive Order authorizes the Secretaries of the Department of State and the  
25

2017].

26 <sup>11</sup> <http://wpo.st/xzuY2> [last accessed on February 1, 2017].

27 <sup>12</sup> <http://www.breitbart.com/big-government/2017/01/30/trump-changes-immigration-favor-american-values/>  
(parenthetical in original) [last accessed on February 1, 2017].

28 <sup>13</sup> <http://www.breitbart.com/national-security/2017/01/27/trump-will-give-persecuted-christians-priority-refugee-status/> [last accessed on February 1, 2017].

1 Department of Homeland Security to admit individuals who are “member[s] of a religious  
2 minority” in their countries of nationality who are “facing religious persecution.” This provision  
3 directly grants Christians and other religions preference over Muslim refugees.

4  
5 **Facts About Plaintiff Hadil Al-Mowafak**

6 43. Plaintiff Hadil Al-Mowafak is a Yemeni national who is currently in her freshman  
7 year at Stanford University in Palo Alto, California and hopes to earn her undergraduate degree in  
8 2020. She possesses a valid F-1 multiple-entry student visa that was duly issued on July 29,  
9 2016. She has continuously resided in the United States since September 17, 2016. Plaintiff Al-  
10 Mowafak currently plans to travel to Yemen in the summer of 2017 to visit her husband, who  
11 lives in Yemen. Because her husband does not have a United States visa, the only way that  
12 Plaintiff Al-Mowafak can see her husband is if she travels to Yemen to visit him.  
13

14  
15 44. In addition to being unable to travel to see her husband, Plaintiff Al-Mowafak  
16 fears that if she is not permitted to re-enter the United States because of the Executive Order and  
17 its implementation, she will be prevented from continuing her undergraduate studies. She is also  
18 fearful about the effects of the Provisional Revocation Letter on her immigration status.  
19

20 **Facts About Plaintiff Wasim Ghaleb**

21  
22 45. Plaintiff Wasim Ghaleb is a 23-year-old national of Yemen, who attends  
23 Grossmont College in San Diego, California. He is majoring in business administration. He  
24 hopes to complete his Associate degree at Grossmont College, transfer to a Bachelor of Arts  
25 program at a university, and complete his studies in 2020.

26 46. On January 15, 2016, Ghaleb traveled to Saudi Arabia to spend time with family  
27 during a break in the academic schedule. As the holder of a valid, multiple-entry F-1 visa that  
28

1 would allow him to re-enter at any time prior to February 23, 2017, Ghaleb intended to return on  
2 January 28, 2017, to begin the new semester on January 30.

3 47. On January 28, Plaintiff Ghaleb went to the airport in Jeddah and boarded a British  
4 Airways flight to London with a reservation on a connecting flight to Los Angeles, California.  
5 When he arrived in London and went to the gate for his flight to Los Angeles International  
6 Airport (“LAX”), he heard his name being called over a loudspeaker. When Plaintiff Ghaleb  
7 approached the counter, individuals he understood to be U.S. agents of Defendant DHS informed  
8 him that he could not continue on his flight to LAX because Defendant Trump had banned  
9 citizens from seven countries—including Yemen—from traveling to the United States. Plaintiff  
10 Ghaleb showed the agents his Form I-20 and valid F-1 entry visa, to demonstrate that he had  
11 permission to enter the United States, but the agents told him he had no choice but to return to  
12 Jeddah.  
13

14 48. Based on instructions from the U.S. agent who informed Plaintiff Ghaleb of the  
15 travel ban, Plaintiff Ghaleb arranged for a return flight to Jeddah on British Airways. He spent  
16 seven hours in the London airport wondering what his future would hold, worrying that he would  
17 not be able to complete the semester at Grossmont College, and making calls and asking  
18 questions to try to find a way to travel to the United States before returning to Jeddah. Plaintiff  
19 Ghaleb has already missed several days of the new semester, but he is eager to return and intends  
20 to complete the semester if the U.S. will honor his duly issued F-1 visa and Form I-20.  
21  
22

### 23 **Facts About Plaintiff John Doe**

24  
25 49. Plaintiff John Doe is an Iranian national who is currently a Ph.D. candidate at  
26 University of California, Berkeley. Plaintiff Doe expects to receive his Ph.D. by May of 2017.  
27 He holds a 3.9 grade point average and has published scholarly articles in prestigious scientific  
28



1 journals. He possesses a valid F-1 student visa and has continuously resided in the United States  
 2 since September 2012. Plaintiff Doe currently lives in Albany, California. He is completing his  
 3 fifth and final year of study in engineering.

4           50. In December 2016, before the Executive Order was issued, Plaintiff Doe applied  
 5 for Optional Practical Training (“OPT”). OPT is post-graduation work authorization for  
 6 international students. After he applied for OPT, he received and accepted a job offer for a  
 7 product development position at a top Fortune 50 Company in Silicon Valley. He fears that his  
 8 OPT will be affected. If his OPT is affected by the Executive Order, then he will be unable to  
 9 start his job on a timely basis and may be denied the job. Plaintiff Doe is also fearful about the  
 10 effects of the Provisional Revocation Letter on his immigration status.

11           51. For the reasons set forth below, the Executive Order and Provisional Revocation  
 12 Letter unlawfully deprive Plaintiffs of their rights under the United States Constitution and the  
 13 Immigration and Nationality Act, and are ultra vires.

14 **Facts Common to all Members of the Plaintiff Class**

15           52. Since the Executive Order was announced on January 27, 2017, its implementation  
 16 by Defendants and their agents has been marked by chaos and confusion.

17           53. For example, on at least several occasions, Defendants and their agents have  
 18 unlawfully required persons seeking entry into the United States who otherwise possessed valid  
 19 visas or lawful permanent residence status to “voluntarily” renounce their U.S. immigration status  
 20 by signing documents such as U.S. Customs and Immigration Services Form I-407, which is  
 21 entitled “Record of Abandonment of Lawful Permanent Resident Status,” under the false  
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1 representation that, if they did not do so, they would be ineligible for entry into the United States  
2 for a period of at least five years.

3 54. As a result, individual Plaintiffs and members of the Plaintiff Class reasonably fear  
4 that, in the event they attempt to enter or re-enter the United States, they will be denied  
5 permission to do so, notwithstanding their previously established lawful presence in the United  
6 States and the fact that they are otherwise admissible.  
7

### 8 CLASS ACTION ALLEGATIONS

9 55. Plaintiffs bring this action as a class action pursuant to Fed. R. Civ. P. 23(b) (1)  
10 and (b) (2), on their own behalf and on behalf of all other persons who are nationals of Iran, Iraq,  
11 Libya, Somalia, Sudan, Syria or Yemen (the “Designated Countries”) who currently are, or  
12 recently have been, lawfully present in California and who, but for the January 27, 2017  
13 Executive Order and the Provisional Revocation Letter, would be able to travel to the United  
14 States or leave and return to the United States. This includes the following subclasses:  
15

16 (a) Nationals of the Designated Countries who resided in California and left the United  
17 States prior to issuance of the Executive Order and the Provisional Revocation Letter with  
18 the intent to return, and are currently abroad; and  
19

20 (b) Nationals of the Designated Countries who reside in California and were lawfully  
21 present in the United States upon issuance of the Executive Order and the Provisional  
22 Revocation Letter, and wish to be able, in the future, to leave the United States  
23 temporarily and return to the United States.  
24

25 56. The Plaintiff Class is so numerous that joinder is impracticable. According to the  
26 Annual Report of the Visa Office, in 2015, the last year for which data are available, the United  
27 States

1 States issued approximately 85,000 immigrant and non-immigrant visas to nationals from the  
2 seven Designated Countries.<sup>14</sup> On information and belief, a large number of such persons reside,  
3 or have recently resided, in California.

4 57. The claims of the Plaintiff Class members share common issues of law, including  
5 but not limited to whether the Executive Order violates their associational, religious exercise and  
6 due process rights under the First and Fifth Amendments, the Religious Freedom Restoration Act,  
7 the Immigration and Nationality Act and the Administrative Procedure Act.  
8

9 58. The claims of the Plaintiff Class members share common issues of fact, including  
10 but not limited to whether the Executive Order is being or will be enforced so as to prevent them  
11 from entering the United States from abroad or from re-entering the United States should they  
12 choose to leave the United States briefly, even though they would otherwise be admissible.  
13

14 59. The claims or defenses of the named Plaintiffs are typical of the claims or defenses  
15 of members of the Plaintiff Class.  
16

17 60. The named Plaintiffs will fairly and adequately protect the interests of the Plaintiff  
18 class. The named Plaintiffs have no interest that is now or may be potentially antagonistic to the  
19 interests of the Plaintiff class. The attorneys representing the named Plaintiffs include  
20 experienced civil rights attorneys and are considered able practitioners in federal constitutional  
21 litigation. These attorneys should be appointed as class counsel.  
22

23 61. Defendants have acted, have threatened to act, and will act on grounds generally  
24 applicable to the Plaintiff Class, thereby making final injunctive and declaratory relief appropriate  
25

26 \_\_\_\_\_  
27 <sup>14</sup> [https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2015AnnualReport/FY15AnnualReport-  
TableIII.pdf](https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2015AnnualReport/FY15AnnualReport-TableIII.pdf) ;  
28 [https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2015AnnualReport/FY15AnnualReport-  
TableXVIII.pdf](https://travel.state.gov/content/dam/visas/Statistics/AnnualReports/FY2015AnnualReport/FY15AnnualReport-TableXVIII.pdf) [last accessed on February 1, 2017].



1 to the class as a whole. The Plaintiff Class may therefore be properly certified under Fed. R. Civ.  
2 P. 23(b) (2).

3 62. Prosecution of separate actions by individual members of the Plaintiff Class would  
4 create the risk of inconsistent or varying adjudications and would establish incompatible  
5 standards of conduct for individual members of the Plaintiff Class. The Plaintiff Class may  
6 therefore be properly certified under Fed. R. Civ. P. 23(b) (1).  
7

8  
9 **CLAIMS FOR RELIEF**

10 **COUNT ONE**  
11 **FIRST AMENDMENT – ESTABLISHMENT, FREE EXERCISE, SPEECH AND**  
12 **ASSEMBLY CLAUSES**

13 63. Plaintiffs repeat and incorporate by reference each and every allegation contained  
14 in the preceding paragraphs as if fully set forth herein.

15 64. The First Amendment prohibits the establishment of a religion or the prohibition  
16 of the free exercise of religion.

17 65. The Executive Order and the Provisional Revocation Letter constitute an unlawful  
18 attempt to discriminate against Muslims and to establish a preference for one religion over  
19 another. References in the Executive Order and the Provisional Revocation Letter to the seven  
20 Designated Countries are transparently a pretext for the underlying aim to establish this  
21 preference.  
22

23 66. Plaintiffs are harmed by this preference in that Defendants seek to disadvantage  
24 them, as compared to other religions, in the consideration and continuation of their status as  
25 lawfully entering, or being present in the United States.

26 67. The Executive Order and the Provisional Revocation Letter also violate the rights  
27 of Plaintiffs ACLU-NC and Jewish Family & Community Services East Bay to receive  
28

1 information and speech from, and to associate freely with, the individual Plaintiffs and Plaintiff  
2 class members.

3 **COUNT TWO**  
4 **RELIGIOUS FREEDOM RESTORATION ACT**

5 68. Plaintiffs repeat and incorporate by reference each and every allegation contained  
6 in the preceding paragraphs as if fully set forth herein.

7 69. The Executive Order and the Provisional Relocation Letter will have the effect of  
8 imposing a special disability on the basis of religious views or religious status, by withdrawing  
9 important immigration benefits principally from Muslims on account of their religion. In doing  
10 so, the Executive Order and the Provisional Revocation Letter place a substantial burden on  
11 Muslims' exercise of religion in a way that is not the least restrictive means of furthering a  
12 compelling governmental interest.

13 70. Defendants' actions therefore constitute a violation of the Religious Freedom  
14 Restoration Act, 42 U.S.C. § 2000bb-1 *et seq.*

15  
16 **COUNT THREE**  
17 **FIFTH AMENDMENT – EQUAL PROTECTION**

18 71. Plaintiffs repeat and incorporate by reference each and every allegation contained  
19 in the preceding paragraphs as if fully set forth herein.

20 72. The Executive Order and the Provisional Revocation Letter discriminate against  
21 Plaintiffs on the basis of their country of origin, and without sufficient justification, and therefore  
22 violate the equal protection component of the Due Process Clause of the Fifth Amendment.

23 73. Additionally, the Executive Order and the Provisional Revocation Letter were  
24 substantially motivated by animus toward—and have a disparate effect on—Muslims, which also  
25 violates the equal protection component of the Due Process Clause of the Fifth Amendment.  
26  
27  
28

**COUNT FOUR**  
**FIFTH AMENDMENT – PROCEDURAL DUE PROCESS**

1  
2           74.     Plaintiffs repeat and incorporate by reference each and every allegation contained  
3 in the preceding paragraphs as if fully set forth herein.

4  
5           75.     Procedural due process requires that the government be constrained before it acts  
6 in a way that deprives individuals of liberty interests protected under the Due Process Clause of  
7 the Fifth Amendment.

8  
9           76.     The United States government is obligated by international law and by U.S. law,  
10 including but not limited to the INA, 8 U.S.C. §1101(a)(13)(C), to fairly process for entry or re-  
11 entry into the United States those persons who are lawful permanent residents, who have  
12 established a significant connection with the United States and continuously resided in the United  
13 States, or who have complied with all of the legal and procedural requirements for lawful entry  
14 into the United States.

15  
16           77.     Defendants' actions, as described above, have denied Plaintiffs who are currently  
17 outside the United States the opportunity to re-enter the United States, and have denied Plaintiffs  
18 who currently lawfully reside in the United States, the opportunity to travel outside the United  
19 States, for fear that they will be denied re-entry. Such actions, taken pursuant to the Executive  
20 Order, violate the procedural due process rights guaranteed by the Fifth Amendment.  
21

**COUNT FIVE**  
**IMMIGRATION AND NATIONALITY ACT**

22  
23  
24           78.     Plaintiffs repeat and incorporate by reference each and every allegation contained  
25 in the preceding paragraphs as if fully set forth herein.

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

**PRAYER FOR RELIEF**

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

- 1. A determination that this action may properly be maintained as a class action pursuant to Fed. R. Civ. P. 23(b)(1) and (b)(2);
- 2. A declaration that the Executive Order and the Provisional Revocation Letter are in violation of the rights of Plaintiffs and Plaintiff Class members for the reasons set forth above.
- 3. An injunction that the Executive Order and the Provisional Revocation Letter may not be enforced as against Plaintiffs and Plaintiff Class members in connection with their entry or re-entry into the United States;
- 4. An award to the Plaintiff Class of reasonable costs and attorney’s fees; and,
- 5. Such other and further relief that this Court may deem fit and proper.

Dated: February 2, 2017

AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF NORTHERN  
CALIFORNIA, INC.

By: s/Christine P. Sun  
CHRISTINE P. SUN

Attorneys for Plaintiffs

Dated: February 2, 2017

KEKER & VAN NEST LLP

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By: s/R. Adam Lauridsen  
R. ADAM LAURIDSEN

Attorneys for Plaintiffs



# EXHIBIT A

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.

# # #



# EXHIBIT B

**United States Department of State**

*Deputy Assistant Secretary  
for Visa Services*

*Washington, D.C. 20520*

January 27, 2017

Upon request of the U.S. Department of Homeland Security and pursuant to sections 212(f) and 221(i) of the Immigration and Nationality Act and 22 CFR 41.122 and 42.82, and in implementation of section 3(c) of the Executive Order on Protecting the Nation from Terrorist Attacks by Foreign Nationals, I hereby provisionally revoke all valid nonimmigrant and immigrant visas of nationals of Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen, subject to the exceptions discussed below.

The revocation does not apply to visas in the following nonimmigrant classifications: A-1, A-2, G-1, G-2, G-3, G-4, NATO, C-2, or certain diplomatic visas.

The revocation also does not apply to any visa exempted on the basis of a determination made by the Secretaries of State and Homeland Security pursuant to section 3(g) of the Executive Order on a case-by-case basis, and when in the national interest.

This document 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.

A handwritten signature in blue ink, appearing to read "Edward J. Ramotowski", written over a horizontal line.

Edward J. Ramotowski  
Deputy Assistant Secretary  
Bureau of Consular Affairs  
Department of State

CIVIL COVER SHEET

JS-CAND 44 (Rev. 07/16)

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

I. (a) PLAINTIFFS

Hadil Al-Mowafak, Wasim Ghaleb and John Doe, on behalf of themselves and others similarly situated; ACLU of Northern California; Jewish Family & Community Services East Bay

DEFENDANTS

Donald Trump, President of the United States; U.S. Department of State; U.S. Department of Homeland Security; U.S. Customs and Border Protection; Rex W. Tillerson, Secretary of State; (see attachment)

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

County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY)

NOTE: INLAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)

(c) Attorneys (Firm Name, Address, Email and Telephone Number)

Julia Harumi Mass #189649 R. Adam Lauridsen #243780
ACLU of No California Kecker & Van Nest LLP
39 Drumm St., SF, CA 94111 633 Battery St., SF, CA 94111

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

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

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

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

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Real Estate, etc.

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

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

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 1st Am; 9th Am; 8 U.S.C. 1101, 42 U.S.C. 2000bb

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, Fed. R. Civ. P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

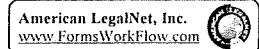
VIII. RELATED CASE(S)

IF ANY (See instructions): JUDGE DOCKET NUMBER

IX. DIVISIONAL ASSIGNMENT (Civil Local Rule 3-2)

(Place an "X" in One Box Only) SAN FRANCISCO/OAKLAND SAN JOSE EUREKA-MCKINLEYVILLE

Handwritten signature and date 2/2/17



## INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS-CAND 44

**Authority For Civil Cover Sheet.** The JS-CAND 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved in its original form by the Judicial Conference of the United States in September 1974, is required for the Clerk of Court to initiate the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
- b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
- c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)."
- II. Jurisdiction.** The basis of jurisdiction is set forth under Federal Rule of Civil Procedure 8(a), which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- (1) United States plaintiff. Jurisdiction based on 28 USC §§ 1345 and 1348. Suits by agencies and officers of the United States are included here.
  - (2) United States defendant. When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
  - (3) Federal question. This refers to suits under 28 USC § 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
  - (4) Diversity of citizenship. This refers to suits under 28 USC § 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS-CAND 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- (1) Original Proceedings. Cases originating in the United States district courts.
  - (2) Removed from State Court. Proceedings initiated in state courts may be removed to the district courts under Title 28 USC § 1441. When the petition for removal is granted, check this box.
  - (3) Remanded from Appellate Court. Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
  - (4) Reinstated or Reopened. Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
  - (5) Transferred from Another District. For cases transferred under Title 28 USC § 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
  - (6) Multidistrict Litigation Transfer. Check this box when a multidistrict case is transferred into the district under authority of Title 28 USC § 1407. When this box is checked, do not check (5) above.
  - (8) Multidistrict Litigation Direct File. Check this box when a multidistrict litigation case is filed in the same district as the Master MDL docket.
- Please note that there is no Origin Code 7. Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC § 553. Brief Description: Unauthorized reception of cable service.
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Federal Rule of Civil Procedure 23.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS-CAND 44 is used to identify related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.
- IX. Divisional Assignment.** If the Nature of Suit is under Property Rights or Prisoner Petitions or the matter is a Securities Class Action, leave this section blank. For all other cases, identify the divisional venue according to Civil Local Rule 3-2: "the county in which a substantial part of the events or omissions which give rise to the claim occurred or in which a substantial part of the property that is the subject of the action is situated."

**Date and Attorney Signature.** Date and sign the civil cover sheet.

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, February 03, 2017 6:47 PM  
**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** TRO filed in HNL

Hello:

(b)(5)

(b)(6), (b)(7)(C), Senior Attorney  
Office of the Chief Counsel | U.S. Customs and Border Protection  
Department of Homeland Security | San Francisco

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



**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 2:34 PM  
**To:** ENFORCEMENT PROGRAMS DIVISION; (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C) Owen, Todd C (AC OFO); WAGNER, JOHN P;  
**Cc:** HOFFMAN, TODD A; (b)(6), (b)(7)(C); HUTTON, JAMES R; OFO Field Programs  
 HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Subject:** FW: EO 212(f) Exemption for (b)(6), (b)(7)(C) (Update)  
**Attachments:** (b)(6), (b)(7)(C).docx

This waiver request has been updated per OCC recommendation. The updated information is in bold.

**Waiver Narrative**

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

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

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

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

Section Chief – Tactical Branch  
Customs and Border Protection  
Area Port of San Francisco

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

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

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

Sent: Sunday, January 29, 2017 10:01 AM

To: ENFORCEMENT PROGRAMS DIVISION (b)(7)(E) (b)(6), (b)(7)(C)

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

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

Owen, Todd (AC OFO)

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

WAGNER, JOHN P

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

HOFFMAN, TODD A

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

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

; HUTTON, JAMES R

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

OFO Field Programs

(b)(7)(E)

Cc: HUMPHREY, BRIAN J (DFO)

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

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

Subject: EO 212(f) Exemption for (b)(6), (b)(7)(C)

**Waiver Narrative**

OFO recommends that you

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

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

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

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

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

Assistant Port Director  
Customs and Border Protection  
Area Port of San Francisco

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

**(b)(6), (b)(7)(C)** pell

**Waiver Narrative**

OFO recommends that you

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

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

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 1:59 PM  
**To:** (b)(6), (b)(7)(C)  
(OCC); Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) HUTTON, JAMES R; OFO Field Programs; ENFORCEMENT PROGRAMS  
DIVISION; HUTTON, JAMES R  
**Cc:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FW: EO 212(f) Exemption for (b)(6), (b)(7)(C)  
**Attachments:** (b)(6), (b)(7)(C).docx

(b)(5)

**Waiver Narrative**

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

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

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



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

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

Assistant Port Director  
Customs and Border Protection  
Area Port of San Francisco

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

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

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

Sent: Sunday, January 29, 2017 9:48 AM

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

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

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

HOFFMAN, TODD A (b)(6), (b)(7)(C) CAMPBELL, CARL S (b)(6), (b)(7)(C)

HUTTON, JAMES R (b)(6), (b)(7)(C), (b)(7)(E) OFO Field Programs (b)(7)(E)

ENFORCEMENT PROGRAMS DIVISION (b)(7)(E)

Cc: HUMPHREY, BRIAN J (DFO) (b)(6), (b)(7)(C)

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

Subject: EO 212(f) Exemption for (b)(6), (b)(7)(C)

**Waiver Narrative**

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

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

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

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

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

Section Chief – Tactical Branch  
Customs and Border Protection  
Area Port of San Francisco

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

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

**Waiver Narrative**

OFO recommends that you

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

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

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

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 12:48 PM  
**To:** (b)(6), (b)(7)(C)  
(OCC); Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) HUTTON, JAMES R; OFO Field Programs; ENFORCEMENT PROGRAMS  
DIVISION  
**Cc:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** EO 212(f) Exemption for (b)(6), (b)(7)(C)  
**Attachments:** (b)(6), (b)(7)(C) docx

**Waiver Narrative**

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

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

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



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

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

Section Chief – Tactical Branch  
Customs and Border Protection  
Area Port of San Francisco

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

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

**Waiver Narrative**

OFO recommends that you

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

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

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

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 1:01 PM  
**To:** ENFORCEMENT PROGRAMS DIVISION; (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C) Owen, Todd C (AC OFO); WAGNER, JOHN P;  
 HOFFMAN, TODD A; (b)(6), (b)(7)(C) HUTTON, JAMES R; OFO Field Programs  
**Cc:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Subject:** EO 212(f) Exemption for (b)(6), (b)(7)(C)  
**Attachments:** (b)(6), (b)(7)(C).docx

**Waiver Narrative**

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

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

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

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

Assistant Port Director  
Customs and Border Protection  
Area Port of San Francisco

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

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



**Waiver Narrative**

OFO recommends that you

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

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

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 10:00 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: I'm being sued

Thx ur so thoughtful.

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 6:06:18 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: I'm being sued

You're a celebrity! Don't worry, if you lose your house and job we'll take you in. By take you in I mean we will provide you with some cardboard boxes and tell where the best places to camp are.

Good luck!

(b)(6), (b)(7)(C) Area Port Director  
 Customs and Border Protection, Honolulu, Hawaii  
 (b)(6), (b)(7)(C) (office); (b)(6), (b)(7)(C) (cell); (b)(6), (b)(7)(C) (fax)  
 (b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 1:55 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: I'm being sued

Just so you know, I'm way more important than you. I made it big! I am personally named in a local lawsuit with my government bosses regarding the EO.

<http://www.denverpost.com/2017/01/31/denver-college-student-sues-donald-trump-travel-ban/>

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 10:33 PM  
**To:**

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

**Cc:** TAU-SAN FRANCISCO; (b)(6), (b)(7)(C)

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

**Subject:** Daily Report: Denver, 01/27-29/17  
**Attachments:** DEN0127-292017 .doc

(b)(6), (b)(7)(C)  
Supervisory CBP Agriculture Specialist  
Denver International Airport  
W: (b)(6), (b)(7)(C)  
CELL: (b)(6), (b)(7)(C)

**Daily Report**  
**Area Port of Denver**  
**January 27–29, 2017**

**Terrorist-Related Activity:** None

**Electronic Media Exams/Detentions:** None

**Narcotics-Related Activity:** None

**Arrests (All):** None

**Significant Seizures:** None

**Adverse Action:**

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

**SEVIS Adverse Action:** None

**Unaccompanied Alien Children Requiring Detention:** None

**Discretion:** **1/28/17** – 4 LPRs granted waiver. Individuals were subject to Presidential Executive Order and barred from entry pursuant to 212(f) of the INA but were granted an exemption per DFO Humphrey.

**01/29/17** – 1 LPR granted a waiver. The individual was subject to Presidential EO and barred from entry pursuant to 212(f) of the INA. Exemption per DFO Humphrey.

**Fraudulent Documents:** None

**Passenger Special Ops/Blitzs:** None

**Private Aircrafts Cleared:** None

**Civil Penalties:** None  
(Value \$50,000 and up)

**Notifications (EAN):** None

**Agriculture:** Agriculture specialists intercepted and destroyed the following for **January 27, 2016:**

(b)(7)(E) Seizures of fruits and plant products  
(b)(7)(E) Seizures ruminant products  
(b)(7)(E) Seizures of swine products  
(b)(7)(E) Seizures of poultry products

Agriculture specialists intercepted and destroyed the following for **January 28, 2016:**

(b)(7)(E) Seizures of fruits and plant products  
(b)(7)(E) Seizures ruminant products  
(b)(7)(E) Seizures of swine products  
(b)(7)(E) Seizures of poultry products

Agriculture specialists intercepted and destroyed the following for **January 29, 2017:**

(b)(7)(E) Seizures of fruits and plant products  
(b)(7)(E) Seizures ruminant products  
(b)(7)(E) Seizures of swine products  
(b)(7)(E) Seizures of poultry products

**Agriculture Special Ops:** None

**Trade Special Ops:** None

**Significant Trade Seizures:** None

**Personnel Issues:** None

**Other Activity & Incidents:** None

**Outreach Activities:** None

**Colorado Springs:**

Aircrafts cleared	(b)(7)(E)
Aircraft/Baggage Searches	(b)(7)(E)
Positive Findings	None
Discretion	None
Significant Issues/Other	None

**Centennial:**

Aircrafts cleared	(b)(7)(E)
Aircraft/Baggage Searches	(b)(7)(E)
Positive Findings	None
Discretion	None
Significant Issues/Other	None

**Rocky Mountain:**

Aircrafts cleared	(b)(7)(E)
Aircraft/Baggage Searches	(b)(7)(E)
Positive Findings	None
Discretion	None
Significant Issues/Other	None

**Eagle:**

Aircrafts cleared	(b)(7)(E)
Aircraft/Baggage Searches	(b)(7)(E)
Positive Findings	None
Discretion	None
Significant Issues/Other	None

**Casper, WY:**

Aircrafts cleared	(b)(7)(E)
Aircraft/Baggage Searches	(b)(7)(E)
Positive Findings	None
Discretion	None
Significant Issues/Other	None



**Daily Report**  
**Area Port of Denver**  
**February 2, 2017**

**Terrorist-Related Activity:** None

**Electronic Media Exams/Detentions:** None

**Narcotics-Related Activity:** None

**Arrests (All):** None

**Significant Seizures:** (b)(7)(E)

**Adverse Action:**

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

**SEVIS Adverse Action:** None

**Unaccompanied Alien Children Requiring Detention:** None

**Discretion:** None

**Fraudulent Documents:** None

**Passenger Special Ops/Blitzs:** None

**Private Aircrafts Cleared:** None

**Civil Penalties:** None  
(Value \$50,000 and up)

**Notifications (EAN):** None

**Agriculture:** Agriculture specialists intercepted and destroyed the following for **February 01, 2017:**

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

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

<b><u>Agriculture Special Ops:</u></b>	None
<b><u>Trade Special Ops:</u></b>	None
<b><u>Significant Trade Seizures:</u></b>	None
<b><u>Personnel Issues:</u></b>	None
<b><u>Other Activity &amp; Incidents:</u></b>	Very frequent protest phone calls related to the recent EO. Callers were referred to CBP.gov per the FO guidance.
<b><u>Outreach Activities:</u></b>	None
<b><u>Colorado Springs:</u></b>	
Aircrafts cleared	0
Aircraft/Baggage Searches	0/0
Positive Findings	None
Discretion	None
Significant Issues/Other	None
<b><u>Centennial:</u></b>	
Aircrafts cleared	2
Aircraft/Baggage Searches	2/3
Positive Findings	None
Discretion	None
Significant Issues/Other	None
<b><u>Rocky Mountain:</u></b>	
Aircrafts cleared	1
Aircraft/Baggage Searches	0/4
Positive Findings	None
Discretion	None
Significant Issues/Other	None
<b><u>Eagle:</u></b>	
Aircrafts cleared	0
Aircraft/Baggage Searches	0/0
Positive Findings	None
Discretion	None
Significant Issues/Other	None
<b><u>Casper, WY:</u></b>	
Aircrafts cleared	0
Aircraft/Baggage Searches	0/0
Positive Findings	None
Discretion	None

Significant Issues/Other      None

Lawful permanent resident **(b)(6), (b)(7)(C)** arrived to Honolulu International Airport on January 28, 2017 via Hawaiian Airlines flight 458 from Haneda, Japan. On Primary, **(b)(6), (b)(7)(C)** presented a German passport **(b)(6), (b)(7)(C)** and was referred to Secondary for the Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States".

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

NTC notified and event issued.

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 1:10 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Action: Executive Order - Local Engagement.

Thank you

(b)(6), (b)(7)(C)  
Assistant Director Field Operations  
Border Security  
San Francisco Field Office  
US Customs and Border Protection

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 9:53:44 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Action: Executive Order - Local Engagement.

Will reach out directly to HSI SAC, ERO AFOD, and TSA FSD. Will also notify airline station managers in Honolulu.

I'll also have Guam, Saipan and Kona management contact TSA, HSI and ERO.

(b)(6), (b)(7)(C)  
Area Port Director  
US Customs and Border Protection  
Honolulu, Hawaii

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 3:39:00 PM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FW: Action: Executive Order - Local Engagement.

Port Directors,

Please see message below.

(b)(6), (b)(7)(C) please send me a brief message detailing your stakeholders engagement plan.

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

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

Assistant Director Field Operations  
Border Security  
San Francisco Field Office  
US Customs and Border Protection

---

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

**Sent:** Saturday, January 28, 2017 7:19:35 AM

**To:** DIRECTORS FIELD OPS; BORDER SECURITY ASST DIRECTORS; TRADE OPERATIONS ASST DIRECTORS; MISSION SUPPORT ASST DIRECTORS; EXECUTIVE DIRECTORS HQ

**Cc:** OFO-FIELD LIAISON; (b)(6), (b)(7)(C) HUTTON, JAMES R; (b)(6), (b)(7)(C)

**Subject:** Action: Executive Order - Local Engagement.

Directors,

In light of the changes that were made with the new executive order and our current operational stance, please have your Port Directors at your larger locations engage directly, today, with local stakeholders to explain the changes and answer any questions as necessary. The focus for this should be at our larger airport operations.

As a side note headquarters Admissibility and Passenger Programs held a call last night with airline stakeholders at the national level and will also be doing so today.

Thank you,

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

Deputy Executive Director (Acting)  
OFO Operations

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



**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 3:41 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: EO 212(f) Exemption for (b)(6), (b)(7)(C)  
**Attachments:** (b)(6), (b)(7)(C).docx

See below sample. Send it to the listed on the "to" distribution and copy the DFO and me.

(b)(6), (b)(7)(C)  
Assistant Director Field Operations  
Border Security  
San Francisco Field Office  
US Customs and Border Protection

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 10:59:06 AM  
**To:** (b)(6), (b)(7)(C); Owen, Todd C (AC OFO); WAGNER, JOHN P; HOFFMAN, TODD A; (b)(6), (b)(7)(C); HUTTON, JAMES R; OFO Field Programs; ENFORCEMENT PROGRAMS DIVISION; HUTTON, JAMES R  
**Cc:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FW: EO 212(f) Exemption for (b)(6), (b)(7)(C)

(b)(5)

**Waiver Narrative**

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

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

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

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

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

Assistant Port Director  
Customs and Border Protection  
Area Port of San Francisco

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

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

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

**Sent:** Sunday, January 29, 2017 9:48 AM

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

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

Owen, Todd (AC OFO)

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

WAGNER, JOHN P

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

HOFFMAN, TODD A

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

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

HUTTON, JAMES R

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

OFO Field Programs

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

ENFORCEMENT PROGRAMS DIVISION

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

**Cc:** HUMPHREY, BRIAN J (DFO)

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

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

**Subject:** EO 212(f) Exemption for **(b)(6), (b)(7)(C)**

**Waiver Narrative**

OFO recommends that you

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

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

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

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

Section Chief – Tactical Branch  
Customs and Border Protection  
Area Port of San Francisco

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

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

**Waiver Narrative**

OFO recommends that you:

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

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

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

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



---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 2:43 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Guidance: E.O. Protecting the Nation from Terrorist Attacks by Foreign Nationals

According to the guidance we got from HQ Saturday, it does not apply to all refugees. But I'm sure (b)(7)(E) has the latest guidance.

(b)(6), (b)(7)(C)  
Assistant Director Field Operations  
Border Security  
San Francisco Field Office  
(b)(6), (b)(7)(C)

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 11:04 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Guidance: E.O. Protecting the Nation from Terrorist Attacks by Foreign Nationals

Looks like it applies to all refugees, regardless of citizenship.

(b)(6), (b)(7)(C), Area Port Director  
Customs and Border Protection, Honolulu, Hawaii

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 7:48:07 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Guidance: E.O. Protecting the Nation from Terrorist Attacks by Foreign Nationals

**FYI – New change:**

**Returning Refugees and Asylees - regardless of citizenship are to be denied boarding as they will require a waiver.**

From: (b)(6), (b)(7)(C)  
Sent: Monday, January 30, 2017 7:23 AM  
To: JFK RCLG (b)(7)(E); HNL-RCLG (b)(7)(E); MRCLG (b)(7)(E)  
Cc: (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
Subject: FW: Guidance: E.O. Protecting the Nation from Terrorist Attacks by Foreign Nationals

Good afternoon,

Please see the below additional guidance as well as the attached issued to (b)(7)(E) floor operations personnel related to the Executive Order:

- **Dual nationals** - We are awaiting further clarification as DHS and DOS discuss how to approach this, so for now if you can articulate a traveler holds a passport from one of the 7 restricted countries, we will err on the side of caution and offload.
- **Advance Paroles** - are cleared to board (unless a TSDB), so if there is any question as to whether a returning refugee or asylee is coming back on an I-512, refer for document verification.
- **SIV travelers**, e.g. (b)(7)(E) are cleared to board barring any new derogatory information since issuance.
- **1st Time Refugees** - regardless of citizenship are not cleared to board unless they have been cleared through FBI's (b)(7)(E)
- **Returning Refugees and Asylees** - regardless of citizenship are to be denied boarding as they will require a waiver. If we catch well enough in advance, the waiver may be granted prior to travel, but our guidance right now is to offload these travelers.

We will continue to relay guidance as different scenarios are addressed. If you have any questions whatsoever, please do not hesitate to contact the WC or CWC on duty at (b)(6), (b)(7)(C)

Respectfully,

(b)(6), (b)(7)(C)  
Chief Watch Commander  
National Targeting Center-Passenger

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

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---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 2:15 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Guidance: E.O. Protecting the Nation from Terrorist Attacks by Foreign Nationals

Interesting!

(b)(6), (b)(7)(C)  
Assistant Director Field Operations  
Border Security  
San Francisco Field Office  
(b)(6), (b)(7)(C)

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 11:04 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Guidance: E.O. Protecting the Nation from Terrorist Attacks by Foreign Nationals

Looks like it applies to all refugees, regardless of citizenship.

(b)(6), (b)(7)(C), Area Port Director  
Customs and Border Protection, Honolulu, Hawaii

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 7:48:07 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Guidance: E.O. Protecting the Nation from Terrorist Attacks by Foreign Nationals

**FYI – New change:**

**Returning Refugees and Asylees - regardless of citizenship are to be denied boarding as they will require a waiver.**



From: (b)(6), (b)(7)(C)  
 Sent: Monday, January 30, 2017 7:23 AM  
 To: JFK RCLG; (b)(7)(E); HNL-RCLG; (b)(7)(E); MRCLG; (b)(7)(E)  
 Cc: (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
 Subject: FW: Guidance: E.O. Protecting the Nation from Terrorist Attacks by Foreign Nationals

Good afternoon,

Please see the below additional guidance as well as the attached issued to (b)(7)(E) floor operations personnel related to the Executive Order:

- **Dual nationals** - We are awaiting further clarification as DHS and DOS discuss how to approach this, so for now if you can articulate a traveler holds a passport from one of the 7 restricted countries, we will err on the side of caution and offload.
- **Advance Paroles** - are cleared to board (unless a TSDB), so if there is any question as to whether a returning refugee or asylee is coming back on an I-512, refer for document verification.
- **SIV travelers**, e.g. (b)(7)(E) are cleared to board barring any new derogatory information since issuance.
- **1st Time Refugees** - regardless of citizenship are not cleared to board unless they have been cleared through FBI's (b)(7)(E)
- **Returning Refugees and Asylees** - regardless of citizenship are to be denied boarding as they will require a waiver. If we catch well enough in advance, the waiver may be granted prior to travel, but our guidance right now is to offload these travelers.

We will continue to relay guidance as different scenarios are addressed. If you have any questions whatsoever, please do not hesitate to contact the WC or CWC on duty at (b)(6), (b)(7)(C)

Respectfully,

(b)(6), (b)(7)(C)  
 Chief Watch Commander  
 National Targeting Center-Passenger

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 11:26 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: OFO Daily News Summary 27 January 2017

El jefe del BP union tiene su venganza con (b)(6), (b)(7)(C) A lo mejor (b)(6), (b)(7)(C) sera el nuevo jefe de BP. O quizas Arpaio...

(b)(6), (b)(7)(C) Area Port Director  
Customs and Border Protection, Honolulu, Hawaii

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 5:44 AM

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

**Subject:** FW: OFO Daily News Summary 27 January 2017

(b)(6), (b)(7)(C)  
Assistant Director Field Operations  
Border Security

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 6:48 AM  
**Subject:** OFO Daily News Summary 27 January 2017



**FIELD OPERATIONS  
 DAILY NEWS SUMMARY  
 Friday, January 27, 2017**



**[OFO EXECUTIVE ITEMS](#)**

**[OFFICE OF CONGRESSIONAL AFFAIRS](#)**

**[MEDIA DIVISION DAILY REPORT](#)**

**OFO EXECUTIVE ITEMS:**

**INTERNATIONAL:**

**[NBC News.com - White House Floats 20 Percent Tax on Mexican Imports to Pay for Border Wall](#)**

NBC News reports President Donald Trump has not formally proposed a 20 percent tax on Mexican imports to pay for his controversial border wall and is instead considering it among a series of options, White House spokesman Sean Spicer said Thursday. "The goal today is not to be prescriptive. It's to basically say: Hey, here is a way in which the wall can be paid for extremely easy and not say 'this is what we're doing,'" Spicer told reporters. "This is not what we're rolling out."

**[CNN.com - Mexican president cancels meeting with Trump](#)**

CNN reports Mexican President Enrique Peña Nieto on Thursday canceled a meeting with U.S. President Donald Trump that had been set for next week after renewed tensions erupted over Trump's plan to build a wall on the border. "This morning we have informed the White House that I will not attend the meeting scheduled for next Tuesday with the POTUS," Peña Nieto tweeted.

**NATIONAL:**

**[Biometric Update.com - Trump's executive order on immigration addresses biometric entry-exit tracking system](#)**

Biometric Update reports President Donald Trump signed an executive order Wednesday which includes a series of initiatives to address immigration, including a proposal to establish a national biometric ID program for non-citizens entering and leaving the U.S., according to a report by Payments Source. According to a draft



executive order leaked to civil rights advocates and obtained by The Washington Post, one of the measures of the executive order calls for an “Expedited Completion of Biometric Entry-Exit Tracking System”. Section 8 of the executive order draft reads: “The Secretary of DHS shall expedite the completion and implementation of biometric entry-exit tracking system for all travelers to the U.S., as recommended by the National Commission on Terrorist Attacks upon the U.S.”

[Federal Soup.com - CBP gets personnel boost in executive order](#)

Federal Soup reports following through on his campaign promise to tackle immigration, Donald Trump has issued an executive order outlining his immigration plan, which includes a boost in personnel for one federal agency. CBP will need to hire 5,000 additional Border Patrol agents as part of the executive order issued on Jan. 25. The order also states that all necessary action must be taken by the CBP commissioner to “ensure that such agents enter on duty and are assigned to duty stations as soon as is practicable.”

[Washington Post.com - Draft executive order would begin ‘extreme vetting’ of immigrants and visitors to the U.S.](#)

Washington Post reports the Trump administration plans to start vetting would-be immigrants and visitors to the United States based partly on their opinions and ideology, and will immediately cease the resettlement of Syrian refugees in the United States, according to a draft executive order leaked Wednesday to civil rights advocates and obtained by The Washington Post. The order, if enacted, would signal the beginning of the “extreme vetting” that President Trump promised on the campaign trail, as well as partial implementation of the “Muslim ban,” according to civil rights advocates.

[USA TODAY.com - Security shortcut Clear expands to more airports](#)

USA TODAY reports thanks to TSA PreCheck, Global Entry and a variety of other programs that pre-vet travelers, 12 million people are now eligible to access the expedited screening lanes at U.S. airports. But even with increased TSA staffing levels and the addition of automated screening lanes at some airports, many trusted travelers still end up waiting in long lines to get their IDs checked by TSA before they can even gain access to the expedited lanes.

**LOCAL:**

[Tucson.com - More drug profits slipping into Mexico as border seizures plummet](#)

Claudia Zuniga Aguilar’s daughter needed braces, so she decided to smuggle drug profits into Mexico for a cartel. The Chandler resident was caught with \$9,998 in her purse and wallet as she drove through the Nogales port of entry on March 15, U.S. District Court records show. Zuniga Aguilar, 45, told customs officers she picked up the cash from a man in a Costco parking lot in Mesa. She was supposed to deliver it to an ice cream shop in Sonora in exchange for the down payment on her daughter’s orthodontia. The seized money was just below the \$10,000 cash reporting requirement, a tool used by CBPO’s to prevent illicit cash smuggling. But as Zuniga Aguilar’s case shows, CBP officers also can seize any amount of money if they believe it’s the result of illegal activity.

[Star Herald.com - U.S. Senator Deb Fischer seeks details on immigration information collection](#)

Star Herald reports U.S. Senator Deb Fischer (R-Neb.) today sent a letter to DHS Secretary John Kelly asking for details about the new administration’s plan to collect information on immigrants entering and exiting the country. In the letter, Fischer asks three specific questions regarding the administration’s efforts to keep our country safe by establishing a comprehensive biometric entry-exit system.

[DVIDShub.net - Trusted Traveler Program](#)

DVIDS reports as of Dec. 1, 2016, Holloman Air Force Base, N.M. adjusted its security policies by adopting the Trusted Traveler Program. “This program was put in place in order to alleviate traffic congestion at the main gate which was a potential vulnerability and safety concern,” said Capt. Joseph Lindquist, the 49th

Security Forces Squadron commander. "A primary benefit of the program is that it decreases the amount of time it takes for personnel to enter the installation"

**FEATURED STORIES:**

[Brownsville CBP Officer's Prompt Action Saves the Life of Traveler Suffering from Heart Attack](#) -

Brownsville CBPO Yzaguirre's quick action and CPR skills helped save the life of a traveler suffering from a cardiac arrest. "I saw the situation and all of the training kicked in," he said

[Port Everglades Says Goodbye to K9 Vandy](#) - On Jan. 25, CBP in Port Everglades' A-TCET laid to rest K9 Vandy after she was unexpectedly diagnosed with cancer. She served her unit distinctively and with honor, unconditionally committed on a daily basis.

**OFO PRESS ACTIVITIES:**

**Laredo** - Brownsville CBP Officer's Prompt Action Saves the Life of Traveler Suffering from Heart Attack

**Laredo** - Customs and Border Protection Officers Seize \$1.3 Million in Narcotics in Five Seizures at the Brownsville Port of Entry

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**Office of Congressional Affairs**  
**January 27, 2017**

**OFO Briefings**

- **Date:** 01/27/2017  
**Subject:** Briefing for staff from the office of Sen. Shelley Moore Capito (R-WV) regarding (b)(7)(E)  
(b)(7)(E)  
**Participants:** (b)(6), (b)(7)(C) is coordinating.
- **Date:** 01/27/2017  
**Subject:** Joint briefing for staff from the House Ways and Means Committee and House Committee on Homeland Security regarding CBP's (b)(7)(E)  
**Participants:** (b)(6), (b)(7)(C) will participate. (b)(6), (b)(7)(C) (OCA) is coordinating.
- **Date:** 01/27/2017  
**Subject:** Briefing for Rep. Gregorio Kilili Camacho Sablan (Northern Mariana Islands) to discuss (b)(7)(E)  
(b)(7)(E)  
**Participants:** DFO Brian Humphrey (OFO), (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) will participate. (b)(6), (b)(7)(C) (OCA) is coordinating.
- **Date:** 01/27/2017  
**Subject:** Briefing for staff from the office of Sen. Patrick Leahy (D-VT) regarding (b)(7)(E)  
(b)(7)(E)  
**Participants:** DFO Randy Howe (OFO), (b)(6), (b)(7)(C) will participate. (b)(6), (b)(7)(C) is coordinating.
- **Date:** 01/30/2017  
**Subject:** Recurring weekly briefing for staff from the House and Senate Appropriations Committees regarding an update on (b)(7)(E)  
**Participants:** Associate Chief (b)(6), (b)(7)(C) and CAT Commander (b)(6), (b)(7)(C) (OFO) will participate. (b)(6), (b)(7)(C) (OCA) is coordinating.
- **Date:** 02/01/2017  
**Subject:** Classified briefing (b)(7)(E)  
(b)(7)(E)  
**Participants:** (b)(6), (b)(7)(C) will participate. (b)(7)(E)  
(b)(7)(E) (b)(6), (b)(7)(C) (OCA) is coordinating.

**CBP Briefings**

- **Date:** 01/27/2017  
**Subject:** Member meeting with Rep. Filemon Vela (D-TX-34), Ranking Member of the House Committee on Homeland Security, Subcommittee on (b)(7)(E)  
(b)(7)(E)  
**Participants:** (b)(6), (b)(7)(C) will participate. (b)(6), (b)(7)(C) is coordinating.
- **Date:** 01/30/2017

**Subject:** Briefing for staff from the House and Senate Appropriations Committees regarding (b)(7)(E)

(b)(7)(E)

**Participants:** Acting Commissioner McAleenan will participate. (b)(6), (b)(7)(C) (OCA) is coordinating.

- **Date:** 01/31/2017

**Subject:** Briefing for staff from the House Committee on Homeland Security regarding (b)(7)(E)

(b)(7)(E)

**Participants:** Acting Commissioner McAleenan will participate. (b)(6), (b)(7)(C) is coordinating.

- **Date:** 01/31/2017

**Subject:** Member meeting with Rep. Martha McSally (R-AZ-2), Chairwoman of the House Committee on Homeland Security, Subcommittee on Border and Maritime Security (b)(7)(E)

(b)(7)(E)

**Participants:** (b)(6), (b)(7)(C) will participate. (b)(6), (b)(7)(C) is coordinating.

- **Date:** 02/02/2017

**Subject:** Classified briefing (b)(7)(E)

(b)(7)(E)

**Participants:** (b)(7)(E) (b)(6), (b)(7)(C) will participate. (b)(6), (b)(7)(C) is coordinating.

- **Date:** 02/02/2017

**Subject:** Briefing for staff from the House and Senate Appropriations Committees, Subcommittees on Homeland Security regarding (b)(7)(E)

**Participants:** Acting Assistant Commissioner (b)(6), (b)(7)(C)

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

will participate. (b)(6), (b)(7)(C) is coordinating.

- **Date:** 02/03/2017

**Subject:** Briefing for staff from the Senate Appropriations Committee, Subcommittee on Homeland Security regarding (b)(7)(E)

**Participants:** Executive Assistant Commissioner Brenda Brockman Smith (OT), Assistant Commissioner Jaye Williams (OF) and Associate Chief Counsel (b)(6), (b)(7)(C) will participate. (b)(6), (b)(7)(C) (OCA) is coordinating.

- **Date:** 02/07/2017

**Subject:** Member meeting with Rep. Henry Cuellar (D-TX-28) to discuss (b)(7)(E)

**Participants:** (b)(6), (b)(7)(C) (USBP) will participate. (b)(6), (b)(7)(C) is coordinating.

#### Congressional Delegations without Members (STAFFDEL)

- January 27: Staff from the House Oversight and Government Reform Committee will visit the new (b)(7)(E) (b)(7)(E) and receive a briefing on (b)(7)(E) (b)(6), (b)(7)(C) is coordinating.

#### Congressional Delegations with Members (CODEL)

- February 20-22: Sens. John Cornyn (R-TX), Thom Tillis (R-NC), Dean Heller (R-NV), and John Kennedy (R-LA) will receive an (b)(7)(E) (b)(7)(E) (b)(6), (b)(7)(C) is coordinating.



- February 22: Rep. Paul Ryan (R-WI-1), Speaker of the House, (b)(7)(E) (b)(7)(E) (b)(6), (b)(7)(C) OCA is coordinating.

### Hearings

- February 16: (b)(6), (b)(7)(C) will testify before the House Committee on Homeland Security, Subcommittee on Border and Maritime Security during a hearing regarding (b)(7)(E) (b)(7)(E) (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) will also testify. (b)(6), (b)(7)(C) OCA is coordinating.
- February 16 (tentative): The House Oversight and Government Reform Committee will host a hearing regarding (b)(7)(E) DHS and CBP witnesses will be invited to testify. (b)(6), (b)(7)(C) OCA is coordinating.
- March TBD (tentative): The House Committee on Homeland Security, Subcommittee on Border and Maritime Security will hold a hearing regarding (b)(7)(E) (b)(7)(E) (b)(7)(E) (b)(6), (b)(7)(C) is coordinating.

### DHS Hearings

- None.

### Events

- None.

### Notes

- The House and Senate are in adjournment January 25-27, 2017.

## Media Division Daily Media Report Friday, January 27, 2017

GUIDANCE: Entries in **blue** are new or updated. **Black** entries previously mentioned.

The submission starts with the date posted on the DMR. For media inquiries, submissions should identify the outlet, name of the reporter(s), topic, request and deadline. For events, submissions should include the following details: date, time, address, label and title of principal officials attending/speaking, type of event.

### SIGNIFICANT ISSUES:

### C1/C2 EVENTS:

### CONGRESS, SLT, NGO, OTR:

### MEDIA EVENTS:

**VALENTINE'S DAY 2017**

1/26: Atlanta Field Office will host local press on February 7<sup>th</sup> 10 am at Delta cargo warehouse (ATL) highlighting CBP inspection of cut flowers. PD (b)(6), (b)(7)(C) lead interview, filming of CBP Ag Specialists on the job and interview with inspector. Requesting available OFO stats. Air date: same day Tone: Positive.

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

NYFO will be holding a media availability on Tuesday 7 February at JFK (TBD) to speak to CBP SMEs (Chief (b)(6), (b)(7)(C) about CBP's role in inspecting stem cut flowers leading up to Valentine's Day. Invited Media will have the opportunity to collect b-roll of CBP Agriculture Specialists performing inspections of the flowers, as well as conducting on-camera interviews in English and/or Spanish respectively with the two CBP SMEs.

Lead: (b)(6), (b)(7)(C) Air Date: TBD. Positive Tone Expected.

1/19: The Miami Field Office, in coordination with Miami International Airport Director (b)(6), (b)(7)(C) and Director of the Miami-Dade Aviation Department (b)(6), (b)(7)(C) will hold its annual cut flowers press event at the Centurion Air Cargo Warehouse during the week of Feb. 6. Agenda will include opening remarks, media questions and answers, filming of flower inspections, as well as interviews with CBPO inspectors. Local CMO is working on cut flower stats. Who from HQ will participate? Miami event will be lead office, kicking off cut flower season. Vis Comms services requested for b-roll, photos, video.

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

1/19: Potential open press events in New York, Los Angeles, Boston and Atlanta. Additional details and confirmations to come.

1/19: CNBC is doing a piece on counterfeit personal care items/fragrances ahead of Valentine's Day. They will visit the Port of New York/Newark (TBD) to interview CBP SME (Chief (b)(5), (b)(6), (b)(7)(C) on camera (not live) about FY16 stats/trends, the dangers of counterfeit fragrances, what CBP is doing to combat, etc., as well as get footage of seized products and b-roll of CBPOs performing inspections.

Lead: (b)(5), (b)(6), (b)(7)(C) Air Date: TBD. Neutral to Positive Tone Expected.

**SPECIAL PROJECTS:**

1/18: (b)(5), (b)(6), (b)(7)(C) from New York City-based company (b)(5), (b)(6), (b)(7)(C) wants to visit a USBP sector in February in order to get a ground tour on the southern border with agents to gather information, interviews and footage for a Japanese TV show called (b)(5), (b)(6), (b)(7)(C) translates to "World's Astonishing News". Currently under review.

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

(b)(5)



1/4: Buffalo OPA conducted monthly TV show, "CBP Buffalo-Niagara UPDATE," featuring OFO and Border Patrol recruiters. Show was broadcast live at 1700-1730, will be rebroadcast 12 -15 times during the month of January, then loaded up for streaming indefinitely.

Lead: (b)(6), (b)(7)(C) CBPO (b)(6), (b)(7)(C) BPA (b)(6), (b)(7)(C)

12/22: Stampede Studies representatives (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) met with OPA (b)(6), (b)(7)(C) regarding interest in establishing an agreement with CBP to film a series documenting and focusing on CBP's work at international bridges connecting Texas to Mexico. The series would air on History Channel and run for a minimum of six episodes. Representatives are now working with HQ OPA and DHS to establish a multi-media agreement.

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

12/12: (b)(6), (b)(7)(C) Production Supervisor/Location Scout Manager contacted OPA requesting opportunity to scout El Paso area POE's for an unnamed/unannounced FOX film project described as a contemporary feature about border and cartel subjects. Crew is also looking to scout border area from a rented aircraft. OPA working to support both requests. Crews should be in area Dec 13-17. They understand there is a script review process before any government resources can be devoted to any actual filming and will initiate such if the scouting is fruitful.

12/14: UPDATE crew scouted the BOTA and PDN crossings escorted by OPA (b)(6), (b)(7)(C) No issues/no more news on the project.

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

12/7: WIVB-TV in Buffalo will do a news feature on 1/11 on security of area international railroad bridges, covering Border Patrol and OFO activities. Station will air segment during sweeps week in late January 2017. Tone expected: highly positive. Lead: BP PIO (b)(6), (b)(7)(C) PAL (b)(6), (b)(7)(C)

12/7: Buffalo Field Office DFO and Homeland Security Investigation's Buffalo SAIC will discuss IPR law and seizures in the context of cross-border holiday shopping season on CBP's local TV show, CBP Buffalo-Niagara UPDATE tonight at 5pm. Show will air live, then will be rebroadcast repeatedly during next 30 days, then posted indefinitely for streaming at [www.lctv.net](http://www.lctv.net).

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

9/7: (b)(6), (b)(7)(C) Renegade 83 productions, recently watched videos on one of the wild mustangs in the TCA Horse Patrol. They are interested in a project that would highlight BP Horse Patrol unit and one of the prisons where our horses are trained. They thought it could make for a great documentary TV show. The production company is based in Los Angeles and creates/produces a lot of different shows for a wide variety of TV networks ([www.renegade83.com](http://www.renegade83.com)). They are interested in a show concept that tells the stories of both our patrol unit on horseback and the horse trainer / inmate horse training program.

9/30 UPDATE: Project approved, tentatively slated for November.

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

## SOCIAL MEDIA:

@CBPArizona

@CBPBuffalo

@CBPCaribbean

#CBP #USCG #Policia de Puerto Rico intercept 4 yolas with 126 migrants. <http://bit.ly/2kxUROy/>

@CBPChicago

**@CBPFlorida**

**@CBPLosAngeles**

**@CBPMidAtlantic**

**@CBPGreatlakes**

**@CBPGreatPlains**

**@CBPNorthwest**

**@CBPNortheast**

**@CBPNorthEast** Waiting to complete your [#GlobalEntry](#) enrollment? Try CBP's new Enrollment Center

**@Bradley\_Airport** <http://bit.ly/2jtVLgZ>

**@CBPRGV**

**@CBPArizona**

**@CBPSouthEast**

Quick action by a Brownsville [#CBP](#) officer helped save a passenger who suffered cardiac arrest. Read more: <http://bit.ly/2jjOcX7> [pic.twitter.com/launZKghgE](http://pic.twitter.com/launZKghgE)

Always vigilant: Brownsville POE [#CBP](#) officers intercept \$1.3 million in narcotics in five seizures. More: <http://bit.ly/2kylvec> [pic.twitter.com/LMIK7K0AbE](http://pic.twitter.com/LMIK7K0AbE)

Laredo Explorer Post 2304 today honored [@unitedisd](#) Alexander H.S. student Zerena Cruz as Jan. 2017 LAW enforcement award honoree [pic.twitter.com/JA2M9L5dcl](http://pic.twitter.com/JA2M9L5dcl)

**@CBPSouthTexas**

**@CBPWestTexas**

**@CBPSanDiego**

[#ElCentro](#) [#BorderPatrol](#) agents arrest 44 people hiding inside several train boxcars. Read: <http://bit.ly/2jBBp2Z>

A 60-yr-old man arrested after [#BorderPatrol](#) agents in [#ElCentro](#) find almost \$500K of narcotics stuffed in his minivan seats. <http://bit.ly/2k5D2Jl>

### **HEADQUARTERS:**

1/24: Ted Hesson, reporter for Politico reached out to CBP to confirm reports that Ms. Julie Kirchner has been named Chief of Staff for CBP. The following statement was provided: "Ms. Julie Kirchner joined the Commissioner's Office this week to serve as an advisor. Her current assignment is a temporary political appointment."

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



**Enforcement:**

**(b)(4), (b)(6), (b)(7)(C)**

**HRM/Technology:**

1/26: KOLD/KMSB Tucson reporter, (b)(6), (b)(7)(C) requested Border Patrol hiring numbers both nationally and locally (Tucson). Also she asked about projected attrition for Tucson and where are the next hiring events. HRM tasking has the information.

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

1/26: Spencer Woodman, reporter for “The Intercept,” is seeking responses to four questions related to the Remote Video Surveillance System (RVSS) with an initial deadline of 1330 hrs, 26 January. He has since revised his deadline to 0900 hrs, 27 January. Request has been submitted to BP’s RVSS Program Office. We are awaiting a response.

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

**Travel:**

12/23: Several travel outlets called to verify whether CBP began asking travelers about their social media accounts. The following statement was provided:

“Following Office of Management and Budget (OMB) approval, U.S. Customs and Border Protection (CBP) added an optional question to the Electronic System for Travel Authorization (ESTA) application requesting the voluntary submission of an applicant’s social media account identifiers. The question was added as part of the agency’s efforts to enhance the vetting of travelers to the United States. Information found in social media may be used to review ESTA applications to validate legitimate travel, adjudicate VWP ineligibility waivers, and identify potential threats.

“CBP remains committed to protecting the privacy, civil rights, and civil liberties of all travelers. CBP will handle the voluntarily-provided social media identifiers in the same manner as other information collected through ESTA and has documented these procedures in the newly updated System of Notice Records Notice and Privacy Impact Assessment available at [dhs.gov/privacy](https://dhs.gov/privacy).”

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

**(b)(5)**

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

**Trade:**

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

to be filed in conjunction with the HTS number. His deadline is tomorrow at 2 pm for a publication on 1/27, or when we have a response.

Lead: Katrina Skinner

1/25: (b)(6), (b)(7)(C) producer for Vice News, is working on a story about child-like sex dolls. Brady has provided news stories out of the UK and Canada on the topic, they are linked below. His questions for CBP are concerning the United States border. He's looking for the law (or confirmation of the absence of laws) governing the importation of these dolls into the United States and whether any seizures have occurred. In researching the topic, I came across the following: <https://www.law.cornell.edu/uscode/text/19/1305> Related stories: This is the piece from the UK: <https://www.thesun.co.uk/news/2653144/british-cops-investigating-import-and-sale-of-vile-sex-robots-designed-to-look-like-children/> And this is happening in Canada: <http://www.thetelegram.com/news/local/2017/1/16/sex-doll-brought-to-st--john-s-court.html> 1/26 UPDATE: CMO advised "We have no data on seizures of sex dolls." VICE news will run the story on their nightly show at airs at 7pm. Air date is TBD and the tone of the story (where CBP is concerned) is neutral to positive.

Lead: Katrina Skinner

1/24: Zero Point Zero, a small production company out of NY, is working on a series of food issues that delves into the globalized food industry as well as production trends in food consumption. While in the research phase, Zero Point Zero came across the WRO CBP issued on garlic. At this point, I am assessing the need of the production studio to see who best within CBP can assist.

Lead: Katrina Skinner Bill Anthony

1/23: The new administration issued an executive order pushing back effective dates for new regulations. ITT wants to know if this will affect the '[imports of toxic substance control act](#)' scheduled to go into effect on Jan.

(b)(5)

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

### **SOUTHWEST BORDER:**

1/26: (b)(5), (b)(6), (b)(7)(C) producer at ABC News "Nightline", is planning on bringing a crew to El Paso on Saturday, Jan. 28 to cover a "Hugs Not Walls" event being sponsored by the local chapter of Border Network of Human Rights (BNHR). The main focus will be talking to the participants of the event, but also are interested in talking to a USBP agent to find out their involvement in granting permits for the event, what they are doing to provide security, how the agency works with groups like BNHR, and how agents work with their counterparts in Mexico to protect the border at times like this. Request is under review. No interviews scheduled or expected.

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

1/26: A CNN "Drone Team" lead by (b)(5), (b)(6), (b)(7)(C) is collecting aerial video of the southwest border. They appear to be in Tucson and will be heading west all the way to the coast. B-Roll only, no support requested.



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

1/26: AMO provided information to local San Diego Channel 8 and 10 on a rescue of a kayak paddler who was in distress.

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

1/26: Reporter (b)(5), (b)(6), (b)(7)(C) with Reuters Television requested to do a border fence story. They will get a ride along in El Centro Sector. Date not set but likely sometime between 2/8-2-10.

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

1/26: (b)(5), (b)(6), (b)(7)(C) with the San Diego Union Tribune is working on a series of stories titled, "Life Along the Border." He requested FY16 vehicle and passenger statistics for San Ysidro, Otay Mesa, and Tecate. They were given the updated numbers for FY16 as provided by PPAE. The publish dates are currently TBD.

1/26: Miami Herald Reporter (b)(5), (b)(6), (b)(7)(C) sought comment from CBP regarding a complaint filed Jan. 13 by American Immigration Council and other groups with DHS Inspector General and DHS Office of Civil Rights and Civil Liberties alleging mistreatment by CBP and systemic denial of Central American asylum claims at ports of entry along the U.S.-Mexico border. Consulting with LFO mgmt., HQ OPA regarding whether to use previous response language or defer to DHS OPA. Expected rundate, weekend Jan. 28-29, expected tone: negative.

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

1/26: KVUE-TV (ABC-Austin) photographer (b)(5), (b)(6), (b)(7)(C) advised LFO CMO PAL (b)(5), (b)(6), (b)(7)(C) that he and reporter (b)(5), (b)(6), (b)(7)(C) would be filming in Laredo on Jan. 27 to do stories regarding the border wall and to interview Cubans in Nuevo Laredo. The crew will film from public areas outside the federal inspection service area and will advise when they filming. LFO PAL/PAO has a response statement regarding the processing of Cubans at the ready to be provided electronically should they ask for comment regarding Cuban processing. Crew has been provided the DHS Public Affairs media relations email address for questions regarding the wall, President Trump executive orders. Airdate: TBD, Expected tone: neutral to negative.

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

1/26: (b)(5), (b)(6), (b)(7)(C) NPR Phoenix KJZZ, wants to produce a comprehensive story on CBP operations, the technology we use and the threats we uncovered. Story expected to air Jan 30<sup>th</sup> and include Border Patrol operations perspective. Tone expected to be a positive/neutral.

Leads: (b)(5), (b)(6), (b)(7)(C) TCA PIO (b)(5), (b)(6), (b)(7)(C)

1/26: (b)(5), (b)(6), (b)(7)(C) Wall Street Journal, requested a phone interview with someone familiar with Nogales, Ariz., for story on the technologies and infrastructures in place, along with CBP's approach to layered enforcement. Reporter would like to know how these changes have historically affected the City of Nogales. Tone expected to be neutral. Leads: (b)(5), (b)(6), (b)(7)(C) / Proposing APAIC (b)(5), (b)(6), (b)(7)(C) as interviewee.

1/26: (b)(5), (b)(6), (b)(7)(C) NPR Market Place (radio), wants to do a story focusing on drug seizures across Tucson Sector as part of a special report. Tone expected to be a neutral. Leads: (b)(5), (b)(6), (b)(7)(C) / TCA PIO

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

1/25: WTVJ (NBC-Miami) reporter (b)(5), (b)(6), (b)(7)(C) expressed interest in coming down to Laredo the week of Jan. 20-Feb. 3 to do interview, ridealong with Border Patrol. Advised reporter that questions relative to the two executive orders announced by President Trump this week need to be directed to [mediainquiry@hq.dhs.gov](mailto:mediainquiry@hq.dhs.gov).

(b)(5), (b)(6), (b)(7)(C) has directed request to Eagle Pass/Del Rio area. He was also advised of the need to route to DHS Public Affairs. Consultation with local mgmt., HQ OPA remains ongoing. Expected rundate: TBD, expected tone: neutral to negative.

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

1/25: NBC News Producer (b)(5), (b)(6), (b)(7)(C) advised that an NBC News crew will be in Nuevo Laredo on Jan. 26 and will interview Cubans stuck in Nuevo Laredo and asked if she would be able to do an interview with a CBP official regarding the processing of Cubans since the change in the wet foot/dry foot policy. I advised the producer that Cubans are not stuck in Nuevo Laredo and following concurrence from HQ OPA, LFO mgmt. provided a statement regarding the processing of Cubans as well as the latest available stats. Expected rundate: TBD, expected tone: neutral to negative.

*Statement*

*Cuban migrants who present themselves at a port of entry are advised by CBP officers of the current process. Each Cuban is processed on a case by case basis in accordance with applicable provisions of the Immigration and Nationality Act and each case varies.*

*If they express a credible fear of return they will be processed by CBP officers and then turned over to ICE-ERO for placement in a detention facility pending the adjudication of their credible fear/asylum claim.*

*The Cuban migrant makes their own decision whether to pursue their credible fear/asylum claim in the U.S. or to return to Mexico. CBP is not turning anyone away. The decision whether to pursue a credible fear claim rests entirely with the Cuban migrant and what they choose to do.*

*Ports are managing flows commensurate with each port's capacity to safely process arriving aliens while providing essential services to ensure their health and safety. OTM Aliens, that were not deemed high risk, are provided with a Government of Mexico social services resource list and an appointment window to return to the POE for processing.*

<https://www.cbp.gov/newsroom/stats/fo-sw-border-inadmissibles>

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

1/25: Laredo Morning Times Reporter (b)(5), (b)(6), (b)(7)(C) sought CBP comment regarding a police report filed by Laredo Port Director (b)(5), (b)(6), (b)(7)(C) alleging harassment. Consulted with LFO mgmt., LFO Office of Assistant Chief Counsel and provided a response statement. Expected rundate: 1/26, expected tone: negative.

*Statement*

*In order to respect the privacy rights of our employees and to not impact any potential investigation, CBP is not at liberty to comment on the matter. Questions regarding the case are best directed to Laredo Police Department.*

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

1/25: San Diego Sector provided an interview to (b)(5), (b)(6), (b)(7)(C) a CNN español News Correspondent on general info about the San Diego Sector on local apps, drugs seizures, and present infrastructure. No talk of politics or policies or wall. Footage expected to air tonight.

Lead: (b)(5), (b)(6), (b)(7)(C) and BPA (b)(5), (b)(6), (b)(7)(C)

1/25: (b)(5), (b)(6), (b)(7)(C) Investigative Reporter at KFOX-TV/El Paso, reached out to OPA in El Paso requesting response to an allegation of alleged harassment of two citizens on January 14 by Border Patrol agents in the Chamizal National Park. The allegation is being reviewed, but there has been no formal complaint filed in this instance. Reporter was provided with a statement on 1/24. The segment is expected to air soon.

*Statement:*

As of today, the El Paso Sector Border Patrol has not received any formal complaint from anybody regarding the encounter referenced in your email. El Paso Sector Border Patrol has an excellent track record of being receptive to any complaints filed involving any of our agents. We welcome any feedback from the public and it can be reported at the following numbers: 1-800-767-0189 or 1-877-246-8253. CBP Officers and Border Patrol Agents enforce the nation's laws while preserving the civil rights and civil liberties of all people with whom CBP personnel interact, and all allegations are taken seriously.

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



1/24: KRGV-TV Reporter (b)(5), (b)(6), (b)(7)(C) inquired about shipment of 100 tons of avocados denied entry to the U.S. and asking about impact on people who buy avocados. Coordinating late Tuesday with LFO mgmt., HQ OPA. It appears an agreement between USDA and State of Jalisco regarding avocado exports had not gone through and local recommended guidance is to defer inquiry to USDA PAO. Will follow up Wednesday. Expected rundate 1/24, expected tone: negative.

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

1/24: San Antonio Express-News Border Bureau reporter (b)(5), (b)(6), (b)(7)(C) advised he was coming to Laredo Wednesday to interview Cubans in Nuevo Laredo and sought an interview regarding processing Cubans in light of the recent wet foot/dry foot processing change. Following consultation with LFO, HQ OPA mgmt. Laredo CBP PAO opted against interview and provided LFO, HQ OPA approved statement regarding processing of Cubans post wet foot/dry foot. Expected rundate: later in week of Jan. 25-27, Expected tone: negative.

*Statement*

*Cuban migrants who present themselves at a port of entry are advised by CBP officers of the current process. Each Cuban is processed on a case by case basis in accordance with applicable provisions of the Immigration and Nationality Act and each case varies.*

*If they express a credible fear of return they will be processed by CBP officers and then turned over to ICE-ERO for placement in a detention facility pending the adjudication of their credible fear/asylum claim.*

*The Cuban migrant makes their own decision whether to pursue their credible fear/asylum claim in the U.S. or to return to Mexico. CBP is not turning anyone away. The decision whether to pursue a credible fear claim rests entirely with the Cuban migrant and what they choose to do.*

*Ports are managing flows commensurate with each port's capacity to safely process arriving aliens while providing essential services to ensure their health and safety. OTM Aliens, that were not deemed high risk, are provided with a Government of Mexico social services resource list and an appointment window to return to the POE for processing.*

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

1/23: Reporter (b)(5), (b)(6), (b)(7)(C) with CBS Los Angeles requested a border and tunnel tour for a two-part series they are working on regarding the border, fencing and security. Scheduled for Monday, 1/30. She will bring a videographer named (b)(5), (b)(6), (b)(7)(C) SME's will be Ops Officer (b)(6), (b)(7)(C) for tunnels, and Watch Commander (b)(5), (b)(6), (b)(7)(C) or Task Force Otay. PAL (b)(5), (b)(6), (b)(7)(C) or Rolling BIS tour.

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

1/23: Reporter (b)(5), (b)(6), (b)(7)(C) with the Voice of America had visited the Friendship Circle at the Border Field State Park in San Diego over the weekend, an area opened to the public. He requested responses to several basic questions about our fencing, challenges, and statistics for SDC.

Lead: (b)(5), (b)(6), (b)(7)(C) and SBPA (b)(5), (b)(6), (b)(7)(C)

1/23: KRGV-TV News Director (b)(5), (b)(6), (b)(7)(C) inquired asking if Central Americans are being turned away at the bridge, is this new, by what criteria are they being turned away. Consulted with LFO mgmt.. HQ OPA and provided the metering statement. Initial media inquiry came to HSI/ERO PAO, and CBP responded. Expected rundate: 1/23, expected tone: negative.

*Statement*

*Ports are managing flows commensurate with each port's capacity to safely process arriving aliens while providing essential services to ensure their health and safety. OTM Aliens, that were not deemed high risk, are provided with a Government of Mexico social services resource list and an appointment window to return to the POE for processing.*

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

1/23: (b)(5), (b)(6), (b)(7)(C) with the Associated Press requested the number of times and dates and duration that protests at the San Diego POEs have impacted Mexico's inbound operations in January. He is updating his previous

story: [LINK](#). Based on prior sent notices to media, the following info was provided: 7<sup>th</sup> 5:30pm to 9:00pm, 8<sup>th</sup> 5:30pm to 7:30pm, 15<sup>th</sup>: 4:00pm to 7:00pm, 22<sup>nd</sup>: 12:30 pm to 6:00pm.

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

1/23: San Diego based journalist (b)(5), (b)(6), (b)(7)(C) with CCTV with Chinese TV requested an on camera interview with officers talking with asylum seekers at the port. Request to film was denied however the formulated statement recently used was provided.

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

1/17: RGV PAO coordinated visit for 1-18-17 from NBC News (Los Angeles Office) of Producer (b)(5), (b)(6), (b)(7)(C) and Correspondent (b)(5), (b)(6), (b)(7)(C). Visit will start with a meet and greet with RGV CPA (b)(5), (b)(6), (b)(7)(C) at Sector Headquarters. A ride along tour will be provided of the McAllen and Rio Grande City AOR's for B-roll of agents performing their duties.

Publication Date: TBD Tone: Positive

Lead: SBPA (b)(5), (b)(6), (b)(7)(C)

1/17: (b)(5), (b)(6), (b)(7)(C) Fox (San Angelo, TX) requested an interview about the deployment of UAS as San Angelo Regional Airport. Pending OPA.

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

1/13: (b)(5), (b)(6), (b)(7)(C) Thomson Reuters, (b)(5), (b)(6), (b)(7)(C) and (b)(5), (b)(6), (b)(7)(C) from the Mexico and Central American Bureau/Reuters, requested a border tour and visit several months ago, but are not fully vetted for their planned visit to El Paso. No discussion will be provided on future plans by the new administration to incorporate additional fencing/infrastructure, or other speculations on immigration policy.

1/18 update: Interview was provided in English and involved generic questions about local operations, with some emphasis on current violence in Mexico, and whether El Paso is seeing any spill-over. Also inquired about current fencing in west Texas and Mexico, and improvements in infrastructure in recent years. No speculations were provided on those topics with respect to the new administration.

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

1/12: (b)(5), (b)(6), (b)(7)(C) DC-based Latin American correspondent for McClatchy Newspapers/Miami Herald, was in Laredo, inquired about processing of Cubans and said he interviewed a processed Cuban who claimed to have been the last one processed under wet foot/dry foot, seeking additional comment from CBP. He was referred to DHS Public Affairs. Expected run date: 1/13, expected tone: neutral to negative.

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

1/11: San Diego Sector received a request from Bloomberg news to have photographer (b)(5), (b)(6), (b)(7)(C) photograph both Mexican and CBP officials working at the pre-inspection facility in Otay Mesa, Mexico. The goal is to illustrate the binational collaboration and the economic relationship that exists between the two countries. These images of the inspection process would be available for Bloomberg.com, Bloomberg BusinessWeek as well as Markets magazine. The images will also be syndicated to clients globally and will be available on Getty Images. The Office of Field Operations has approved this request. The photographer is also working on getting approval from the Mexican government to visit the facility. The request is for January 2017.

1/18: (b)(5), (b)(6), (b)(7)(C) photographer for Bloomberg news, was met by CBP and Port officials to photograph both Mexican and CBP agricultural inspectors working collaboratively at the pre-inspection facility in Otay Mesa, Mexico. The objective of the photos was to illustrate the binational cooperation and the economic relationship that exists between the two countries. The images captured were primarily CBP and Mexican agricultural inspectors examining produce as well as the loading of produce into the containers. These images will be used for Bloomberg.com, Bloomberg BusinessWeek as well as Markets magazine. The images will also be syndicated to clients globally and will be available on Getty Images.

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

1/9: Lindsey Van Dyke, features producer for VICE News Tonight on HBO had inquired about the possibility of VICE News Tonight touring the Donna Temporary Holding Facility, conducting an on-camera interview with a CBP official regarding the increase in Central American migrants the week of Jan. 17 for a profile story on the facility. Reached out to HQ OPA, Motion Pictures and Special Projects, regarding MMA agreement needed, requirements, status of SOP regarding limited, escorted media b-roll visits at Donna, Tornillo temporary holding facilities.

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

1/5: (b)(5), (b)(6), (b)(7)(C) CBS5 Phoenix, interviewed Port of Nogales Port Director (b)(5), (b)(6), (b)(7)(C) on-camera interview today at the Mariposa Cargo Facility. The interview and b-roll was in reference to CBP's efforts in preventing drugs from entering the U.S. and, at the same time, how CBP finds that balance between processing legitimate trade and travel while enforcing our laws. The reporter is interviewing DCPA (b)(5), (b)(6), (b)(7)(C) tomorrow morning for a Border Patrol perspective.

Lead: (b)(5), (b)(6), (b)(7)(C) PIOs: (b)(5), (b)(6), (b)(7)(C)

1/5: Multiple local news outlets reporting on protests in Nogales, Sonora asked CBP for comment on disruptions to the Deconcini crossing at the Nogales Port of Entry. The following statement was provided: *Trains transporting goods across the international border in Nogales, Arizona have been temporarily halted due to a protest south of the Port of Nogales' DeConcini railroad crossing. The situation has prompted Mexican officials to close southbound vehicular traffic at that crossing. Southbound travelers should use the Mariposa crossing until further notice. U.S. Customs and Border Protection officers remain vigilant and are ready to begin processing rail shipments once services resume.*

1/5: (b)(5), (b)(6), (b)(7)(C) KIDY (Fox) San Angelo, contacted CBP OPA requesting a phone interview on border enforcement issues. Del Rio Border Patrol Sector is prepared to support the request, pending OPA approval, using previously approved talking points and Sector stats.

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

1/5: (b)(5), (b)(6), (b)(7)(C) Managing Editor, The Uvalde Leader-News, contacted CBP OPA requesting a phone interview on border enforcement issues. Del Rio Border Patrol Sector is prepared to support the request, pending OPA approval, using previously approved talking points and Sector stats.

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

1/05: Albuquerque Journal reporter (b)(5), (b)(6), (b)(7)(C) contacted OPA regarding traffic at the remote Antelope Wells (NM) port of entry. She is developing a story on lagging efforts of Mexican authorities to construct a better road leading from the Mexican interior to the port. No publication date. Neutral to positive tone anticipated.

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

1/5: Multiple media outlets from Midland/Odessa, Alpine, and Marfa are reporting on protests at the Presidio-Ojinaga POE. The protests are on the Mexican side and have impacted traffic intermittently for the last three days. Neutral to negative tone anticipated.

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

1/5: (b)(5), (b)(6), (b)(7)(C) freelance reporter for Al Jazeera English requested information related to CBP UAC/FAMU apprehensions in El Paso. She asked about recent case of newborn child falling ill at Tornillo center and overall process of how CBP handles these groups. OPA provided news releases and links with information as it applied and directed reporter USCIS, ICE/ERO and HHS for answers to non-CBP related questions. Negative to Neutral tone anticipated. No publication date.

01/17 UPDATE: Reporter asked several follow-up questions over weekend including timeline of child's treatment in CBP release (our info was not accurate/child was not released), possible causes for illness of the child, CBP facilities being closed on weekends and thus turning away people seeking asylum. OPA corrected record, did not speculate on medical issues, and advised metering system designed to safely manage flow of migrants that was in place at EP POE has not been in use since Tornillo facility opened. Negative tone anticipated. Still no publication date.

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

1/3: Telemundo-Houston Producer (b)(5), (b)(6), (b)(7)(C) Reporter (b)(5), (b)(6), (b)(7)(C) have proposed having a two-member news crew come down to Laredo Jan. 9-10 to shoot a three-part series of stories that would focus on human trafficking, CBP efforts to curb it at and between ports, narcotics trafficking/efforts to interdict narcotics at and between ports and armed vigilante, patrolling groups, interactions with them, have they hindered enforcement efforts. Initial (b)(5), (b)(6), (b)(7)(C) inquiry began just prior to the Christmas holidays. Reporter submitted information regarding storyline, vetting information for crew, all USCs. Advised reporter that we haven't seen armed vigilante groups as of late. The San Antonio Telemundo affiliate requested to film live shots at a border location in the Eagle Pass area the week of Jan. 16-20, possibly in support of same request; PAO (b)(5), (b)(6), (b)(7)(C) is working with that request. Draft course of action would include initial LFO 101 briefing, interview with ADFO (b)(5), (b)(6), (b)(7)(C) b-roll filming of passenger processing at Lincoln-Juarez Bridge, interview with Laredo POE mgmt. official regarding local interdiction efforts, ride-along with USBP to include a line tour inclusive of Interstate 35 checkpoint, interview with a USBP Laredo Sector mgmt. official. Concurrence obtained at LFO mgmt. level. (b)(5), (b)(6), (b)(7)(C) routing request through Laredo Sector mgmt. concurrence. Upon final local concurrence package will be forwarded for HQ OPA concurrence. Expected tone: neutral.

1/6: Local concurrence obtained, vetting completed, package forwarded to HQ OPA. Shoot is set up for Jan. 9.

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

12/13: (b)(5), (b)(6), (b)(7)(C) the new immigration beat reporter for the New York Times is working on a story about the South Texas border and the influx of Central American immigrants there. The story will explain to readers that the image a lot of Americans have of Mexicans sneaking their way over the border is no longer the dominant problem, and that the more pressing concern is the flood of Central Americans (and some Haitians, etc) seeking asylum who want border patrol to arrest them. The reporter would like to visit the Rio Grande Valley and see first-hand the operations, facilities or other related locations that would provide the reporter the best sense of the situation in the part of the border. Currently we're exploring 12/27-12/30 as a possible date for her visit is an option to visit.

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

12/8: El Paso based Fronteras/NPR reporter (b)(5), (b)(6), (b)(7)(C) sent separate requests to OFO and OBP asking for assistance in setting up tours for several journalists who are in the El Paso/Juarez area for a few days as part of the International Women's Media Foundation fellowship. New York Times reporter (b)(5), (b)(6), (b)(7)(C) and IWFM member (b)(5), (b)(6), (b)(7)(C) are interested in seeing OFO commercial operations for a story on international trade. They are also interested in an OBP line tour. Other journalist names were also offered however those journalists are non USC's and cannot be vetted in time. Local management currently reviewing requests. Media hoping to do something before December 15.

12/13 UPDATE – Crew visited Ysleta cargo facility and interviewed APD (b)(5), (b)(6), (b)(7)(C) and Chief (b)(5), (b)(6), (b)(7)(C). Topics included general information, trusted trader programs, enforcement operations – fairly generic. Walking tour followed the interviews/briefing. OBP line tour set for December 15. All seemed positive. No publication dates.

12/16: UPDATE – Crew went on OBP line tour led by agents (b)(5), (b)(6), (b)(7)(C) and (b)(5), (b)(6), (b)(7)(C). Basic OBP information was shared and tour included southern New Mexico desert area and river enforcement zones in west Texas/El Paso. The interaction was positive. No publication dates.

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



12/5: (b)(5), (b)(6), (b)(7)(C) LA Times, wants to write a story on the U.S. Border Patrol's Integrated Fixed Towers being deployed along the Arizona border. His interest is in how the Border Patrol is using the technology, if it is successful in comparison with SBI-Net, and how it fits with other pieces of infrastructure. He wants to visit tower sites and C2 (Control Rooms) in Nogales, Arizona. He is hoping for a tour sometime next week. Sending to OPA for approval. Anticipate a neutral story for CBP.

12/8 UPDATE: Engagement delayed until January

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

### **NORTHERN & COASTAL BORDER:**

1/26: (b)(5), (b)(6), (b)(7)(C) with CBC is researching a story following up on a previous story she ran about northbound border crossers entering Canada. She's interested in why it seems like Border Patrol agents escort migrants to the Canadian border to then cross into Canada and if there is any potential corruption involved. Deadline: TBD. Lead: (b)(5), (b)(6), (b)(7)(C)

1/26: (b)(5), (b)(6), (b)(7)(C) a reporter from the Erie Times-News (Erie, Pa.) requested information regarding the recent court appearance of a Border Patrol agent assigned to Erie Station for non-felony traffic offenses. A statement had been prepared in advance according to OPA SOP, and was provided to the reporter. Lead: (b)(5), (b)(6), (b)(7)(C) /BP  
PIO (b)(5), (b)(6), (b)(7)(C)

Statement text given to reporter:

"A U.S. Border Patrol Agent assigned to Erie, Pa., was notified on January 19, 2017, by the Millcreek Police Department to present himself to the Magistrate for his initial appearance regarding several traffic incidents he was reportedly involved in on January 14 while in an off-duty capacity.

The following misdemeanor counts / summary offences were filed against the agent:

- One count of Accident Involving Injury – 1<sup>st</sup> degree misdemeanor
- Two counts of Accident Involving Damage to Attended Vehicle – 3<sup>rd</sup> degree misdemeanor
- One count of Recklessly Endangering Another Person – 2<sup>nd</sup> degree misdemeanor
- Three counts of Duty to Give Info and Render Aid – Summary Offence
- One count of Immediate Notice of Accident to Police – Summary Offence
- Three counts of Reckless Driving – Summary Offence
- Two counts of Driving Vehicle at Safe Speed – Summary Offence

After appearing before the Magistrate, the agent was booked and released on a \$50,000 unsecured bond.

The U.S. Border Patrol, and U.S. Customs and Border Protection's Office of Professional Responsibility are fully cooperating with local authorities handling the case. CBP does not tolerate the misconduct of any employee, and stresses the importance of maintaining the highest levels of professionalism and integrity throughout the organization.

1/24: Reporter: (b)(5), (b)(6), (b)(7)(C) from Fox 21 news in Duluth, Minnesota, is working on a story about the economic impact on the North Shore due to Canadian visitors. He has requested to interview the port director at the Grand Portage POE on Jan. 27. The anticipated run date is TBD, but likely early February. Anticipated tone: neutral to positive.

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

1/23: (b)(5), (b)(6), (b)(7)(C) reporter for Evolution 107.9 in Burnaby BC Canada requested an over-the-phone interview regarding inspection of cell phones at the Canadian border. Provided him with Electronic search written statement.

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

1/20: ABC TV Detroit (WXYZ) reporter: (b)(5), (b)(6), (b)(7)(C) has requested to do a story in regards to the UH-60's assigned to the Great Lakes Air and Marine Branch that will be participating in this year's Super Bowl Security

in Houston TX. ASR has been completed and submitted for Wednesday January 25. Story will be a piece of how local law enforcement will be assisting in this year's game. Interview for story will be completed with AIA (b)(5), (b)(6), (b)(7)(C) who has flown in previous Super Bowls.

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

1/18: (b)(5), (b)(6), (b)(7)(C) a Cultures/Immigration Reporter with the Minneapolis Star Tribune reached out to OPA in Detroit in regards to the current story about individuals migrating north into Canada. (b)(5), (b)(6), (b)(7)(C) was tipped off about the ride along from a fellow reporter at CBC in Winnipeg and has also requested a ride along. Reporter is also looking for information in regards to Asylum cases. Directing those questions to USCIS. Currently working on approvals.

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

1/18: (b)(5), (b)(6), (b)(7)(C) a reporter with WXIX-TV FOX19 in Cincinnati has reached out to the Chicago Field Office to do a special project/long-format type of story in regards to what OFO is seizing and finding in the greater Cincinnati area especially through the express consignment facility. Currently going through approvals to include DHL for story.

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

1/11: (b)(5), (b)(6), (b)(7)(C) a reporter with CBC National out of Winnipeg, Manitoba has reached out to OPA in Detroit in regards to conducting a story on Northern Border operations after a few articles have been published about rising numbers of illegal entries into Canada from the United States. Most recent case involved an individual who illegally entered near the Emerson POE in Manitoba and almost froze to death. Reporter has requested an on camera interview and ride along in the Warroad/Roseau MN AOR. Currently working with Grand Forks Sector as well as RCMP in Winnipeg in regards to this story request.

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

1/11: (b)(5), (b)(6), (b)(7)(C) with Minnesota Public Radio reached out to OPA in Detroit in regards to conducting a story on Northern Border operations after a few articles have been published about rising numbers of illegal entries into Canada from the United States. Most recent case involved an individual who illegally entered near the Emerson POE in Manitoba and almost froze to death. (b)(5), (b)(6), (b)(7)(C) has requested a Radio Interview with CPA (b)(5), (b)(6), (b)(7)(C) for some time next week if possible. Currently working with Grand Forks Sector as well as RCMP in Winnipeg in regards to this story request.

1/20: GFN CPA (b)(5), (b)(6), (b)(7)(C) will do a telephonic interview on Monday January 23<sup>rd</sup> at 1000hrs Central with MPR Reporter (b)(5), (b)(6), (b)(7)(C)

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

1/11: (b)(5), (b)(6), (b)(7)(C) the evening news anchor for KBJR-TV in Duluth, MN reached out to OPA in Detroit to do a story on Northern Border Operations in Minnesota. OPA has reached out to the reporter and is awaiting clarification on what exactly KBJR would like to do for their story.

1/18: Have tentatively scheduled story and ride along for Tuesday January 24 with Agents from Warroad, MN. Gathering information for ride along request to be sent to HQ.

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

1/5: Georgia Public Broadcasting (NPR) Reporter, Robert Jimison contacted OPA Atlanta to produce a feature story on CBP/OFO operations, i.e. "A Day At" Hartsfield Jackson Atlanta International Airport (ATL). Taping completed, reporter said local editor may submit for national NPR consideration. Air date is TBD. Tone: positive

Lead: Rob Brisley



1/5: (b)(5), (b)(6), (b)(7)(C) reporter for WNBC in New York City, called for information regarding a possible ring operating around the Port of Newark exporting stolen rental cars. Reporter indicates no deadline for information requested.

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

10/20: Reporter/historian (b)(5), (b)(6), (b)(7)(C) of KIRO radio in Seattle inquired regarding the history of the border between Canada and the U.S., particularly Washington state and British Columbia. His questions and comments include: "Tell me about the history of the border between Washington state and British Columbia. CBP historians are looking into it and will provide information regarding the inquiry. Reporter wanted to do a taped interview Oct. 21, however, due to the complexity of the request it will be pushed back until the information can be compiled. Anticipated tone is positive to neutral.

11/16: Reporter referred to International Boundary Commission.

1/24: Update: Reporter interviewed personnel with the International Boundary Commission and reached back to CBP for comment on the following questions and was provided the respective answers: 1. Does USCBP staff ever interface with IBC staff when IBC staff are doing their work along the Washington/British Columbia border? If so, can you describe how often, what that looks like, etc.: *The U.S. Border Patrol in Blaine Sector does interact with the International Boundary Commission on occasion. IBC supervisors and station leadership have met (or been notified via telephone or email) in advance of projects of joint concern prior to work being done. (The Border Patrol is interested in being notified of any legitimate activity occurring at or near the border). Informal interaction between IBC workers and Border Patrol Agents occur between agents in the field and IBC workers on the border incidental to each working in the same area.* 2. Is there some kind of regular administrative communication between USCBP and IBC staff? How often? How formal/informal, etc.?: *There does not currently exist regular formal scheduled administrative communication between the IBC and U.S. Border Patrol in Blaine, Washington. However, the agencies are familiar enough about each other's mission, there is communication whenever one agency's work may impact the other. An example would be when the IBC is going to perform maintenance or brush clearing on the border the IBC would contact Blaine Sector and/or station leadership and let them know they will be working in the area at a particular place and time. This information would be passed down to the agents in the field so they are aware of this activity on or near the border.*

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

## **NEWS RELEASES:**

1/26: OPA Puerto Rico issued a news release regarding a joint effort (AMO, USCG and Puerto Rico Police) to intercept 4 makeshift wooden (yola) vessels with 126 undocumented migrants attempting to enter Puerto Rico. 30 migrants were brought to shore facing prosecution. <https://www.cbp.gov/newsroom/local-media-release/cbp-coast-guard-and-puerto-rico-police-intercept-4-vessels-126>

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

1/26: The Boston Field Office distributed a news release today announcing the [opening of a new Global Entry enrollment center](#) at Bradley International Airport in Hartford, CT. Lead: (b)(6), (b)(7)(C)

1/26: Swanton Sector distributed a press release on a Border Patrol [canine team that assisted Vermont State Police track and locate a fugitive](#).

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

1/26: CBP Laredo PAO posts news release on seizure of [\\$1.3 million in narcotics in five seizures](#) by CBP officers at Brownsville POE.

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

1/26: CBP Laredo PAO posts news release on [lifesaving actions by CBP officer that saved a traveler undergoing cardiac arrest at Brownsville POE](#).

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

1/26: CBP OPA distributed a news release related to the assault of a Tucson Sector agent.

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

1/26: Tucson Field Office Release about seizure of cocaine, meth and \$69K in unreported currency at the Port of Lukeville. Leads: (b)(6), (b)(7)(C)

1/26: Tucson Field Office Release on the seizure of 200 pounds of marijuana at the Port of Douglas.

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

**CBP WRAP:**

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Thanks,

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 5:24 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Refugee Arrival

Interesting.  
(b)(6), (b)(7)(C)  
Area Port Director  
US Customs and Border Protection  
Honolulu, Hawaii

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 10:15:21 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: Refugee Arrival

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

Just got the email below so again, let us know if it starts to affect us and we're here ready to assist.

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

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 5:11:14 PM  
**To:** #HSI Primary SACS; (b)(6), (b)(7)(C)  
**Subject:** Refugee Arrival

Dear SACs,

Good afternoon.

If you and your management team haven't done so already, please reach out to your counterpart ERO FODs, CBP DFOs, and CBP Port Directors in your AOR to let them know that we are ready to assist if needed in anticipation of 1,200 refugees scheduled to arrive in the US shortly (according to DOS). We will be getting further guidance later this afternoon. Below FYI from New York Chief Counsel is info on a lawsuit regarding two Syrians and others similarly situated, who were detained at JFK.

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

"ERO Newark reports that CBP at JFK is no longer seeking bed space. CBP Commissioner granted a waiver on the released Syrian and the Secretary is reviewing a waiver on the remaining detained Syrian."

Darweesh v. Trump, No. 17-0480 (EDNY filed Jan. 28, 2017): On January 28, 2017, named petitioners Hameed Khalid Darweesh (whom the New York Times reports has been released from government custody) and Sameer Abdulkhaleq Alshawi filed a habeas petition and complaint for declaratory and injunctive relief on behalf of themselves and "all others similarly situated." The petitioners allege that their detention pursuant to the January 27, 2017 Executive Order (EO) that, among other actions, suspended the issuance of visas to people from seven countries, "violates their Fifth Amendment procedural and substantive due process rights, and is ultra vires the immigration statutes. Further, Petitioners' continued unlawful detention is part of a widespread pattern applied to many refugees and arriving aliens detained after the issuance of the" EO. The petition alleges that the named petitioners and putative class members "has been detained and questioned by CBP officials, denied entry to the United States, and subject to the threat of return to the country from which their travel originated, regardless of their presentation of valid entry documents, their status in the prior country, and possible claims qualifying them for protection under 8 USC 1101(a)(42) [defining "refugee"] and 8 USC 1225(b)(1)(A)(ii) [applicants for admission with claims of asylum]." Petitioners allege that the EO violates: their Fifth Amendment due process rights to apply for asylum and for withholding/CAT protection; various provisions of the INA that entitle them to apply for asylum withholding and CAT relief; the Foreign Affairs Reform and Restructuring Act of 1998; their Fifth Amendment equal protection rights because it discriminates against them on the basis of country of origin and "was substantially motivated by animus toward—and has a disparate effect on-Muslims..."; and the Administrative Procedure Act, because the EO is arbitrary, capricious, an abuse of discretion, contrary to constitutional power, ultra vires, and procedurally infirm. The relief sought is a writ of habeas corpus for each petitioner and class member; an injunction "ordering Respondents not to detain any individual solely on the basis of the EO;" a declaratory judgement that the detention of the petitioners and class members is unauthorized; costs and attorneys' fees. The petitioners' lawyers are from the Yale Law School, the Urban Justice Center, the National Immigration Law Center, the ACLU and the New York City law firm of Kilpatrick Townsend & Stockton. The respondents are President Trump, DHS, CBP, Secretary Kelly, CBP Acting Commissioner McAleenan and CBP's New York Field Director, James T. Madden.

In an accompanying motion for class certification, "Petitioners ask this Court to certify a class consisting of all individuals with refugee applications approved by [USCIS] 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, but who have been or will be denied entry to the United States on the basis of the January 27, 2017 Executive order."

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



**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 1:39 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: New (b)(7)(E) Ex-order

**Importance:** High

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

Do you know anything about an expansion of the countries affected by the EO? Appears (b)(7)(E) is creating events on refugees from Pakistan.

Thanks,

(b)(6), (b)(7)(C), Area Port Director  
Customs and Border Protection, Honolulu, Hawaii  
(b)(6), (b)(7)(C)

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 7:46 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: New (b)(7)(E) Ex-order  
**Importance:** High

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

FYSA. We are now getting offload requests from (b)(7)(E) for "all refugees". AI was instructed that if we needed additional guidance/info the HNL WC would have to call the WC desk at (b)(7)(E). Just wanted to check if okay with you before I make the call. See AI's message below and corresponding screen shot of (b)(7)(E) event request for the latest from Pakistan.

*Thanks*

(b)(6), (b)(7)(C)  
Watch Commander  
Customs and Border Protection  
Honolulu, HI  
(b)(6), (b)(7)(C)

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 7:15 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** New (b)(7)(E) Ex-order  
**Importance:** High

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

Per our conversation regarding the new offload orders we are getting from (b)(7)(E)  
(b)(7)(E)

At this time we have offloaded 4 subjects this morning, all first time refugees. The subjects are not from the 7 countries listed in the Executive Order issued on January 27<sup>th</sup>. 3 were from Afghanistan and the latest one is from Pakistan. The event below clearly states the subject from Pakistan falls within the "212 (f)"

Executive Order. (b)(7)(E)

(b)(7)(E) I called back

the RCLG desk at (b)(7)(E) and spoke with officer (b)(6), (b)(7)(C) I expressed our desire for

guidance; officer (b)(6), (b)(7)(C) said that you (HNL WC) can call the WC desk at (b)(7)(E) (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) Officer (b)(6), (b)(7)(C) did not know when the RCLGs will receive written guidance on the SOP for the new offloads from (b)(7)(E) (HQ).



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

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

**CBP Honolulu International Airport**

**Passenger Analysis Unit-PAU**

**PAU/CTR/HRCLG**

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

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



**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 2:04 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Guidance: E.O. Protecting the Nation from Terrorist Attacks by Foreign Nationals  
**Attachments:** (b)(7)(E) E.O. Protecting the Nation from Terrorist Attacks by Foreign Nation....docx

Looks like it applies to all refugees, regardless of citizenship.

(b)(6), (b)(7)(C), Area Port Director  
 Customs and Border Protection, Honolulu, Hawaii

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 7:48:07 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Guidance: E.O. Protecting the Nation from Terrorist Attacks by Foreign Nationals

**FYI – New change:**

**Returning Refugees and Asylees** - regardless of citizenship are to be denied boarding as they will require a waiver.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 7:23 AM  
**To:** JFK RCLG (b)(7)(E) HNL-RCLG (b)(7)(E) MRCLG (b)(7)(E)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: Guidance: E.O. Protecting the Nation from Terrorist Attacks by Foreign Nationals

Good afternoon,

Please see the below additional guidance as well as the attached issued to (b)(7)(E) floor operations personnel related to the Executive Order:

- **Dual nationals** – We are awaiting further clarification as DHS and DOS discuss how to approach this, so for now if you can articulate a traveler holds a passport from one of the 7 restricted countries, we will err on the side of caution and offload.
- **Advance Paroles** – are cleared to board (unless a TSDB), so if there is any question as to whether a returning refugee or asylee is coming back on an I-512, refer for document verification.
- **SIV travelers**, e.g. (b)(7)(E), are cleared to board barring any new derogatory information since issuance.
- **1<sup>st</sup> Time Refugees** – regardless of citizenship are not cleared to board unless they have been cleared through FBI's (b)(7)(E)

- **Returning Refugees and Asylees** - regardless of citizenship are to be denied boarding as they will require a waiver. If we catch well enough in advance, the waiver may be granted prior to travel, but our guidance right now is to offload these travelers.

We will continue to relay guidance as different scenarios are addressed. If you have any questions whatsoever, please do not hesitate to contact the WC or CWC on duty at (b)(6), (b)(7)(C)

Respectfully,

(b)(6), (b)(7)(C)  
Chief Watch Commander  
National Targeting Center-Passenger

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

**WARNING:** This document is LAW ENFORCEMENT SENSITIVE and is designated for OFFICIAL USE ONLY. It contains information that may be exempt from public release under the Freedom of Information Act (5USC552). This document is to be controlled, handled, transmitted, distributed, and disposed of in accordance with DHS policy relating to FOUO information, and is not to be released to the public or personnel who do not have a valid "need-to-know" without prior approval from OFO National Targeting Center - Passenger at 571-468-1000.

**Office of Field Operations****(b)(7)(E)**

January 27, 2017

Effective January 27, 2017, and in accordance with the new Executive Order, Protecting the Nation from Terrorist Attacks by Foreign Nationals, signed by President Trump, all citizens and nationals of, Iraq, Iran, Libya, Somalia, Sudan, Syria and Yemen will not be allowed admission into the United States for the next 90 days under Immigration Nationality Act (INA) section 212(f).

This guidance applies to all citizens; non-immigrants, first time immigrants, and refugees from the seven restricted countries. This excludes United States citizens, Lawful permanent residence (LPR), and foreign nationals traveling on A's diplomatic visas, North Atlantic Treaty Organization visas, C-2 visas for travel to the United Nations, and G-1, G-2, G-3, G-4 visas or certain diplomatic visas issued by Department of State.

A new User Define Rule (UDR) has been put into production today, January 27, 2017, at 2000 hours, to help identify citizens of the seven restricted countries traveling to the United States. Once a hit is identified and the traveler identified to be a citizen of one of the seven restricted countries listed. The **(b)(7)(E)** will be responsible to inform the Lead Targeter who will notify CWC/WC, conduct full research to determine if the subject is inadmissible pursuant to 212(f) of the INA, and will be set up for offload or referral will be made to the port of entry advising of the inadmissibility, unless the traveler is identified to be excluded under the above exception.

Special Humanitarian exception is available at the Secretary of Homeland's discretion, all requests for Humanitarian exception will be directed to the XD, DXD, and Director of **(b)(7)(E)** through your chain of command. Unless the Director or Assistant Director of **(b)(7)(E)** has granted boarding permission, no boarding will be authorized.

If you have any question or have any concerns please see a Watch Commander on duty.

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 4:07 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: 1st subject

BTW, how are the (b)(7)(E) guys there determining whether these folks "love deeply" the American people as POTUS said they must?

(b)(6), (b)(7)(C)  
Area Port Director  
US Customs and Border Protection  
Honolulu, Hawaii

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 8:12:38 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: 1st subject

Completely insane!! In addition to the reporting requirements, we have demonstrations at the airport and medial and congressional inquiries coming in.

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 12:12 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: 1st subject

Will send the mandatory 40 pages of reports when complete. And bullets.

Can't imagine the impact on SFO.

(b)(6), (b)(7)(C)  
Area Port Director  
US Customs and Border Protection  
Honolulu, Hawaii

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 7:41:02 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: 1st subject

Thank you.

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 11:30 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** 1st subject



We will have our first subject arrive shortly. LPR with Iranian citizenship. (b)(7)(E) Officers will interview.

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

Area Port Director  
US Customs and Border Protection  
Honolulu, Hawaii

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 4:06 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Media, Congressional, and Public Inquiries Regarding Executive Orders  
**Attachments:** image001.png

Fysa.

(b)(6), (b)(7)(C)  
Area Port Director  
US Customs and Border Protection  
Honolulu, Hawaii

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 8:55:52 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Media, Congressional, and Public Inquiries Regarding Executive Orders

(b)(6), (b)(7)(C)  
Here's the email from Porter regarding SCBPO (b)(6), (b)(7)(C) incident. I tried to contact him but I could not leave a message as his home and phone mail box was full. I will need to wait until he returns to work tonight to get more info.

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 11:46:58 PM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: Media, Congressional, and Public Inquiries Regarding Executive Orders

Chiefs and (b)(6), (b)(7)(C)

FYI: (b)(6), (b)(7)(C) said there is a lawyer outside of the CBP doors demanding information and trying to get a comment (b)(6), (b)(7)(C) told the person no comment.

At the end of his shift (b)(7)(E) a person approached him again. Asking information about people inside, again nothing was given.

Please tell CBP personnel to be careful (b)(7)(E)

(b)(7)(E)

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

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

Sent: Saturday, January 28, 2017 6:06:44 PM  
To: HNL-PAX  
Subject: Media, Congressional, and Public Inquiries Regarding Executive Orders

To all,

Please do not discuss or make any comments regarding the recent Executive Orders or any impact to current CBP operations.

All media inquiries regarding the EO or its impact may be referred directly to [cbpmidiarelations.cbp.dhs.gov](http://cbpmidiarelations.cbp.dhs.gov).

All congressional inquiries may be referred directly to [ocainquiry.cbp.dhs.gov](http://ocainquiry.cbp.dhs.gov) or (b)(6), (b)(7)(C)

When in doubt, please ask a Supervisor or Chief for further assistance.

Thanks,

(b)(6), (b)(7)(C) Supervisory CBP Officer  
U.S. Customs and Border Protection  
Office of Field Operations  
Honolulu International Airport  
Office: (b)(6), (b)(7)(C)  
Main: (b)(6), (b)(7)(C)

<https://eaaspiv.dhs.gov/owa/attachment.ashx?id=RgAAAADEiYUqyCmPR7B8YQ0kDofYBwBgPLTrBV7YTZKuxlvTRe5eAAACkteMAAA55igEqXGZQbeBVp0hlAFYAABriwh7AAAJ&attcnt=1&attid0=BAAAAAAAA&attcid0=image001.png%4001CFB180.022393D0>

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 11:26 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** SLC-FIS; (b)(6), (b)(7)(C)  
**Subject:** RE: calls regarding the E.O.

Thank you for the clarification and guidance.

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 9:25 AM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Cc:** SLC-FIS; (b)(7)(E); (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** RE: calls regarding the E.O.  
**Importance:** High

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

Please DO NOT make any statements or answer any questions related to the EO, including the ones you mentioned below. As of this moment we are under orders not to respond to the public, media, or congress. Our guidance is to merely refer.

Please direct all callers to CBP.GOV and the CBP Info Center. CBP HQ is setting up a hotline where users can ask their questions.

I will be sending out a message later this morning to all Area Port Directors regarding updated guidance. Port managers will forward that down once it is disseminated.

Please let me know if there are any other questions or issues.

(b)(6), (b)(7)(C)  
Program Manager, Public Affairs Liaison  
Customs and Border Protection  
San Francisco Field Office  
Tel: (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 8:11 AM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Cc:** SLC-FIS; (b)(6), (b)(7)(C)  
**Subject:** calls regarding the E.O.

There must be some concerted effort to swamp airports with calls regarding the E.O. I would estimate we've received 30 calls in the past 40 minutes.

We are not answering any of their probing questions, getting drawn into their argumentative tone, demands for information or at times profanity in their calls.

We are stating the following.

"We are following our Agency's Guidance regarding the Executive Order".

"We are not releasing any information regarding persons detained for any reason".

We are referring all calls to the DHS Public Affairs phone number.

**(b)(6), (b)(7)(C)**  
Port Director  
Salt Lake City, UT

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 1:32 AM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** 12 and 24 Hour Notification (b)(6), (b)(7)(C)

01/28/2017

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



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

Sincerely,

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



Supervisory CBP Officer  
San Francisco Int'l Airport  
US Customs and Border Protection

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



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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 1:25 AM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** 12 and 24 Hour Notification - (b)(6), (b)(7)(C)

01/28/2017

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

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

Sincerely,

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



Supervisory CBP Officer  
San Francisco Int'l Airport  
US Customs and Border Protection

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



**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 12:50 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C); SFO CBP CHIEFS  
**Subject:** RE: 1/28/17 EY183 LPRs

Will do.

(b)(6), (b)(7)(C)  
Watch Commander, Port of San Francisco  
(b)(6), (b)(7)(C)

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 9:42 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: 1/28/17 EY183 LPRs

Please continue to copy me on all messages you send to the DFO on this subject. Can you tell me how many LPRs that meet the criteria you expect today?

(b)(6), (b)(7)(C)  
Assistant Director Field Operations  
Border Security  
San Francisco Field Office  
US Customs and Border Protection

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 9:34:50 AM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Cc:** (b)(6), (b)(7)(C); (b)(6), (b)(7)(C)  
**Subject:** FW: 1/28/17 EY183 LPRs

Mr. Humphrey

Below is the information regarding the two LPR subjects we discussed in our telephone conversation. I will advise the duty chiefs and Watch Commanders that per your guidance, absent derogatory information or unusual circumstances, we will assume your granting the admissibility waiver to those affected by the Presidential Executive Order within your delegated authority. We will also continue to send these information write ups to you as we encounter the passengers through the day. Finally, we will continue to call you for those passengers that require Acting CBP Commissioner waiver authority.

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

Watch Commander, Port of San Francisco

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

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

Sent: Saturday, January 28, 2017 8:58 AM

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

Subject: FW: 1/28/17 EY183 LPRs

Please review and forward for approval.

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

Chief Supervisory Officer

(b)(7)(E)

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

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

Sent: Saturday, January 28, 2017 4:40:02 PM

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

Subject: 1/28/17 EY183 LPRs

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

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

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

Please call me on my cell (b)(6), (b)(7)(C) for any questions.

(b)(7)(E) Mon



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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 7:47 AM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** 12 and 24 Hour Notification

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

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

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

Supervisory CBP Officer

U.S. Customs and Border Protection

San Francisco International Airport

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 4:12 AM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** 12 and 24 Hour Notification

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

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