

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 3:25 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: EO 212(f) Waiver for LPR (b)(6), (b)(7)(C)

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

We have an LPR in secondary and we are requesting review by th DFO. Please see below indo.

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 10:04:24 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: EO 212(f) Waiver for LPR (b)(6), (b)(7)(C)

FYI

Thank You

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

Chief  
U.S. Customs and Border Protection  
Honolulu, Hawaii

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



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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 9:59 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** EO 212(f) Waiver for LPR (b)(6), (b)(7)(C)

Exemption to Executive Order Request

January 29, 2017

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

Summary: OFO recommends that you

(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 3:38 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Narraitive fo passenger (b)(6), (b)(7)(C)  
**Attachments:** (b)(6), (b)(7)(C)

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

Here's the info on the dual citizen.

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 10:16:19 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Narraitive fo passenger (b)(6), (b)(7)(C)

FYI

Thank You

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

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



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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 10:12 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** Narraitive fo passenger (b)(6), (b)(7)(C)

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

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

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

Baggage check was negative for derogatory information; contents consistent with stated purpose of visit.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 3:56 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Media, Congressional, and Public Inquiries Regarding Executive Orders  
**Attachments:** image001.png

(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](mailto:cbpmidiarelations.cbp.dhs.gov).

All congressional inquiries may be referred directly to [ocainquiry.cbp.dhs.gov](mailto: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)

[\[https://eaaspiv.dhs.gov/owa/attachment.ashx?id=RgAAAADeIYUqyCmPR7B8YQ0kDofYBwBgPLTrBV7YTZKuxlvTRe5eAAACkteMAAA55igEqXGZQbeBVp0hlAFYAABriwh7AAAJ&attcnt=1&attid0=BAAAAAAA&attcid0=image001.png%4001CFB180.022393D0\]](https://eaaspiv.dhs.gov/owa/attachment.ashx?id=RgAAAADeIYUqyCmPR7B8YQ0kDofYBwBgPLTrBV7YTZKuxlvTRe5eAAACkteMAAA55igEqXGZQbeBVp0hlAFYAABriwh7AAAJ&attcnt=1&attid0=BAAAAAAA&attcid0=image001.png%4001CFB180.022393D0)

**Subject:** FW: Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

**From:** MCALEENAN, KEVIN K

**Sent:** Saturday, January 28, 2017 12:22:59 AM

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

**Cc:** ALLES, RANDOLPH D; (b)(6) FLANAGAN, PATRICK S

**Subject:** Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

Acting Deputy Commissioner/EAC,

Subject to my oversight, direction and guidance, I hereby delegate to the Deputy Commissioner, Executive Assistant Commissioner, Deputy Executive Assistant Commissioner, Executive Director Admissibility and Passenger Programs, Executive Director Operations, Executive Director National Targeting Center, Executive Director, National Targeting Center-Passenger, Directors, Field Operations, Port Director, John F. Kennedy Airport, and Port Director, Los Angeles International Airport, Office of Field Operations, U.S. Customs and Border Protection, the authority, on a case-by-case basis, and when in the national interest, and only with respect to Lawful Permanent Residents of the United States, 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 President's Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry Into the United States," (January 27, 2017). Prior to taking any such action, the Lawful Permanent Resident who is the subject of the action must be subjected to a thorough examination by an immigration officer. This authority may not be further delegated.

KM



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*

**Subject:** FW: Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

**From:** MCALEENAN, KEVIN K

**Sent:** Saturday, January 28, 2017 12:22:59 AM

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

**Cc:** ALLES, RANDOLPH D; (b)(6) FLANAGAN, PATRICK S

**Subject:** Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

Acting Deputy Commissioner/EAC,

Subject to my oversight, direction and guidance, I hereby delegate to the Deputy Commissioner, Executive Assistant Commissioner, Deputy Executive Assistant Commissioner, Executive Director Admissibility and Passenger Programs, Executive Director Operations, Executive Director National Targeting Center, Executive Director, National Targeting Center-Passenger, Directors, Field Operations, Port Director, John F. Kennedy Airport, and Port Director, Los Angeles International Airport, Office of Field Operations, U.S. Customs and Border Protection, the authority, on a case-by-case basis, and when in the national interest, and only with respect to Lawful Permanent Residents of the United States, 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 President's Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry Into the United States," (January 27, 2017). Prior to taking any such action, the Lawful Permanent Resident who is the subject of the action must be subjected to a thorough examination by an immigration officer. This authority may not be further delegated.

KM



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:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 2:31 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION  
**Attachments:** 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx

Please read and disseminate as appropriate.

(b)(6), (b)(7)(C) and PD'S please acknowledge as received.

Notify me of any encounters immediately.

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

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, January 28, 2017 5:51:15 AM  
**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

We still don't have guidance beyond the summary I sent of the conference call. Please call me directly if you are seeking a waiver for an LPR.

We also don't have the report template, so if (b)(6), (b)(7)(C) and I don't hear from the ports, we will assume no encounters and assume no targeted passengers were erroneously admitted.

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

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Friday, January 27, 2017 10:14:34 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 (b)(5), (b)(7)(E) if they do not agree to (b)(5), (b)(7)(E) they will be (b)(5), (b)(7)(E) 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)(5), (b)(7)(E) (b)(5), (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 (b)(5), (b)(7)(E) Such individuals will also be (b)(5), (b)(7)(E) with notation of the approved waiver in the remarks. Until such time that (b)(5), (b)(7)(E) 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)(5), (b)(7)(E) (b)(5), (b)(7)(E) RCLGs are also being involved to offload individuals attempting to board.

Reporting: Eventually an automated report is expected from NTC, 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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 11:02 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Federal Court Stay - Hold all departures. Need confirmation

Please inform your managers.

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

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**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Sunday, January 29, 2017 3:44:22 AM  
**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

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

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)

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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:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 1:02 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Action: Executive Order - Local Engagement.

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

I'll contact the SAC, AFOD and FSD. Could you please call the airline station managers or at least an airline manager on duty and give a very basic explanation of what's going on?

Thanks,

(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 5:53:44 PM  
**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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 3:39:00 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (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

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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)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 11:03 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States  
**Attachments:** RE: EO 212(f) Exemption Request for (b)(6), (b)(7)(C) RE: Waiver Request for 212(1) in re: (b)(6), (b)(7)(C) EO 212(f) Waiver for (b)(6), (b)(7)(C) (MINOR)  
**Importance:** High

(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 3:32:20 AM  
**To:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States

Port Directors,

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

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

If you encounter any of the above, please send your waiver request to the DFO and copy me. Attached are some sample waiver requests for your reference

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



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

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

**Importance:** High

DFO's

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

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

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

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

- EAC Owen
- DEAC Wagner
- XD Murdock
- XD Hoffman
- (a) DXD Campbell
- DXD Hutton
- OFO Field Liaison

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

**Sample**

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

**Waiver Narrative**

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

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

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

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

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

Washington, DC



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



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**From:** HOFFMAN, TODD A

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

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

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

(b)(7)(E)

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

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

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

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

**Importance:** High

Directors,

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

Memorandum For: Directors, Field Operations

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

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

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

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

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

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

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

(1) All case processing will be recorded in (b)(7)(E)  
(b)(7)(E) according to current policy/procedure.

(2)  
(3)  
(4) (b)(7)(E)

*Returning Residents,*

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

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

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

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

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

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

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

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

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

OCC

Please see below a waiver request involving a (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)

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

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

J. Ryan Hutton  
 Deputy Executive Director  
 Admissibility and Passenger Programs

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

Washington, DC

 (b)(6)



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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 2:32 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION  
**Attachments:** 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx

(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 7:30:41 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

Please read and disseminate as appropriate.

(b)(6), (b)(7)(C) and PD'S please acknowledge as received.

Notify me of any encounters immediately.

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

---

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, January 28, 2017 5:51:15 AM  
**To:** (b)(6), (b)(7)(C); HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

We still don't have guidance beyond the summary I sent of the conference call. Please call me directly if you are seeking a waiver for an LPR.

We also don't have the report template, so if (b)(6), (b)(7)(C) and I don't hear from the ports, we will assume no encounters and assume no targeted passengers were erroneously admitted.



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

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

San Francisco, California 94105

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

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

**Sent:** Friday, January 27, 2017 10:14:34 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 (b)(5), (b)(7)(E) If they do not agree to (b)(5), (b)(7)(E) they will be (b)(5), (b)(7)(E) 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)(5), (b)(7)(E) (b)(5), (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 (b)(5), (b)(7)(E) Such individuals will also be (b)(5), (b)(7)(E) with notation of the approved waiver in the remarks. Until such time that (b)(5), (b)(7)(E) 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)(5), (b)(7)(E) (b)(5), (b)(7)(E) RCLGs are also being involved to offload individuals attempting to board.

Reporting: Eventually an automated report is expected from NTC, 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 [redacted] 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

[redacted]  
San Francisco, California 94105  
[redacted]

**From:** [redacted]  
**Sent:** Friday, January 27, 2017 6:07 PM  
**To:** DIRECTORS FIELD OPS <[redacted]>  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

Thank you,

[redacted]  
Acting Deputy Executive Director  
Operations  
US Customs and Border Protection  
Office [redacted]  
Cell [redacted]

*This document and any attachment(s) may contain restricted, sensitive, and/or law enforcement-sensitive information belonging to the U.S. Government. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient.*

**From:** [redacted]  
**Sent:** Friday, January 27, 2017 6:41 PM  
**To:** HOFFMAN, TODD A <[redacted]> HUTTON, JAMES R <[redacted]>  
[redacted]  
[redacted] MURDOCK, JUDSON W  
[redacted]  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

**From:** MCALEENAN, KEVIN K  
**Sent:** Friday, January 27, 2017 6:41 PM  
**To:** WAGNER, JOHN P <[redacted]>  
FLANAGAN, PATRICK S <[redacted]>  
[redacted]

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

**Subject:** FINAL SIGNED EO FOR ACTION

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 3:48 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order  
**Attachments:** UPDATED Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

(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 7:57:32 AM  
**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)  
 (b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

HQ has clarified that those individuals currently in custody and pending withdrawal or ER, as well as similarly situated future arrivals are to be reassessed for Commissioner waiver. Please follow the attached chain of command list to receive the C1 waiver.

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

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

**From:** HUTTON, JAMES R  
**Sent:** Sunday, January 29, 2017 2:00:24 AM  
**To:** MCALEENAN, KEVIN K; Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C); HOFFMAN, TODD A; DIRECTORS FIELD OPS  
**Cc:** (b)(6), (b)(7)(C); ALLES, RANDOLPH D; FLANAGAN, PATRICK S  
**Subject:** RE: IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

DFO's

Kindly request waivers pertaining to below follow per guidance in attached message. I will be reaching out to address any questions/concerns you may have.

Thank you,

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

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

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



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**From:** MCALEENAN, KEVIN K  
**Sent:** Sunday, January 29, 2017 1:39 AM  
**To:** Owen, Todd C (AC OFO) <(b)(6), (b)(7)(C)>; WAGNER, JOHN P <(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)>; DIRECTORS FIELD OPS <(b)(7)(E)>  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C); ALLES, RANDOLPH D <(b)(6), (b)(7)(C)>; FLANAGAN, PATRICK S <(b)(6), (b)(7)(C)>  
**Subject:** IMMEDIATE ACTION: Executive Order Implementation and compliance with EDNY Court Order

ALCON:

Please take immediate action on the instruction below with regard to travelers impacted by the order. APP will follow with further guidance:

To further the implementation of the Executive Order, consistent with the principle in Section 5(e) recognizing due consideration for travelers who were in transit and for whom denying admission would cause undue hardship, ports of entry shall take the following actions for those limited number of travelers subject to the Executive Order currently in CBP custody. Ports of entry should assess those individuals: (b)(7)(E) a (b)(7)(E) consideration for a waiver pursuant to Section 3(g) or 5(e) as appropriate. (b)(7)(E) the case should be referred to up the chain to determine appropriate next steps. In any event, no alien subject to the Executive Order may be subject to Expedited Removal or another immediate form of removal. For any alien

currently in CBP custody who had previously been processed for Expedited Removal and not yet removed, please re-process according to this guidance. For any questions regarding this guidance please contact Admissibility and Passenger Programs, duty officer.



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

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

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

*Vigilance • Service • Integrity*

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

DFO's

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

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

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

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

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

**Sample**

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

**Waiver Narrative**

OFO recommends that you (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)**



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

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

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

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



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**From:** HOFFMAN, TODD A  
**Sent:** Saturday, January 28, 2017 1:07 AM  
**To:** DIRECTORS FIELD OPS <(b)(7)(E)> EXECUTIVE DIRECTORS HQ  
<(b)(7)(E)>; BORDER SECURITY ASST DIRECTORS  
<(b)(7)(E)>  
**Cc:** Owen, Todd C (AC OFO) <(b)(6), (b)(7)(C)> WAGNER, JOHN P <(b)(6), (b)(7)(C)>  
HUTTON, JAMES R <(b)(6), (b)(7)(C)>  
(b)(6), (b)(7)(C)

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

Directors,

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

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

Admissibility and Passenger Programs  
Office of Field Operations

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

Effective immediately, and pursuant to Executive Order entitled, "*Protecting the Nation from Foreign Terrorist Entry into the United States*" (January 27, 2017), all entry into the United States for aliens who are nationals from Iran, Iraq, Libya, Somalia, Sudan, Syria and Yemen is hereby suspended in accordance with Section 212(f) of the INA. (b)(5), (b)(6), (b)(7)(C), (b)(7)(E)

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

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

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

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

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

- (1) All case processing will be recorded (b)(7)(E) system, according to current policy/procedure.

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

*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).*

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

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

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

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

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

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

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

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

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

OCC




Please see below a waiver request involving a (b)(6), (b)(7)(C) **JFK**  
**PD has already approved a waiver for** (b)(6), (b)(7)(C)

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

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

J. Ryan Hutton  
 Deputy Executive Director  
 Admissibility and Passenger Programs

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

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



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**Subject:** FW: Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

**From:** MCALEENAN, KEVIN K

**Sent:** Saturday, January 28, 2017 12:22:59 AM

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

**Cc:** ALLES, RANDOLPH D; (b)(6) FLANAGAN, PATRICK S

**Subject:** Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

Acting Deputy Commissioner/EAC,

Subject to my oversight, direction and guidance, I hereby delegate to the Deputy Commissioner, Executive Assistant Commissioner, Deputy Executive Assistant Commissioner, Executive Director Admissibility and Passenger Programs, Executive Director Operations, Executive Director National Targeting Center, Executive Director, National Targeting Center-Passenger, Directors, Field Operations, Port Director, John F. Kennedy Airport, and Port Director, Los Angeles International Airport, Office of Field Operations, U.S. Customs and Border Protection, the authority, on a case-by-case basis, and when in the national interest, and only with respect to Lawful Permanent Residents of the United States, 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 President's Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry Into the United States," (January 27, 2017). Prior to taking any such action, the Lawful Permanent Resident who is the subject of the action must be subjected to a thorough examination by an immigration officer. This authority may not be further delegated.

KM



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:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 5:09 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: EO

Okay thanks (b)(6), (b)(7)(C)

(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 10:05:47 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: EO

Let me know how I could assist. Yesterday we had a conference call to discuss our implementation memo. I'll shoot you a copy once released.

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 5:03:25 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: EO

Shouldn't have much impact, although we've had our first affected arrival. Also, our RCLG folks have been busy with offloads.

Thanks,

(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 10:01:30 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: EO

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

Our HQ actually disseminated CBP's implementation memo of the EO this morning so I'm good with it unless you have something that's specific to our AOR.

Thanks,

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

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 1:30:36 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: EO

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

Guess (b)(6), (b)(7)(C) is off island. Please let me know if you'd like to discuss.

Thanks,

(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 6:22:43 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** EO

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

I'm sure you're well aware of the executive order signed yesterday barring admission of certain groups. We received our marching orders last night. Please let me know if you'd like a briefing on the actions we're taking, either by phone or email. I'm available at your convenience.

Thanks,

(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 4:56 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** EO

Sir,

CBP sent out guidance enforcement of the executive order signed yesterday barring admission of travelers from certain countries. I doubt our enforcement of the EO in Honolulu, Guam and the CNMI will impact JIATF-W ops. However, if you anticipate visitors from any of the countries covered by the EO there may be some concerns.

Please let me know if you'd like a briefing on the actions we're taking related to the EO, either by phone or email. I'm available at your convenience.

v/r,

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

**Subject:** FW: Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

**From:** MCALEENAN, KEVIN K

**Sent:** Saturday, January 28, 2017 12:22:59 AM

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

**Cc:** ALLES, RANDOLPH D; (b)(6) FLANAGAN, PATRICK S

**Subject:** Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

Acting Deputy Commissioner/EAC,

Subject to my oversight, direction and guidance, I hereby delegate to the Deputy Commissioner, Executive Assistant Commissioner, Deputy Executive Assistant Commissioner, Executive Director Admissibility and Passenger Programs, Executive Director Operations, Executive Director National Targeting Center, Executive Director, National Targeting Center-Passenger, Directors, Field Operations, Port Director, John F. Kennedy Airport, and Port Director, Los Angeles International Airport, Office of Field Operations, U.S. Customs and Border Protection, the authority, on a case-by-case basis, and when in the national interest, and only with respect to Lawful Permanent Residents of the United States, 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 President's Executive Order entitled, "Protecting the Nation from Foreign Terrorist Entry Into the United States," (January 27, 2017). Prior to taking any such action, the Lawful Permanent Resident who is the subject of the action must be subjected to a thorough examination by an immigration officer. This authority may not be further delegated.

KM



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:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 3:46 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

Here's an example of a waiver request for the (b)(6), (b)(7)(C) subject. Submit it sickly and we should get a quick response.

(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 8:40:56 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: EO 212(f) Exemption for (b)(6), (b)(7)(C)

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)(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 1:40 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: New (b)(7)(E) Ex-order)

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

I don't mind you calling the (b)(7)(E) WC to get clarification. I've asked the FO is they know anything but haven't heard back yet.

(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 7:46 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)

---

**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. I called (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 5:50 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Inquiry on E.O. Detainees.

Nothing specific, only that we do not share that kind of information. I believe he would need to file a FOIA.

(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:** Monday, January 30, 2017 12:45 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** Inquiry on E.O. Detainees.

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

Just wanted to inform you that I checked my phone and a recorded message from (b)(6), (b)(7)(C) was left on Sunday 01/29/17 at 0130. Mr. (b)(6), (b)(7)(C) stated he is an Immigration Attorney here in Honolulu. He said he was presently at the airport and was inquiring if there were detainees here in Honolulu under the new E.O. He also wanted to follow up on the District Judge's injunction which said a list of detainees would be made available and these detainees would have access to counsel. He asked for a call at my earliest convenience. Have you received any guidance on the action to take in regards to inquiries made by Attorneys?

I'm not sure, but this may be the subject that approached SCBPO (b)(6), (b)(7)(C) on Saturday evening.

(b)(6), (b)(7)(C)  
Assistant Port Director-Passenger  
Area Port of Honolulu  
Office: (b)(6), (b)(7)(C)  
Cell: (b)(6), (b)(7)(C)

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

DFO's

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

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

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

• (b)(6), (b)(7)(C)

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

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

(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)



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

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

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

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



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**From:** HOFFMAN, TODD A  
**Sent:** Saturday, January 28, 2017 1:07 AM  
**To:** DIRECTORS FIELD OPS <(b)(7)(E)> EXECUTIVE DIRECTORS HQ  
(b)(7)(E); BORDER SECURITY ASST DIRECTORS  
(b)(7)(E)  
**Cc:** Owen, Todd C (AC OFO) <(b)(6), (b)(7)(C)> WAGNER, JOHN P <(b)(6), (b)(7)(C)>  
HUTTON, JAMES R <(b)(6), (b)(7)(C)>  
(b)(6), (b)(7)(C)

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

Directors,

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

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

Admissibility and Passenger Programs  
Office of Field Operations

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

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

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

Wherever possible, (b)(7)(E) will coordinate the denial of boarding through (b)(7)(E) (b)(7)(E) locations, and Regional Carrier Liaison Groups (KCLG).

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

- Applicants bearing* (b)(7)(E)
- (1) All case processing will be recorded in (b)(7)(E) (b)(7)(E) according to current policy/procedure.
  - (2)
  - (3)
  - (4)
- (b)(7)(E)

*Returning Residents,*

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

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

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

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

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

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

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

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

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

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

OCC

Please see below a waiver request involving a (b)(6), (b)(7)(C)




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

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

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

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

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

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



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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, February 04, 2017 7:51 AM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

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

---

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, February 04, 2017 1:28:33 AM  
**To:** (b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FW: IMMEDIATE ACTION: District Court Ruling Enjoining the Executive Order

We have had zero activity for our last 4-5 reports so impact is minimal. But to be in compliance with this court order, we are not to engage in any enforcement of the Executive Order.

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

**(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:** M: (b)(6), (b)(7)(C)  
**Sent:** Friday, February 03, 2017 12:32 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**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

This is a very detailed litigation hold. Please review carefully and cover with officers (e.g HRCLG, secondary officers) who may have relevant documents, emails, telephone logs, etc.

(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:** Friday, February 03, 2017 5:29 AM  
**To:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
 (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

Please see attached litigation hold/preservation notice.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 2, 2017 3:50 PM  
**To:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
 (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

(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 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) JACKSTA, LINDA L

(AC HRM) (b)(6), (b)(7)(C); KOUMANS,

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

(b)(6), (b)(7)(C) BORKOWSKI, MARK S

(b)(6), (b)(7)(C) LOWRY, KIM M

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

(b)(6), (b)(7)(C) CALVO, KARL H.

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

(b)(6), (b)(7)(C) LANDFRIED, PHIL A

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

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

(b)(6), (b)(7)(C) HALL, CHRISTOPHER J (b)(6), (b)(7)(C)

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

(b)(6), (b)(7)(C) SITUATION ROOM (b)(6), (b)(7)(C) CBP CHIEF OF STAFFS

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

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)

(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

DOUGLAS S. CHIN (Bar No. 6465)  
 Attorney General of the State of Hawai‘i  
 CLYDE J. WADSWORTH (Bar No. 8495)  
 Solicitor General of the State of Hawai‘i  
 DEIRDRE MARIE-IHA (Bar No. 7923)  
 DEPARTMENT OF THE ATTORNEY  
 GENERAL, STATE OF HAWAI‘I  
 425 Queen Street  
 Honolulu, HI 96813  
 Telephone: (808) 586-1500  
 Fax: (808) 586-1239  
 Email: deirdre.marie-iha@hawaii.gov

NEAL K. KATYAL\*  
 HOGAN LOVELLS US LLP  
 555 Thirteenth Street NW  
 Washington, DC 20004  
 Telephone: (202) 637-5600  
 Fax: (202) 637-5910  
 Email:  
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*\*Pro Hac Vice Application  
 Forthcoming*

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IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF HAWAI‘I

STATE OF HAWAI‘I,

Plaintiff,

v.

DONALD J. TRUMP, in his official capacity as  
 President of the United States; U.S.  
 DEPARTMENT OF HOMELAND SECURITY;  
 JOHN F. KELLY, in his official capacity as  
 Secretary of Homeland Security; U.S.  
 DEPARTMENT OF STATE; REX TILLERSON,  
 in his official capacity as Acting Secretary of  
 State; and the UNITED STATES OF AMERICA,

Defendants.

Civil Action No.

**PLAINTIFF’S MOTION FOR TEMPORARY RESTRAINING ORDER**

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**PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER**

Pursuant to Rules 7 and 65 of the Federal Rules of Civil Procedure and Local Rule 7.2 for the U.S. District Court for the District of Hawaii, Plaintiff State of Hawai'i, by and through its counsel, hereby moves this Honorable Court for a temporary restraining order prohibiting Defendants from enforcing and implementing key portions of the January 27, 2017 Executive Order issued by Defendant Donald J. Trump (the "Executive Order"), which imposes a nationwide ban on immigrants and travelers from seven Muslim-majority countries.

Specifically, Sections 3(c), 5(a)-(c), and 5(e) reflect blatant state-sanctioned preference for Christian refugees and disfavor toward Muslims, in violation of the First and Fifth Amendments to the United States Constitution. They also fail to provide appropriate protections for those detained pursuant to the Executive Order and thereby violating the Fourteenth Amendment.

The foregoing harassing and discriminatory provisions of the Executive Order have no place in the State of Hawai'i, where Defendants' actions have caused, and continue to cause, irreparable injury to Plaintiff. As an immediate remedy, and to maintain the status quo while more permanent solutions may be considered, Plaintiff asks that the Court enter a temporary restraining order enjoining Defendants from enforcing or implementing Sections 3(c), 5(a)-(c), and

5(e) of the Executive Order nationwide. Plaintiff further requests that the Court set an expedited hearing to determine whether such order should remain in place.

This motion is supported by the attached Memorandum in Support of Plaintiff's Motion for Temporary Restraining Order, accompanying declarations, and the records and files in this action, as well as any additional submissions and oral argument that may be considered by the Court.

DATED: Honolulu, Hawai'i, February 3, 2017.

Respectfully submitted,

/s/ Douglas S. Chin

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MEMORANDUM IN SUPPORT  
OF PLAINTIFF’S MOTION  
FOR TEMPORARY  
RESTRAINING ORDER

**MEMORANDUM IN SUPPORT OF PLAINTIFF’S  
MOTION FOR TEMPORARY RESTRAINING ORDER**

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## INTRODUCTION

On January 27, 2017, President Donald Trump signed an Executive Order that banned immigrants from seven Muslim-majority countries and created a preference for Christian refugees. That Order has triggered an uproar across the United States and the world. And rightfully so: As many have observed, the Order is a distressing departure from an American tradition that has long celebrated immigrants and opened its arms to the homeless, the tempest-tossed.

Hawai‘i joins the many voices that have condemned the Order. But this pleading is not about politics or rhetoric—it is about the law. The simple fact is that the Order is unlawful. By banning Muslims and creating a preference for Christian refugees, the Order violates the Establishment Clause of the United States Constitution. By those same acts, it violates the equal protection guarantee of the Fifth Amendment. By failing utterly to provide procedures or protections of any kind for people detained or turned away at our airports, it violates the Due Process Clause. And by enshrining rank discrimination on the basis of nationality and religion, it flies in the face of statutes enacted by Congress.

Hawai‘i and its residents are being grievously harmed by these violations of the law. The Order is keeping Hawai‘i families apart; it is blocking Hawai‘i residents from traveling; it is using the State’s airport facilities to further discriminatory policies the State abhors; it is harming Hawaii’s critical tourism



industry; it is establishing a religion in Hawai‘i against the will of its residents; and it is blocking Hawaii’s businesses and universities from hiring as they see fit.

Perhaps most importantly, it is degrading the pluralistic values Hawai‘i has worked hard to protect and subjecting an identifiable portion of its population to discrimination and second-class treatment.

Hawai‘i respectfully asks this Court to enter a temporary restraining order blocking enforcement of key portions of the Order. The test for such a remedy is met: Hawai‘i is likely to succeed in showing on the merits that the Order is unlawful several times over. The State is being irreparably harmed by the Order’s enforcement. And those harms far outweigh the non-existent interest the Executive Branch has identified in enforcing its discriminatory regime. The motion should be granted.

### **FACTUAL BACKGROUND**

#### **A. Candidate Trump Calls For A Muslim Ban.**

Then-candidate Donald Trump made it crystal clear throughout his presidential campaign that if elected, he planned to bar Muslims from the United States. Shortly after the Paris attacks in December 2015, Mr. Trump issued a press release calling for “a total and complete shutdown of Muslims entering the United States until our country’s representatives can figure out what is going on.” Compl. ¶ 30 & Ex. 5. When questioned about the idea shortly thereafter, he compared it to

President Roosevelt’s race-based internment of the Japanese during World War II, saying, “[Roosevelt] did the same thing.” Compl. ¶ 31. And when asked what the customs process would look like for a Muslim non-citizen attempting to enter the United States, Mr. Trump said: “[T]hey would say, are you Muslim?” An interviewer responded: “And if they said ‘yes,’ they would not be allowed into the country.” Mr. Trump said: “That’s correct.” *Id.*

Later, as the presumptive Republican nominee, Mr. Trump began using facially neutral language to describe the Muslim ban; he described his proposal as stopping immigration from countries “where there’s a proven history of terrorism.” Compl. ¶ 34. But he continued to link that idea to the need to stop “importing radical Islamic terrorism to the West through a failed immigration system.” *Id.* And he continued to admit, when pressed, that his plan to ban Muslims remained intact. Asked in July 2016 whether he was retracting his call for “a total and complete shut-down of Muslim” immigration, he said: “I don’t think it’s a rollback. In fact, you could say it’s an expansion.” Compl. ¶ 36 & Ex. 6. And he explained: “People were so upset when I used the word Muslim. ‘Oh, you can’t use the word Muslim \* \* \*. And I’m okay with that, because I’m talking territory instead of Muslim.” *Id.*

Indeed, it is now clear that Mr. Trump—apparently recognizing that he could not come right out and implement his Muslim ban without violating the

law—was working behind the scenes to create a suitable subterfuge. In a recent television interview, one of the President’s surrogates explained what happened: “So when [Donald Trump] first announced it, *he said, ‘Muslim ban.’ He called me up. He said, ‘Put a commission together. Show me the right way to do it legally.’*” Compl. ¶ 54 & Ex. 8. After his election, the President-Elect signaled that he would not retreat from his Muslim ban. On December 21, 2016, he was asked whether he had decided “to rethink or re-evaluate [his] plans to create a Muslim registry or ban Muslim immigration to the United States.” He replied: “You know my plans. All along, I’ve been proven to be right.” Compl. ¶ 38.

Donald Trump’s comments also targeted more specific groups. Throughout the presidential campaign, he vowed to curb refugee admissions, particularly from Syria. In June 2016, he issued a press release stating: “We have to stop the tremendous flow of Syrian refugees into the United States.” Compl. ¶ 35. At one point, he promised to deport the 10,000 Syrian refugees the Administration had accepted for 2016. Compl. ¶ 29. Meanwhile, he asserted (wrongly) that Christian refugees from Syria were being blocked. He said in July 2015: “If you’re \* \* \* a Christian, you cannot come into this country.” Compl. ¶ 28.

## **B. President Trump Implements His Discriminatory Bans.**

Within one week of being sworn in as President, Donald Trump acted upon his ominous campaign promises. On January 27, 2017, he signed an Executive

Order (“Order”), entitled “Protecting the Nation From Terrorist Entry into the United States.” Compl. ¶¶ 2, 41 & Ex. 1. When signing the Order, President Trump read its title, looked up, and said: “We all know what that means.” Compl. ¶ 43.

The Order has two dramatic effects: It categorically bans immigration from seven Muslim-majority countries for a set period; and it halts admission of any refugees, subject to a targeted carve-out for members of “minority religion[s]” in each country.

First, Section 3(c) of the Order “suspend[s the] entry into the United States, as immigrants and nonimmigrants,” of nearly all aliens from seven Muslim-majority countries—Iraq, Iran, Libya, Somalia, Sudan, Syria, and Yemen—“for 90 days from the date of this order.” Exceptions are made for narrow categories of diplomats. Putting aside those diplomats, Section 3(c) means that for 90 days *all* non-U.S. citizens from those seven countries are barred. And it means that even people who have been living legally in the United States—foreign students enrolled in U.S. universities, refugees already granted asylum here, and people employed in the United States on temporary work visas, among others—will be halted at the border if they travel outside the United States. Section 3(g) gives the Secretaries of Homeland Security and State discretion to “on a case-by-case basis \* \* \* issue visas or other immigration benefits to nationals of countries for which

visas and benefits are otherwise blocked.” *Id.* However, it provides no procedure for an alien to request such an exception or for the Secretaries to process one.

By its plain terms, this order bars lawful permanent residents (LPRs) from the seven prohibited nations from reentering the country. Two days after the order was issued, Secretary of Homeland Security Kelly issued a press release purporting to categorically exempt LPRs from the travel ban. Compl. ¶ 62. Four days later, the White House changed its mind and issued a memorandum stating that, despite the order’s language, LPRs were not covered in the first place. Compl. ¶ 64.

While the Order’s immigration ban currently applies only to people from the seven designated countries, the Order indicates that more will be added to the list. It directs the Secretary of State to “request [that] all foreign governments” provide the United States with information necessary “to adjudicate any visa, admission, or other [immigration] benefit \* \* \* in order to determine that the individual \* \* \* is not a security or public-safety threat.” *Id.* § 3(a), (d). Foreign countries must “start providing such information [to the United States] regarding their nationals within 60 days of notification.” *Id.* § 3(d). If foreign countries do not comply, the Secretaries of Homeland Security and State are directed to “submit to the President a list of [those] countries recommended for inclusion” in the immigration ban. *Id.* § 3(e).

The Order also bars refugees—and it does so in a way that discriminates based on religion. Sections 5(a) and (b) impose a 120-day moratorium on the U.S. Refugee Admissions Program, and Section 5(c) suspends entry of Syrian refugees indefinitely. When refugee admissions resume, the Order directs the Secretary of State to prioritize refugees claiming religious-based persecution, “provided that the religion of the individual is a minority religion in the individual’s country of nationality.” *Id.* § 5(b). It also provides that even during the initial 120-day period, the Secretaries of State and Homeland Security can admit refugees on a case-by-case basis, but only when doing so is “in the national interest.” *Id.* § 5(e). Three circumstances automatically fulfill that criterion; one is “when the person is a religious minority in his country of nationality facing religious persecution.” *Id.*

Because all seven countries named in the Order have majority-Muslim populations, these provisions create a preference for Christians. They mean that Christians (and other non-Muslim religions) may enter the United States as refugees and may obtain priority treatment, while Muslims may not. In an interview on January 27, President Trump told the Christian Broadcasting Network that his intent was to “help” Christian refugees. Compl. ¶ 53& Ex. 7.

### C. The Order's Impact

President Trump's Order was greeted by widespread protests and condemnation, as well as reports of chaotic conditions at the nation's airports. Within five days, more than 100 people had been detained at U.S. airports pursuant to the Order's directives. Compl. ¶ 55. That included dozens of lawful permanent residents, an Iraqi national with Special Immigrant Visa status who had worked as an interpreter for the U.S. army in Iraq, and a doctor at the Cleveland Clinic with a work visa who was trying to return home from vacation. Compl. ¶ 57. Hundreds of others were blocked from boarding flights to the United States or have been notified that they can no longer come here—including foreign students with valid visas and Syrian refugees with visas and U.S. placements already lined up. Compl. ¶ 58. According to a Justice Department lawyer, more than 100,000 visas have been revoked since the Order was signed. *Id.*

Meanwhile, thousands of diplomats, former diplomats, and legislators from both parties spoke out against the ban, calling it inhumane and discriminatory. Hundreds of State Department officials signed a memo stating that the Order “runs counter to core American values” including “nondiscrimination,” and that “[d]espite the Executive Order's focus on them, a vanishingly small number of terror attacks on U.S. soil have been committed by foreign nationals” here on visas. Compl. ¶ 60 & Ex. 10. Senators John McCain (R-AZ) and Lindsey Graham

(R-SC) stated: “This executive order sends a signal, intended or not, that America does not want Muslims coming into our country.” Comp. ¶ 61.

The Order quickly impacted Hawai‘i too, as delineated in detail in the attached Complaint. Hawai‘i is home to numerous nationals from the seven designated countries—including foreign students, refugees, and temporary workers—whose lives have now been upended by the Order. *See* Compl. ¶¶ 10-11, 14, 68. Because of the Order, they cannot leave the country for family, educational, religious, or business reasons if they wish to return. Indeed, one State employee’s travel plans abroad have been severely disrupted by the Order. Decl. of John Doe 2 (Ex. B), ¶¶ 8-11. Conversely, nationals of the seven designated countries cannot relocate to or even visit Hawai‘i for any reason. Compl. ¶ 69. Several Hawai‘i residents are being thwarted from reuniting with their families as a result of the Order—including a U.S. citizen, and his wife and five children (all also U.S. citizens), who are being prevented from seeing or reuniting and living with their Syrian mother-in-law/mother/grandmother, Decl. of Elshikh (Ex. H), ¶¶ 4-7; and at least two others who are currently being separated from members of their immediate family but are too fearful of future government retaliation to provide details in a public filing, Decl. of John Doe 1 (Ex. A), ¶¶ 6, 10, 13; Decl. of John Doe 3 (Ex. C), ¶¶ 3-4.



Hawai‘i *qua* Hawai‘i also is being actively harmed by the Order. For example, Defendants are enforcing the Order on Hawai‘i soil, including at Honolulu and Kona International Airports. Compl. ¶ 67. As a result of the Order, the facilities provided by Hawai‘i’s State Department of Transportation for international passengers coming into Hawaii will be used by the federal government to carry out the unlawful acts required by the Order. Compl. ¶ 71; Decl. of R. Higashi (Ex. G), ¶¶ 5-7. Likewise, State universities and agencies cannot accept qualified applicants for positions if they are nationals of one of the seven designated countries; other employers within the State cannot recruit and/or hire workers from those countries; and Hawai‘i can no longer welcome their tourists—a direct harm to Hawai‘i’s critical tourism business. *See* Compl. ¶¶ 15, 72-78; Decl. of R. Dickson (Ex. D), ¶¶ 13-14; Decl. of G. Szigeti (Ex. F), ¶ 9; Decl. of L. Salaveria (Ex. E), ¶¶ 9-12.

Last but not least, the Order is harming Hawaii’s identity and most basic values. For many in Hawai‘i, including State officials, the Order conjures the memory of the Chinese Exclusion Acts and the post-Pearl Harbor imposition of martial law and Japanese internment. As Governor Ige said two days after President Trump signed the Order: “Hawai‘i has a proud history as a place immigrants of diverse backgrounds can achieve their dreams through hard work. Many of our people also know all too well the consequences of giving in to fear of

newcomers. The remains of the internment camp at Honouliuli are a sad testament to that fear. We must remain true to our values and be vigilant where we see the worst part of history about to be repeated.” Compl. ¶ 81.

### **STANDARD OF REVIEW**

To obtain a temporary restraining order or a preliminary injunction, a plaintiff must demonstrate that (1) it is likely to succeed on the merits; (2) it is likely to suffer irreparable harm in the absence of preliminary relief; (3) the balance of equities tips in its favor; and (4) an injunction is in the public interest. *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008). The Ninth Circuit has “also articulated an alternate formulation of the *Winter* test, under which ‘serious questions going to the merits and a balance of hardships that tips sharply towards the plaintiff can support issuance of a preliminary injunction, so long as the plaintiff also shows that there is a likelihood of irreparable injury and that the injunction is in the public interest.’” *Farris v. Seabrook*, 677 F.3d 858, 864 (9th Cir. 2012) (internal quotation marks omitted).

### **ARGUMENT**

Hawai‘i meets this standard. First, it has a substantial likelihood of success on the merits because the Order is unlawful several times over: Among other things, it imposes a “Muslim ban” in violation of the Establishment Clause; discriminates against particular classes of people in violation of the Fifth

Amendment; contravenes the Immigration and Nationality Act's prohibitions on nationality- and religion-based discrimination; and, through its implementation, violates the Administrative Procedure Act (APA). Second, Hawai'i will suffer irreparable harm if relief is not granted: The Order imposes religious harms on the state, imposes immeasurable costs on Hawaii's economy and tax revenues, and discriminates against a portion of the State's population. Third, the balance of equities tips in Hawai'i's favor. The United States will suffer no hardship if the Order is enjoined because the Government can achieve its national security objectives through other means, while remedying constitutional and statutory violations is in the public interest.

#### **A. Hawai'i Is Likely To Succeed on the Merits of Its Claims.**

##### **1. The Order Violates the Establishment Clause.**

Because Sections 3(c) and Sections 5(a)-(c) and 5(e) of the Order plainly conflict with the Establishment Clause, plaintiffs are likely to succeed on their constitutional claims.

The United States was settled by an ecumenically diverse set of immigrants seeking religious freedom. *See, e.g., Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171, 182-183 (2012). The Framers enshrined that freedom in the First Amendment's Religion Clauses. One of those Clauses, the Establishment Clause, "addressed the fear that 'one sect might obtain a pre-

eminence \* \* \* and establish a religion to which they would compel others to conform.” *Id.* at 184 (quoting 1 Annals of Cong. 730-731 (1789) (remarks of J. Madison)). Thus “[t]he clearest command of the Establishment Clause is that one religious denomination cannot be officially preferred over another.” *Larson v. Valente*, 456 U.S. 228, 244 (1982).

To determine whether a particular policy runs afoul of that command, the Ninth Circuit typically applies the three-part test from *Lemon v. Kurtzman*, 403 U.S. 602 (1971). *See, e.g., Access Fund v. U.S. Dep’t of Agric.*, 499 F.3d 1036, 1042-43 (9th Cir. 2007). “First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion \* \* \*; finally the statute must not foster an excessive government entanglement with religion.” *Lemon*, 403 U.S. at 612-613 (internal quotation marks and citation omitted). A failure to satisfy any one of these requirements establishes a constitutional violation. The Order flunks all three.

First, while the Government has asserted in the Order itself that it serves the secular purpose of protecting against terrorism, “an ‘avowed’ secular purpose is not sufficient to avoid conflict with the First Amendment” where the order’s actual aim is establishing a religious preference. *Stone v. Graham*, 449 U.S. 39, 41 (1980) (per curiam). For example, in *Stone* the Supreme Court invalidated a law requiring that the Ten Commandments be placed on classroom walls. The law

mandated that each display include a statement that “[t]he secular application of the Ten Commandments is clearly seen in its adoption as the fundamental legal code of Western Civilization and the Common Law of the United States.” *Id.* But that was not enough because the “pre-eminent purpose” of requiring the display was “plainly religious in nature.” *Id.*

The same is true here. The President and his aides have made it abundantly clear that they intend to exclude individuals of the Muslim faith, and that this Order—which bans travel only with respect to certain Muslim-majority countries—is part of that plan. *See* Compl. ¶¶ 27-43, 53-54. Sections 5(b) and 5(e) also explicitly direct the government to prioritize religious refugee claims if the “religion of the individual is a minority religion in the individual’s country”—a system of religious preference that President Trump told the media was expressly designed to favor Christians. Compl. ¶¶ 51, 53 & Ex. 7.

In the Establishment Clause context, these statements matter. Because *Lemon*’s first step is concerned with “whether [the] government’s actual purpose is to endorse or disapprove of religion,” courts routinely look to the public declarations of an act’s originator to discern its true aim. *Wallace v. Jaffree*, 472 U.S. 38, 56-57 (1985) (finding an Establishment Clause violation because “[t]he sponsor of the bill \* \* \* inserted into the legislative record—apparently without dissent—a statement indicating that the legislation was an ‘effort to return

voluntary prayer’ to the public schools”); *Edwards v. Aguillard*, 482 U.S. 578, 586-587 (1987) (examining the remarks of a bill’s sponsor during a legislative hearing to determine whether a stated secular purpose was “sincere and not a sham”). Accordingly, when a challenged policy is generated by the Executive, rather than Congress, the court may examine the statements of the President and his aides. *Cf. Utley v. Varian Assocs., Inc.*, 811 F.2d 1279, 1285 (9th Cir. 1987) (in the affirmative action context, if a program was created by the Executive, the “analysis focus[es] on executive rather than congressional intent”).

Indeed, public statements of purpose calculated to be heard by a wide audience carry particular weight. When the head of our government publicly expresses “a purpose to favor religion,” it “sends the message to nonadherents that they are outsiders, not full members of the political community.” *McCreary Cty., Ky. v. Am. Civil Liberties Union of Ky.*, 545 U.S. 844, 860-861 (2005) (internal quotation marks and ellipses omitted). Thus, the Supreme Court has explained that a policy that might otherwise pass constitutional muster may be invalidated “if the government justifies the decision with a stated desire” to promote a particular religion. *Id.*

If there were any doubt as to the actual purpose of the policy, there is no question that the President’s public statements have caused citizens to reasonably *believe* that the policy is aimed at the Muslim faith: Witness, for example, the mass

protests at airports and in cities across the country and the explicit statement of two Republican Senators. *See supra* at pp. 7-8. That in and of itself is enough to demonstrate an Establishment Clause violation under the second prong of *Lemon*. This second “prong \* \* \* asks whether, irrespective of the government’s actual purpose, the practice under review in fact conveys a message of endorsement or disapproval.” *Access Fund*, 499 F.3d at 1045 (internal quotation marks omitted); *see also McCreary*, 545 U.S. at 868 n.14 (examining how a challenged action will be perceived by an “objective observer[ ]”). One need hardly do more than articulate this inquiry to understand why the Order fails. And the same is true for *Lemon*’s third prong, which considers whether a policy “foster[s] an excessive government entanglement with religion.” 403 U.S. at 612-613 (internal quotation marks omitted). The exception for members of religious minorities alone hopelessly entangles the government in religious matters.

To be sure, courts are inconsistent in how or whether they invoke *Lemon*, and the Supreme Court has applied several different frameworks in analyzing potential Establishment Clause violations. But no framework permits the government to enact a policy that amounts to a governmental preference for or against a particular faith. *See, e.g., Town of Greece, N.Y. v. Galloway*, 134 S. Ct. 1811, 1824 (2014) (declining to apply *Lemon* but upholding a policy in part because—unlike the Order—it did not “reflect an aversion or bias on the part of

town leaders against minority faiths”); *Larson*, 456 U.S. at 246 (applying strict scrutiny and invalidating a policy because it unnecessarily “grant[ed] a denominational preference”).

Some of the Order’s defenders attempt to avoid this conclusion by pointing to older Supreme Court cases discussing Congress’s plenary power over immigration. *See, e.g., Kleindienst v. Mandel*, 408 U.S. 753, 770 (1972). That argument fails for two independent reasons. First, as discussed in greater length below, even if it is good law, the doctrine would not apply to a policy like this one. *See infra* at pp. 22-25. Second, the plenary power cases are not relevant to the Establishment Clause anyway: The Court has never applied the doctrine with respect to policies that draw religious distinctions in the immigration context. Nor could it. Allowing an immigration exception would swallow the Establishment Clause whole. After all, a primary means of establishing a national religion is to exclude members of another faith from immigrating or to privilege the entry of members of the faith one wishes to establish. Indeed, in one of the Supreme Court’s most recent Establishment Clause cases, six members of the Court agreed that requiring “an immigrant seeking naturalization \* \* \* to bow her head and recite a Christian prayer” would unquestionably violate the Establishment Clause. *Town of Greece*, 134 S. Ct. at 1834 (Alito, J., joined by Scalia, J., concurring); *id.*



at 1842 (Kagan, J., joined by Ginsburg, J., Breyer, J., and Sotomayor, J., dissenting).

The Order's defenders have also suggested that if this Order is held to violate the Establishment Clause, then all future immigration policies that disproportionately aid or exclude members of a particular faith will be foreclosed. That is simply not so. An immigration policy with a secular purpose and design that just happens to disproportionately exclude members of a particular faith likely would survive *Lemon*. But that is not this Order. Instead, the President that issued it openly announced a desire to ban Muslims, *told his advisors he wanted their help to do just that while disguising his purpose*, and then followed through by signing a Muslim ban and tossing in a transparent fig leaf. Holding that *that* practice violates the Establishment Clause will foreclose nothing more than cynical attempts to skirt core constitutional commands.

## **2. The Order Violates Equal Protection and the Fifth Amendment's Due Process Clause.**

There is little doubt that, under normal equal-protection and due-process principles, the Order is unconstitutional: It discriminates based on protected classifications, and it cannot survive strict scrutiny. The only question, then, is whether the "plenary power" doctrine excuses the constitutional violations. It does not.

*a. The Order violates equal protection and the right to travel.*

To begin, the Order violates the Constitution’s guarantee of equal protection.<sup>1</sup>

“From its inception, our Nation welcomed and drew strength from the immigration of aliens.” *In re Griffiths*, 413 U.S. 717, 719 (1973). The “contributions” of immigrants “to the social and economic life of the country” are “self-evident.” *Id.* Thus any government classification based on alienage or national origin is “objectionable.” *Hampton v. Mow Sun Wong*, 426 U.S. 88, 107 n.30 (1976). Similarly, courts must “strictly scrutinize governmental classifications based on religion.” *Employment Div. v. Smith*, 494 U.S. 872, 886 n.3 (1990). Classifications based on religion and national origin are therefore both subject to strict scrutiny, and must be “narrowly tailored to achieving a compelling \* \* \* interest.” *Miller v. Johnson*, 515 U.S. 900, 904 (1995)

Sections 3(c) and 3(e)-(f) of the Order plainly flunk that test. They are premised on differentiating among people based on national origin: People from certain countries can enter the United States, and people from other countries cannot. In addition, those provisions as well as Sections 5(a) and (c) treat people

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<sup>1</sup> The Fourteenth Amendment’s Equal Protection Clause applies only against the states, but “[i]n numerous decisions,” the Supreme Court has held that the same equal protection analysis applies to the federal government through the Due Process Clause of the Fifth Amendment. *See, e.g., Davis v. Passman*, 442 U.S. 228, 234 (1979).

differently because of their religion: They are intentionally structured in a way that blocks Muslims while allowing Christians.

The Order is nowhere near “tailored” enough to justify that differentiation. It asserts that it is meant to prevent terrorism. But if so, it is wildly over- and under-inclusive. It is over-inclusive because it ensnares countless students, tourists, businesspeople, refugees, and other travelers lacking even the remotest connection to terrorism of any sort. And it is under-inclusive because it would not have covered *any* of the perpetrators of the worst recent terrorist attacks on American soil: September 11, the Boston Marathon bombing, San Bernardino, or Orlando. Not a single fatal terrorist attack has been perpetrated in the United States by a national of one of the seven identified countries since at least 1975. Compl. ¶ 46.

Indeed, the fit between the Order’s coverage and its stated purpose is so poor that it would fail even rational-basis review. The mismatch indicates that the real purpose of the Order was simply to harm a politically unpopular group: Muslims. That is unlawful. The “Constitution’s guarantee of equality ‘must at the very least mean that a bare \* \* \* desire to harm a politically unpopular group cannot’ justify disparate treatment of that group.” *United States v. Windsor*, 133 S. Ct. 2675, 2693 (2013) (citation omitted).

Separately, the Order infringes the right to international travel. “Freedom of movement is basic in our scheme of values.” *Kent v. Dulles*, 357 U.S. 116, 126 (1958). The right to travel abroad is therefore “part of the ‘liberty’” protected by the Due Process Clause. *Id.* at 125. And because the Order curtails this right, it must be “narrowly drawn to prevent the supposed evil.” *Id.* at 904. As explained above, it does not come close.

***b. The Order violates procedural due process.***

Sections 3(c) and 3(e)-(f) of the Order also violate procedural due process requirements. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent,” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001), and resident foreigners have liberty interests in being able to re-enter the United States and in being free from detention at the border, *see Landon v. Plasencia*, 459 U.S. 21, 32 (1982). The Government may only take away those liberty interests by “due process of law.” U.S. Const. amend. V. The process that is “due” turns on three factors: “First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute

procedural requirement would entail.” *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

The procedures in place here fall far short. Denial of reentry “is, without question, a weighty” interest, and a person in that circumstance must be given “an opportunity to present her case effectively.” *Landon*, 459 U.S. at 34, 36. But the Order offers no procedural protections whatsoever: It allows for no counsel, no hearings, no inquiry, no review—no process of any sort. That will not do. At the very least, those barred from the country or detained pursuant to the Order should be given some individualized consideration of their circumstances. “[T]he returning resident alien is entitled as a matter of due process to a hearing on the charges underlying any attempt to exclude him,” a principle in keeping with “the general proposition that a resident alien who leaves this country is to be regarded as retaining certain basic rights.” *Rosenberg v. Fleuti*, 374 U.S. 449, 460 (1963).

Similarly, detention of a resident at the border is an invasion of liberty that requires the government to provide concomitant protections. “Even where detention is permissible \* \* \* due process requires ‘adequate procedural protections’ to ensure that the government’s asserted justification for physical confinement ‘outweighs the individual’s constitutionally protected interest in avoiding physical restraint.’” *Casas-Castrillon v. Dep’t of Homeland Sec.*, 535

F.3d 942, 950 (9th Cir. 2008) (quoting *Zadvydas*, 533 U.S. at 690). Those protections are nonexistent here.

Moreover, while the Order authorizes executive officials to make certain case-by-case exceptions, *see, e.g.*, Order § 3(g), it creates no mechanism for processing those exceptions and no procedure to ensure they are applied consistently and fairly. That unfettered executive discretion is the antithesis of due process. *See Grayned v. City of Rockford*, 408 U.S. 104, 108-109 (1972). It is cold comfort for a resident seeking reentry to know that some provision for exceptions is made, if that power is exercised arbitrarily and unreviewably. The Due Process Clause requires more.

***c. The plenary-power doctrine does not change the outcome.***

The Order's defenders again seek refuge in the plenary-power doctrine. But that doctrine does not help them for two reasons.

First, while it is true that the plenary-power doctrine gives Congress latitude to "make rules for the admission of aliens," *Kleindienst*, 408 U.S. at 766 (citation omitted), the Order here has profound discriminatory effects on aliens *already within* the United States. And the Supreme Court has made clear that political branches' power in that area is not plenary. To the contrary, it "is subject to important constitutional limitations." *Zadvydas*, 533 U.S. at 695. Specifically, aliens who are present within the United States are entitled to the full panoply of

equal-protection and due-process protections, “whether their presence here is lawful, unlawful, temporary, or permanent.” *Id.* at 693. The Order here runs afoul of both those protections. It prevents people present in the United States from traveling and from seeing their loved ones, and it imposes that burden on the basis of religion and national origin. That is not constitutional, and the incantation of “plenary power” does not make it so. *See Hampton*, 426 U.S. at 101 (“We do not agree \* \* \* that the federal power over aliens is so plenary that any agent of the National Government may arbitrarily subject all resident aliens to different substantive rules from those applied to citizens.”).

Second, the plenary-power doctrine emphasizes the broad authority of “Congress.” *See Kleindienst*, 408 U.S. at 766 (emphasis added). Congress is, after all, constitutionally empowered to regulate immigration. U.S. Const. art. I, § 8. Even if the doctrine authorizes Congress to flatly ban a particular racial or religious group from entering the United States—a highly doubtful proposition—it certainly does not authorize the *President* to plow ahead and enact such a ban where Congress has not provided for it. Indeed, the delegation of authority to the President here is expressly subject to the INA’s antidiscrimination provision. *See Part 3, infra*. And the President surely could not take a general grant of discretion to make immigration rules and use it to decree that only whites or Christians are allowed to immigrate into the United States. *Cf. Kwai Fun Wong v. United States*,

373 F.3d 952, 974 (9th Cir. 2004) (“We cannot countenance that the Constitution would permit immigration officials to engage in such behavior as rounding up all immigration parolees of a particular race solely because of a consideration such as skin color.”).

The Supreme Court has made this clear. In *Kleindienst*, for example, the Court explained that when Congress “delegate[s]” the exercise of “plenary power” to the Executive, and “the Executive exercises this power negatively *on the basis of a facially legitimate and bona fide reason*, the courts will neither look behind the exercise of that discretion, nor test it.” 408 U.S. at 770 (emphasis added). The inverse must also be true: When the Executive *lacks* “a facially legitimate and bona fide reason” for excluding foreigners, the plenary-power doctrine is no shield for unconstitutional discrimination.

That is the case here. As explained above, the profound mismatch between the Order’s purported purpose and its scope reveals its true illegitimate purpose: to burden a politically unpopular group. Moreover, the Order’s express terms and the statements of President Trump and his advisors cast grave doubt on whether the Order’s stated purpose was in fact its “bona fide” impetus.

For this reason, too, the plenary-power doctrine does not insulate the Order from constitutional scrutiny, and the Order must fall.



### **3. The Order is Inconsistent with the Immigration and Nationality Act.**

The Order also violates the plain terms of the immigration laws three times over. It “discriminate[s]” against prospective immigrants based on “nationality,” in violation of 8 U.S.C. § 1152(a)(1)(A); it “discriminat[es]” against refugees based on “religion,” in violation of the United Nations Convention Relating to the Status of Refugees art. 3, July 28, 1951, 19 U.S.T. 6259; and it grossly misapplies the President’s authority to “suspend the entry” of aliens, 8 U.S.C. § 1182(f).

#### ***a. The order’s nationality-based classifications violate the INA.***

First, the Order violates the Immigration and Nationality Act’s (INA) flat prohibition on nationality-based discrimination.

Section 202(a)(1)(A) of the INA provides:

Except as specifically provided in paragraph (2) and in sections 1101(a)(27), 1151(b)(2)(A)(i), and 1153 of this title, no person shall receive any preference or priority or be discriminated against in the issuance of an immigrant visa because of the person’s race, sex, nationality, place of birth, or place of residence.

8 U.S.C. § 1152(a)(1)(A). “Congress could hardly have chosen more explicit language.” *Legal Assistance for Vietnamese Asylum Seekers v. Dep’t of State, Bureau of Consular Affairs*, 45 F.3d 469, 473 (D.C. Cir. 1995), *vacated on other grounds*, 519 U.S. 1 (1996). It “unambiguously directed that no nationality-based discrimination shall occur,” *id.*, and so “eliminat[ed] \* \* \* the national origins system as the basis for the selection of immigrations to the United States.” H.R.

Rep. No. 89-745, at 8 (1965); *see Olsen v. Albright*, 990 F. Supp. 31, 37 (D.D.C. 1997).

The Order flouts this clear command. Section 3(c) provides that aliens “from” seven identified “countries” cannot enter the United States. Sections 3(e)-(f) authorizes the President to bar entry by “foreign nationals \* \* \* from [additional] countries” he will subsequently identify. And Section 5 prohibits “the entry of Syrian nationals as refugees,” *id.* § 5(c), and permits the Secretary of State to resume refugee admissions “only for nationals of [designated] countries,” *id.* § 5(a). Each of these provisions facially discriminates on the basis of “nationality, place of birth, or place of residence,” 8 U.S.C. § 1152(a)(1)(A)—exactly what Congress said the Executive cannot do. The Order thus unilaterally resurrects the “national origins system” that Congress ended in 1965.

The President cannot ignore Section 202(a)(1)(A) in this manner. Congress specified exactly when federal officials could take nationality into account: “as specifically provided in paragraph (2) [of Section 202(a)] and in sections 1101(a)(27), 1151(b)(2)(A)(i), and 1153 of” title 8. 8 U.S.C. § 1152(a)(1)(A). None of those narrow exceptions is even arguably relevant here; and by enumerating those few exemptions, Congress made clear it did not intend to authorize others. *See, e.g., United Dominion Indus. v. United States*, 532 U.S. 822, 836 (2001) (describing *expressio unius canon*). The fact that the immigration laws

give the President some discretion makes no difference. As courts have recognized for decades—and as Section 202(a)(1)(A) makes clear—“discretion” in enforcing the immigration laws “may not be exercised to discriminate invidiously against a particular race or group.” *Wong Wing Hang v. INS*, 360 F.2d 715, 719 (2d Cir. 1966) (Friendly, J.); *see, e.g., Patel v. INS*, 811 F.2d 377, 382 (7th Cir. 1987) (same).

***b. The Order’s religion-based classifications violate the INA.***

Sections 5(b) and 5(e) of the Order also violate the INA by discriminating against refugees on the basis of religion. In 1968, the United States ratified the United Nations Protocol Relating to the Status of Refugees, Jan. 31, 1967, 19 U.S.T. 6223 (“UN Protocol”), a multilateral treaty that requires signatory states to treat refugees “without discrimination as to race, religion or country of origin.” United Nations Convention Relating to the Status of Refugees art. 3, July 28, 1951, 19 U.S.T. 6259; *see* UN Protocol art. I.1 (incorporating this requirement by reference). Congress subsequently overhauled the INA “to bring United States refugee law into conformity with the Protocol.” *Khan v. Holder*, 584 F.3d 773, 783 (9th Cir. 2009). Accordingly, the Ninth Circuit (echoing the Supreme Court) has held that courts must “interpret the INA in such a way as to avoid any conflict with the Protocol, if possible.” *Id.*; *see INS v. Aguirre-Aguirre*, 526 U.S. 415, 426-427 (1999); *INS v. Cardoza-Fonseca*, 480 U.S. 421, 437 (1987). Nothing in the

INA suggests that Congress intended to authorize immigration officials—or the President—to violate the Protocol’s straightforward prohibition on religious discrimination. Indeed, the INA expressly prohibits *States* from discriminating against refugees with “regard to race, religion, nationality, sex, or political opinion.” 8 U.S.C. § 1522(a)(5). It is inconceivable that Congress intended *federal* officials to engage in such discrimination, in clear violation of the Nation’s treaty obligations. As describe above, *see supra* at pp. 19-20, the Order does precisely that, and so cannot stand.

***c. The INA does not authorize the President to impose sweeping class-based restrictions on immigration.***

Sections 3(c), 3(e)-(f), 5(a), and 5(c) are also unlawful because the President lacks any affirmative authority to impose the Order’s sweeping, undifferentiated, and arbitrary bans on entry.

As a basis for its immigration and refugee bans, the Order relies on Section 212(f) of the INA, which states that the President may “suspend the entry of \* \* \* any class of aliens as immigrants or nonimmigrants” if he “finds that the[ir] entry \* \* \* would be detrimental to the interests of the United States.” 8 U.S.C. § 1182(f); *see* Order §§ 3(c), 5(c). But Section 212(f) provides no support for the Order.

That is so for two reasons. First—as discussed above—the INA prohibits nationality discrimination, and section 212(f) does not override that limit. *See*

8 U.S.C. § 1152(a)(1)(a). Section 202(a)(1)(A), with its focus on particular categories of protection, is more specific than Section 212(f)'s generalized grant of discretion. It also is later-enacted—1965 versus 1952. And it enumerates specific exceptions to its prohibition that do not include section 212(f). It therefore overrides any authority the President would otherwise have had under Section 212(f). *See United States v. Juvenile Male*, 670 F.3d 999 (9th Cir. 2012) (recognizing principle of statutory construction that “[w]here two statutes conflict, the later-enacted, more specific provision generally governs.”); *United Dominion*, 532 U.S. at 836.

In any event, the Order's reliance on Section 212(f) stretches that provision far beyond its limits. Presidents have invoked Section 212(f) dozens of times since it was enacted in 1952; in every instance, they used it to suspend entry of a *discrete* set of individuals based on an *individualized* determination that *each* prohibited member of the class had engaged in conduct “detrimental to the [United States] interests.” *See, e.g.*, Pres. Proc. No. 8342 (Jan. 22, 2009) (suspending entry of human traffickers); Pres. Proc. No. 5887 (Oct. 26, 1988) (suspending entry of Sandinistas); *see generally* Cong. Research Serv., Executive Authority to Exclude Aliens: In Brief 6-10 (Jan. 23, 2017), <https://fas.org/sgp/crs/homsec/R44743.pdf>. Before now, no President attempted to invoke Section 212(f) to impose a *categorical* bar on admission based on a *generalized* (and unsupported) claim that

*some* members of a class *might* engage in misconduct. And no President has taken the further step of establishing an *ad hoc* scheme of exceptions that allows immigration officers to admit whomever they choose on either a “case-by-case basis,” Order § 3(g), or categorically, *see* Statement by Secretary John Kelly on the Entry of Lawful Permanent Residents Into the United States (Jan. 29, 2017) (determining, within two days of the Order’s issuance, that lawful permanent residents are entitled to a blanket exception).

If these novel assertions of authority were accepted, the immigration laws could be nullified by executive fiat. It is always possible to claim that some broad group might include dangerous individuals; many countries, for example, have worse records of terrorism than the seven the President singled out. *See* U.S. Dep’t of State, National Consortium for the Study of Terrorism and Responses to Terrorism: Annex of Statistical Information (2016) (showing that 7 of the 10 countries with the most terrorism were not included in the Order). The President’s logic would therefore permit him—and any future President—to abandon Congress’s immigration system at will, and replace it with his own rules of entry governed by administrative whim.

That is not the law Congress enacted. “Congress \* \* \* does not alter the fundamental details of a regulatory scheme in vague terms or ancillary provisions”—it does not, as Justice Scalia wrote, “hide elephants in mouseholes.”

*Whitman v. Am. Trucking Ass'ns*, 531 U.S. 457, 468 (2001). Enabling the President to unilaterally suspend the immigration laws would surely be an elephant; and the vague terms of Section 212(f)—never once in six decades interpreted in the manner the President now proposes—are a quintessential mousehole. *See FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 159-160 (2000) (declining to find that Congress “intended to delegate a decision of [substantial] economic and political significance” whether authority ran “[c]ontrary to [the Executive Branch’s] representations” for 80 years). Indeed, it is doubtful that Congress *could* delegate such unbounded authority to the President. *See Clinton v. City of New York*, 524 U.S. 417, 443 (1998) (Congress cannot authorize President “to cancel portions of a duly enacted statute”); *Whitman*, 531 U.S. at 472 (Congress cannot delegate powers without an “intelligible principle” to govern their exercise). Section 212(f) cannot be construed to authorize the Order’s sweeping and discriminatory immigration bans.

#### **4. The Order’s Implementation Violates the APA.**

Finally, the Order’s implementation violates the APA, both on procedural and substantive fronts.

***APA Procedural Requirements.*** The APA requires that agencies provide public notice and an opportunity for comment on any rule that is “legislative” or “substantive.” *Lincoln v. Vigil*, 508 U.S. 182, 196 (1993); *see* 5 U.S.C. § 553(b)-

(c). “Substantive rules” are those that “change existing rights and obligations,” *Time Warner Cable Inc. v. FCC*, 729 F.3d 137, 168 (2d Cir. 2013), and “limi[t] administrative discretion or establish a binding norm” for agency officials to follow, *Sacora v. Thomas*, 628 F.3d 1059, 1069 (9th Cir. 2010) (italics omitted).

In this case, Sections 3 and 5 of the Order are substantive because they unquestionably affect existing “rights and obligations”: Immigrants and non-immigrants living in the United States can no longer leave and re-enter the country, and nationals of designated countries who have visas can no longer use them. But more to the point, the rules that *agencies* have to create to carry out the Order also are (and will be) substantive rules. After all, the Order speaks in broad generalities and leaves it to the agencies to implement binding norms around everything from which refugees get exemptions, to who counts as “immigrants and nonimmigrants” under Section 3(c), to whether Section 5(e)’s in-the-national-interest exemptions extend beyond the enumerated examples.

Those newly-minted norms will affect existing “rights and obligations” in extraordinary ways. To take just one example, the implementing officials have changed their view as to whether lawful permanent residents fall within the Order’s national-interest prong *twice*—and have effectuated each change with no more than a *press release*. Compl. ¶¶ 62-64. That is plainly improper. The same



goes for the many similarly substantive rules that have been and will be promulgated under the Order's auspices.

***APA Substantive Requirements.*** Defendants have also committed substantive violations of the APA. The APA prohibits federal agencies from taking any action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. §706(2). The Order, and agency norms promulgated under the Order, are plainly “not in accordance with law.” *See supra*, A.1-3. And Defendants’ issuance and implementation of the Order has been flagrantly arbitrary and capricious. The Order has been issued and implemented abruptly and with no reasonable explanation of how its various provisions further its stated objective. *See City of Sausalito v. O’Neill*, 386 F.3d 1186, 1206 (9th Cir. 2004) (agencies must at least articulate “a rational connection between the factors found and the choices made” (internal quotation marks omitted)). Just within the first 72 hours, Defendants are reported to have changed their minds three times about one of the Order’s essential aspects—whether it applies to green card holders. Compl. ¶ 59. A few days later, they changed their minds yet *again*. Comp. ¶ 64. If this is not arbitrary and capricious executive action, it is hard to imagine what would be.

**B. Hawai‘i Will Suffer Irreparable Harm If Relief Is Not Granted.**

Hawai‘i will be irreparably harmed if Defendants are not temporarily enjoined from enforcing Sections 3(c), 3(e)-(f), 5(a)-(c), and 5(e) of the Order. Implementation of these provisions has already caused significant religious, dignitary, and economic harms in and to Hawai‘i. If Defendants are not enjoined, the damage will be immeasurable. For these reasons, the State *a fortiori* satisfies the requirements of Article III standing as well.

*First*, the Order is creating an unconstitutional “establishment” of religion in Hawai‘i and across the country. This harm alone is sufficient to warrant injunctive relief; in Establishment Clause cases, irreparable harm is presumed. *See, e.g., Chaplaincy of Full Gospel Churches v. England*, 454 F.3d 290, 303 (D.C. Cir. 2006) (if a movant demonstrates a likelihood of success on an Establishment Clause claim, “this is sufficient, without more, to satisfy the irreparable harm prong”); *see also Farris*, 677 F.3d at 868 (9th Cir. 2012) (adopting the same rule for First Amendment claims generally).

*Second*, the Order is inflicting irreparable harm on the State’s sovereign and dignitary interests by commanding instruments of Hawaii’s government to support discriminatory conduct that is offensive to its own laws and policies. Hawaii’s Constitution protects religious freedom and the equal rights of all persons. Hawai‘i Const. art. 1, §§2, 4. Its statutes bar discrimination on the basis of ancestry. Haw.

Rev. Stat. §§ 378-2(1); 489-3; 515-3. And Hawai‘i has a number of policies that aim to further diversity. Compl. ¶ 72. Hawai‘i has a sovereign interest in seeing that its laws and policies are given effect, and in following them *itself*. See *Bond v. United States*, 564 U.S. 211, 221 (2011); *Missouri v. Holland*, 252 U.S. 416, 431 (1920).

The Order commands Hawai‘i to abandon its sovereign prerogatives, and become complicit in discrimination barred by its own Constitution and statutes: The State’s universities cannot enroll qualified persons from the designated countries; state governmental entities cannot hire such persons; and the State’s Department of Transportation must provide areas inside the State’s international airports to Customs and Border Patrol to detain and deport immigrants barred by the Order. In stopping Hawaii’s governmental entities from abiding by the State’s own laws and policies, the Order inflicts dignitary harms that have no remedy. See, e.g., *Shelby Cty. v. Holder*, 133 S. Ct. 2612, 2623 (2013) (states should “retain broad autonomy in structuring their governments and pursuing legislative objectives”); *Arizona Dream Act Coal. v. Brewer*, 757 F.3d 1053, 1068 (9th Cir. 2014) (irreparable harm is threatened when “there is no adequate legal remedy”).

*Third*, the Order is inflicting permanent damage on Hawaii’s economy and tax revenues. Tourism is the “state’s lead economic driver”; in 2015 alone, Hawai‘i had 8.7 million visitor arrivals, accounting for \$15 billion in spending.

Compl. ¶ 15. The Order prevents any nationals of the designated countries from visiting the State, which will result in considerable lost revenues. Decl. of G. Szigeti (Ex. F), ¶¶ 9-11 (showing thousands of visitors in 2015 from the Middle East and Africa). The Order deters Muslim immigrants and non-immigrants across America from engaging in interstate travel that involves an airport, effectively precluding travel to Hawai‘i. And it will likely chill international tourism to Hawai‘i more broadly, as nationals of other countries fear that they too will become subject to an immigration ban. Decl. of L. Salaveria (Ex. E), ¶¶ 11-14. These consequences will drastically reduce the State’s economic output and its tax revenues, and they will inflict incalculable harm on Hawaii’s reputation as a place of welcome—a brand that it is has spent significant time and energy developing internationally. *See Oracle USA, Inc. v. Rimini St., Inc.*, 2016 WL 5213917, at \*2 (9th Cir. Sept. 21, 2016) (injunctive relief warranted when “injuries [are] difficult to quantify and compensate”).

Finally, the Order inflicts irreparable damage to Hawai‘i because it subjects a portion of its population to discrimination and marginalization, while denying all residents of the State the benefits of a pluralistic and inclusive society. Hawai‘i is home to over 6,000 legal permanent residents, including numerous individuals from the designated countries. Compl. ¶ 10. It currently has 12,000 foreign students, including 27 graduate students from the designated countries at the

University of Hawai‘i alone. Decl. of R. Dickson (Ex. D), ¶ 9. The University of Hawai‘i also has at least 10 faculty members who are legal permanent residents from the designated countries, and at least 30 faculty members with valid visas from the countries. *Id.* ¶¶ 10-11. Section 3(c) of the Order subjects these Hawaii residents to second-class treatment—denying them their fundamental right to travel overseas, preventing them from tending to important family matters, and impairing their ability to complete necessary aspects of their work or study. *Id.* ¶ 12; Decl. of John Doe 3 (Ex. C), ¶¶ 3-4. More broadly, the Order subjects all of Hawai‘i—which prides itself on its ethnic diversity and inclusion—to a discriminatory policy that differentiates among State residents based on their national origin. *See, e.g.*, Decl. of R. Dickson (Ex. D), ¶ 13. Hawai‘i has a quasi-sovereign interest in “securing [its] residents from the harmful effects of discrimination.” *Alfred L. Snapp & Son, Inc. v. Puerto Rico*, 458 U.S. 592, 609 (1982). The Order is irreparably undermining that interest.

### **C. The Balance of the Equities and Public Interest Favor Relief.**

The balance of the equities and public interest factors tip decidedly in favor of Hawai‘i. The harms the Order inflicts are immediate and severe, and “it is always in the public interest to prevent the violation of a party’s constitutional rights.” *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).

Defendants, in contrast, have identified no exigency that demands immediate implementation of this Order. They have *no* evidence that the Order's wildly over- and under-inclusive bans will actually prevent terrorism or make the Nation more secure. Defendants can fully achieve the Order's stated goal of strengthening the country's vetting procedures without also depriving millions of people of their rights under the Constitution and federal law.

### CONCLUSION

The Motion for a Temporary Restraining Order should be granted, and Defendants should be restrained from continuing to enforce Sections 3(c), 5(a)-(c), and 5(e) of the Executive Order, in Hawai'i and nationwide.

DATED: Honolulu, Hawai'i, February 3, 2017.

Respectfully submitted,

/s/ Douglas S. Chin

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*\*Pro Hac Vice Applications  
Forthcoming*

*Attorneys for Plaintiff, State of Hawai'i*

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 12:08 PM  
**To:**

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

**Subject:** (b)(6), (b)(7)(C)  
FW: Urgent: latest guidance on responding to EO calls.

**Importance:** High

(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:** Wednesday, February 01, 2017 6:59 AM

**To:** (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)

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

(b)(6), (b)(7)(C)  
**Subject:** Urgent: latest guidance on responding to EO calls.

**Importance:** High

All,  
  
Please disseminate to all staff and outer ports.



Current guidance is that we are not to respond to the public, media, congress whatsoever with any type of statement or response to questions regarding the EO.

Please refer all callers to CBP.GOV, and CBP Info Center, where information is currently posted and questions can be asked. There appears to be a concerted effort to get CBP officers to comment on the EO. Please ensure all are aware of the current guidance, and please let me know if there are 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:** Saturday, January 28, 2017 2:06 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: media and congressional inquiries  
**Importance:** High

(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 7:01:13 PM  
**To:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
**Subject:** media and congressional inquiries

All,

We are receiving many inquiries from the media and members of congress, as well as from the public. Please remind all your staff that they are not to discuss or make an comments regarding the Executive Orders or any impact to current CBP operations.

All media inquiries regarding the EO or its impact may be referred directly to [cbpmediarelations.cbp.dhs.gov](http://cbpmediarelations.cbp.dhs.gov).

All congressional inquiries may be referred directly to [ocainquiry.cbp.dhs.gov](http://ocainquiry.cbp.dhs.gov) or 202-344-1760

For any other media inquiries, or as an alternate contact, please refer to me at (b)(6), (b)(7)(C)

Please let me know if there are any question.

Also, please do not give my cell phone out to the public or media, however managers may feel free to call me at (b)(6), (b)(7)(C) for any urgent issues.

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 4:36 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** EO

Sir,

We received guidance related to the exec order signed yesterday barring admission of travelers and immigrants from certain countries. While I doubt there will be any impact to JIATF-W ops there might be if you anticipate visitors from any of the countries covered by the EO.

Please let me know if you would like a briefing, either by phone or email. I am available at your convenience.

v/r,

(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 5:02 PM  
**To:** SlatteryT@apcss.org  
**Subject:** Exec Order

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

CBP received guidance related to the exec order signed yesterday barring admission of travelers from certain countries. Hopefully it won't affect APCSS classes, but it might impact any anticipated students from the countries covered by the EO.

Please let me know if you'd like a briefing on the actions we're taking related to the EO, either by phone or email. I'm available at your convenience.

v/r,

(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 4:11 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** EO

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

We received guidance related to the exec order signed yesterday barring admission of certain groups. If you would like a briefing, either by phone or email, on what we're doing please let me know. I'm available at your convenience.

(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 7:15 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Shareholder Notifications

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

(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 12:06:16 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Shareholder Notifications

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

So far notified:  
Delta  
Hawaiian  
Japan Airlines  
West jet  
Jin Air  
Asiana

No contact after repeated attempts:  
United  
Air Canada  
All Nippon  
Air China  
Korean Air  
Jetstar

All managers I spoke with were already aware of EO.

Will continue to try calling and will update you as contact is made.

Thanks

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 12:07:59 PM  
**To:** (b)(6), (b)(7)(C)

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

**Subject:** Shareholder Notifications

So far I've notified HSI, ERO, TSA, JIATF-W, CG D14, and APCSS. (b)(6), (b)(7)(C) is working on notifying airline managers. HSI already had copies of the guidance we received.

Guam and Saipan will reach out to 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 11:30 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: EO

We just got word there's a stay on sending certain categories, like approved immigrants, back for now. It's been crazy on the mainland but we've only had 1 case here so far, and were able to get a waiver and release him.

(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 10:56:29 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: EO

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

I appreciate the heads up. I read some email traffic on the recent habeas filings in NY. The only guidance we have received thus far, pertains to updated reporting requirements for detainees from sensitive countries. If you have something more, feel free to give me a call. My cell phone number is: (b)(6), (b)(7)(C)

Thanks,

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

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 1:29:01 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** EO

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

Last night we received our guidance for enforcing the exec order signed yesterday. While we probably won't see many from the affected countries we may get a few, and will likely need to coordinate with your folks in some cases.

Please let me know if you'd like a briefing on the actions we're taking, either by phone or email. I'm available at your convenience.



Thanks,

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

Area Port Director

US Customs and Border Protection

Honolulu, Hawaii

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 3:55 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** RE: EO

Okay thanks.

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

-----Original Message-----

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 7:46 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** RE: EO

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

I have a few conference rooms available to me to choose from up here; how about we meet on the 9th floor? Let's meet in my office and we can link-up with the rest of the gang after that. I am in suite 9-240; coming off the elevator turn away from the vending machines, turn left at that hallway, last door on the right (makai side).

See you at 1400.

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

(b)(6), (b)(7)(C)  
Chief, Response Division  
Fourteenth Coast Guard District  
300 Ala Moana Blvd. Suite 9-240  
Honolulu, HI 96850-4982

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

-----Original Message-----

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 10:09 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** RE: EO

Aloha Captain,

I'm available Thursday at 1400. I'm on the 2nd floor of PJKK so can meet wherever is most convenient.

Thanks,

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

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

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

-----Original Message-----

From: (b)(6), (b)(7)(C)  
Sent: Monday, January 30, 2017 9:03 AM  
To: (b)(6), (b)(7)(C)  
Cc:  
Subject: FW: EO

Aloha, Mr. (b)(6), (b)(7)(C)

D14 "Ops guy" here with the "lawyer" Cc'd.

We would like to meet with you this week if possible. I propose Thursday at 2:00 PM - your place or ours. Would that time slot work? CDR (b)(6), (b)(7)(C) (the "lawyer") is out of the office until Thursday and we are anxious to ensure we're aligned with your policies and procedures at CBP

Please let me know if this is a good time slot and where you would like to meet - or if you have a different time slot that works better.

Cheers

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

(b)(6), (b)(7)(C)  
Chief, Response Division  
Fourteenth Coast Guard District  
300 Ala Moana Blvd. Suite 9-240  
Honolulu, HI 96850-4982

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

-----Original Message-----

From: (b)(6), (b)(7)(C)  
Sent: Monday, January 30, 2017 7:48 AM  
To: (b)(6), (b)(7)(C)  
Cc:  
Subject: RE: EO

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

Thanks for the note. I would like to get my Ops guy and lawyer together with your folks to understand your protocols. They will then push them to our Captains of the Port. Really appreciate the offer.

Best regards

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

-----Original Message-----

From: (b)(6), (b)(7)(C)  
Sent: Saturday, January 28, 2017 11:27 AM  
To: (b)(6), (b)(7)(C)  
Subject: EO

Sir,

We received instructions related to the exec order signed yesterday barring admission of certain groups. Not sure if it will impact D14 ops but may if you have any anticipated visits by folks from the countries covered by the EO.

Please let me know if you'd like a briefing on the actions we're taking, either by phone or email. I'm available at your convenience.

V/r,

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

(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 3:46 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: FINAL SIGNED EO FOR ACTION

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

Received.

Also HRCLG has already been working on 5 offloads. (b)(6), (b)(7)(C) is going to summarize in an email who has already been offloaded, and what is still pending.

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 9:30:41 PM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

Please read and disseminate as appropriate.

(b)(6), (b)(7)(C) and PD'S please acknowledge as received.

Notify me of any encounters immediately.

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

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**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Saturday, January 28, 2017 5:51:15 AM  
**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

We still don't have guidance beyond the summary I sent of the conference call. Please call me directly if you are seeking a waiver for an LPR.

We also don't have the report template, so if (b)(6), (b)(7)(C) and I don't hear from the ports, we will assume no

encounters and assume no targeted passengers were erroneously admitted.

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

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

San Francisco, California 94105

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

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Friday, January 27, 2017 10:14:34 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 (b)(5), (b)(7)(E) If they do not agree to (b)(5), (b)(7)(E) they will be (b)(5), (b)(7)(E) 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)(5), (b)(7)(E) (b)(5), (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. (b)(5), (b)(7)(E) Such individuals will also be (b)(5), (b)(7)(E) with notation of the approved waiver in the remarks. Until such time that (b)(5), (b)(7)(E) 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)(5), (b)(7)(E) (b)(5), (b)(7)(E) RCLGs are also being involved to offload individuals attempting to board.

Reporting: Eventually an automated report is expected from NTC, 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)

*This document and any attachment(s) may contain restricted, sensitive, and/or law enforcement-sensitive information belonging to the U.S. Government. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient.*

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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:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 10:45 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Today 01/28 Protest At HNL INTL AIRPORT

Just swung by the front of FIS and protesters all gone.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 5:21:42 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Today 01/28 Protest At HNL INTL AIRPORT

CA 837 processing completed. No incidents to report. Protestors still present.

Thank You

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

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



**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 4:52 PM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** RE: Today 01/28 Protest At HNL INTL AIRPORT

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

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 2:23:13 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Today 01/28 Protest At HNL INTL AIRPORT

Update:

- Flight CI 02 processing completed. No issues with protestors. Estimated number of protestors at 75.
- Returning Kona officers contacted to inform them of protestors and return to FIS via sterile areas of airport.
- Waiting for CA 837 arrival at 1630. Passenger count is 220.
- Protestors still present.

Thank You

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

Chief  
U.S. Customs and Border Protection  
Honolulu, Hawaii

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




---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 2:46 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: Today 01/28 Protest At HNL INTL AIRPORT

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

(b)(6), (b)(7)(C) just got back from the meeting and will be sending a summary of what was discussed in a few minutes.

I asked (b)(6), (b)(7)(C) to stay back until the officers return from Kona and the night shift comes on. Also to monitor how protest is going and to provide reporting on any negative impact/disturbance to ops.

Thanks

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 1:06:22 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Today 01/28 Protest At HNL INTL AIRPORT

FYSA

(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 11:05:20 PM  
**To:** HUMPHREY, BRIAN J (DFO)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: Today 01/28 Protest At HNL INTL AIRPORT

Sir,

FSD (b)(6), (b)(7)(C) just notified me of a meeting called by HDOT Airports to discuss protest, no further details. I suspect it will be to coordinate our response protocols. We'll have a chief attend and ensure the State provides security of the FIS since the protest will be outside our area.

Will report back after the meeting.

(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 10:45:44 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: Today 01/28 Protest At HNL INTL AIRPORT

SCBPO (b)(6), (b)(7)(C) was informed by Dept. of Transportation Director (b)(6), (b)(7)(C) that there will be a protest today at 1500 at the Honolulu International Airport. The protest is going to be right outside of the International Arrivals area.

All officers and Ag Specialists on shift have been briefed and reminded to not make any comments regarding the E.O. and (b)(7)(E)

(b)(7)(E)

(b)(6), (b)(7)(C)  
Branch Chief  
Honolulu International Airport  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 12:38 PM  
**To:** (b)(6), (b)(7)(C)

**Subject:** FW: Today 01/28 Protest At HNL INTL AIRPORT  
**Importance:** High

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

Supervisory CBP Officer  
 U.S. Customs and Border Protection  
 Office of Field Operations  
 Honolulu International Airport

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 12:34:55 PM  
**To:**  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** Today 01/28 Protest At HNL INTL AIRPORT

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

Information about the protest slated for today from 1500 to 1700.



### Aloha DREAM Team

· 4 hrs · Honolulu, HI ·

Hawai'i Friends, This Solidarity Protest is Today at Honolulu International Airport @ 3pm. Please share with friends and family. See you all later!!

#NoBan #NoWall #LetThemIn

### From our allies at **Hawaii J20**

World Can't Wait-Hawai'i is organizing an important action tomorrow and have invited us all to join in. The action is in response to Trump's executive action that bans travelers from 7 predominantly Muslim countries.

Sunday, Jan. 29 at 3pm  
 Honolulu Airport International Terminal  
 (where people exit from the customs area)

Feel free to make your signs and join in! Suggestions for signs include - "Refugees are Welcome Here", "Refugees IN - Trump OUT!"

Top of Form

1 Comment

325 5

Like Show more reactions

Comment Share

Bottom of Form



**David Mulinix *to* Our Revolution Hawaii**

· 2 hrs ·

PROTEST TRUMP'S ANTI-MUSLIM ORDER  
HONOLULU AIRPORT INTERNATIONAL TERMINAL  
SUNDAY, JANUARY 29 from 3pm to 5pm

World Can't Wait-Hawai'i is organizing an important action TODAY and have invited us all to join in. The action is in response to Trump's executive action that bans travelers from 7 predominantly Muslim countries. Sunday, Jan. 29 at 3pm...

HonoluluAirportInternational Terminal  
(where people exit from the customs area)

Feel free to make your signs and join in! Suggestions for signs include - "Refugees are Welcome Here", "Refugees IN - Trump OUT!"

See More

Top of Form

4 Comments

44 4

Like Show more reactions

Share

Bottom of Form

Like Page



**Oahu Young Democrats**

· 12 hrs ·

OYD stands with Muslims and refugees. There will be a protest at the Honolulu International Airport international arrivals at 3pm tomorrow, January 29. We are standing in solidarity with other US cities against this unconstitutional executive order on banning travelers from muslim-dominated countries.

#RefugeesINTrumpOUT

Top of Form

1 Comment

14 Shares

17724 24

Like Show more reactions

Comment Share

Bottom of Form

Public Posts



**Carolyn Espina Stanton** shared Hawaii J20's post.

· 5 hrs ·

Action at 3 pm today at Honolulu Airport, International Terminal. Protesters are gathering to protest the recent ban on immigrants and refugees.



**Hawaii J20**

· 17 hrs ·

World Can't Wait-Hawai`i is organizing an important action tomorrow and have invited us all to join in. The action is in response to Trump's executive action th...at bans travelers from 7 predominantly Muslim countries.

Sunday, Jan. 29 at 3pm  
Honolulu Airport International Terminal  
(where people exit from the customs area)

Feel free to make your signs and join in! Suggestions for signs include - "Refugees are Welcome Here", "Refugees IN - Trump OUT!"

[See More](#)

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

CBP Honolulu International Airport

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 1:44 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

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

Information just sent out to the RCLG from (b)(7)(E) regarding refugees and new change in procedures. We are currently keeping all PAU in the office and not having them pulled to primary. However, as the workload continues to increase with the EO, we may need to request a tdy officer to PAU. I will put together some stats.

Thanks

(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)

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**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.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 1:59 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: New (b)(7)(E) (Ex-order)

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

Just forwarded to you, instructions sent out from (b)(7)(E) to the RCLGs regarding the new changes. Didn't need to call.

*Thanks,*

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

Watch Commander  
Customs and Border Protection  
Honolulu, HI

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 8:40 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: New (b)(7)(E) (Ex-order)

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

I don't mind you calling the (b)(7)(E) WC to get clarification. I've asked the FO if they know anything but haven't heard back yet.

(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 7:46 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". Al 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 Al'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)**

**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. I called (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 NTC-P (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:** Thursday, February 02, 2017 1:09 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: Carrier Bulletin- EO Updates  
**Attachments:** Carrier Notice- EO Updates.pdf

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

FYSA. Attached is the most recent notice regarding the EO sent to all the air carriers from the Office of the Carrier Liaison, Travel and Tourism Initiatives, Admissibility and Passenger Programs.

*Thanks,*

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

Watch Commander  
Customs and Border Protection  
Honolulu, HI

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

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

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

**Sent:** Thursday, February 02, 2017 7:44 AM

**To:** (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)

**Subject:** FW: Carrier Bulletin- EO Updates

Carrier Notice on EO Take 2. This version STILL advises carriers to call RCLG for “current and accurate information on effected individual” , OR IF YOU HAVE QUESTIONS (emphasis mine). This has been sent to all the air carriers. I cannot find any material difference between the Notice blasted out yesterday and the current one today.

Again, please be sure that ANY inquiries about the EO itself are handled within the recently released protocol guidelines. We are available to assist the carrier in determining whether or not any individual who may be subject to the EO is exempt by the documents they are in possession of, but we should refrain from answering any questions about the EO itself or making any comment as to its purpose, veracity, defending or detracting, etc. Be aware that curious carrier personnel may attempt to engage you in discussion on the EO ancillary to the passenger in question. Please refrain.

You may direct any persistent, inappropriate inquiries to me.

Thanks all of you for your patience and hard work during this challenge. I believe the EO affects us in the PAU/RCLG more than it does any other work unit in this Port. I believe we have the best officers for handling this with intelligence, common sense and diplomacy right here in this unit.

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

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

Supervisory Customs and Border Protection Officer  
Passenger Analysis Unit/Honolulu Regional Carrier Liaison Group  
Local APIS Port Coordinator  
Carrier Liason Officer  
Field Training Officer  
Fraud Prevention Officer  
U.S. Customs and Border Protection  
Port of Honolulu

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

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

Sent: Thursday, February 02, 2017 2:40 AM

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

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

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



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

**Subject:** RE: Carrier Bulletin- EO Updates

The current EO Updated Carrier Bulletin is attached.

Thank you,

(b)(6), (b)(7)(C)  
CBP Officer/Program Manager  
Carrier Liaison Program  
Travel and Tourism Initiatives  
Admissibility and Passenger Programs  
U.S. Customs and Border Protection

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

(b)(6), (b)(7)(C) *UnClass*  
*JWICS*  
(b)(6), (b)(7)(C) *HSDN*

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 4:31 PM  
**Subject:** RE: Carrier Bulletin- EO Updates

Please disregard this message – we will send an updated one ASAP.

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

Director  
Travel and Tourism Initiatives  
Electronic Visa Update System (EVUS)  
Admissibility and Passenger Programs  
Office of Field Operations

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

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

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

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

**Sent:** Wednesday, February 01, 2017 3:53 PM

**Subject:** Carrier Bulletin- EO Updates

Attached is the Carrier Bulletin on Updates for Executive Order: Protecting the Nation from Foreign Terrorist Entry into the United States.

Thank you,

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

CBP Officer/Program Manager  
Carrier Liaison Program  
Travel and Tourism Initiatives  
Admissibility and Passenger Programs  
U.S. Customs and Border Protection

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

(b)(6), (b)(7)(C) UnClass  
(b)(6), (b)(7)(C) JWICS

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

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# U.S. Customs and Border Protection

## Carrier Liaison Program

February 2, 2017

(b)(7)(E)

### Executive Order (EO) *Protecting the Nation from Foreign Terrorist Entry into the United States*

- On 27 January 2017, the President of the United States signed Executive Order (EO) *Protecting the Nation from Foreign Terrorist Entry into the United States*.
  - Effective immediately in accordance with the new EO, all immigrant and nonimmigrant persons of Iraq, Iran, Libya, Somalia, Sudan, Syria and Yemen are suspended entry into the U.S. for the next 90 days.
- The suspension does not affect foreign nationals traveling on diplomatic visas, NATO visas, C-2 visas for travel to the United Nations and G-1, G-2, G-3 and G-4.
- U.S. Lawful Permanent Residents (green card holders)
  - In accordance with White House Guidance issued on February 1, 2017, Sections 3(c) and 3(e) of Executive Order Entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” do not apply to Lawful Permanent Residents.
- Dual citizens: EO applies to Dual Citizens, but travelers are being treated according to the travel document they present. For example, if they present a Canadian passport, that is how they are processed for entry.
- Someone who is in the Federal Inspection Area right now: Each person who may be admissible from one of the seven countries, has to have an individual waiver. Processing the waivers may delay the release of the individual.
- What about refugees who are considered to be “in transit?”
  - There are currently 872 refugees who are considered to be in transit who are scheduled to arrive in the United States this week. The Secretaries of State and DHS have coordinated and will process the 872 individuals consistent with the terms of the Executive Order, which we’ve operationalized by assessing each traveler on a case-by-case basis.
- Documents that can be used by citizens identified by the EO to enter the United States are:
  - Any diplomatic visa (A, G, C-2, or NATO)
  - An I-551 (Green Card)
  - An advance parole document
  - Any SQ immigrant visa

If they are not in possession of one of the above travel documents, they will not be allowed to enter the U.S.



# U.S. Customs and Border Protection

## Carrier Liaison Program

February 1, 2017

(b)(7)(E)

### Executive Order (EO) *Protecting the Nation from Terrorist Attacks by Foreign Nationals*

- To obtain current and accurate information of an effected individual, or if you have questions, please contact U.S. Customs and Border Protection directly.

Regional Carrier Liaison Group:

RCLG	SERVICE AREA	PHONE NUMBER
Honolulu	Asia, Pacific Rim	(b)(6), (b)(7)(C)
Miami	Latin America, Caribbean	
New York	Europe, Africa, Mid-East	

- (b)(6), (b)(7)(C) Director, Travel and Tourism Initiative at (b)(6), (b)(7)(C) or cell (b)(6), (b)(7)(C)

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

DFO's

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

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

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

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

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

(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)**

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

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

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

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



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**From:** HOFFMAN, TODD A  
**Sent:** Saturday, January 28, 2017 1:07 AM  
**To:** DIRECTORS FIELD OPS <(b)(7)(E)> EXECUTIVE DIRECTORS HQ  
(b)(7)(E) BORDER SECURITY ASST DIRECTORS  
(b)(7)(E)  
**Cc:** Owen, Todd C (AC OFO) <(b)(6), (b)(7)(C)>; WAGNER, JOHN P <(b)(6), (b)(7)(C)>  
HUTTON, JAMES R <(b)(6), (b)(7)(C)>  
(b)(6), (b)(7)(C)

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

Directors,

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

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

Admissibility and Passenger Programs  
Office of Field Operations

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

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

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

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

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

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

(1) All case processing will be recorded in (b)(7)(E) system, according to current policy/procedure.

(2)  
(3) (b)(7)(E)  
(4)

*Returning Residents,*

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

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

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



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

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

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

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

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

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

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

OCC

Please see below a waiver request involving a (b)(6), (b)(7)(C)

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

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

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

J. Ryan Hutton  
Deputy Executive Director  
Admissibility and Passenger Programs

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

Washington, DC



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



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---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 6:52 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Protest at airport

Will do.

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 12:50:41 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: Protest at airport

I passed it on to the DFO. Let me know if you hear any more on the protest.

Thanks,

(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 10:29:00 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** Protest at airport

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

FYSA. Sheriff's informed us there will be a protest against EO staged at the airport at 1500 this afternoon.

Thanks

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 4:35 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** FW: Carrier Guidance

Bruce,

FYSA. Instructions received by HRCLG from NTC regarding EO and Massachusetts District Court order.

Thanks

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 11:02:31 AM  
**To:** (b)(6), (b)(7)(C)  
**(b)(6), (b)(7)(C)**  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: Carrier Guidance

ALCON-

I spoke to (b)(7)(E) (b)(6), (b)(7)(C) re: the below email, and he verified w/ WC (b)(6), (b)(7)(C)

For RCLG purposes, we are still offloading as normal - including travelers destined to Boston. More guidance will be issued soon.

CBPO (b)(6), (b)(7)(C)  
Honolulu Regional Carrier Liaison Group  
Department of Homeland Security  
Customs and Border Protection  
Honolulu International Airport

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

---

**From:** (b)(6), (b)(7)(C) On Behalf Of HNL-RCLG  
**Sent:** Sunday, January 29, 2017 9:15 AM  
**To:** (b)(6), (b)(7)(C) PAU-HNL (b)(7)(E) HNL-RCLG (b)(7)(E)  
**Subject:** RE: Carrier Guidance

HRCLG acknowledges

CBPO (b)(6), (b)(7)(C)  
Honolulu Regional Carrier Liaison Group  
Department of Homeland Security  
Customs and Border Protection  
Honolulu International Airport

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 9:14 AM  
**To:** PAU-HNL (b)(7)(E) HNL-RCLG (b)(7)(E)  
**Subject:** FW: Carrier Guidance  
**Importance:** High

Please confirm receipt.

(b)(6), (b)(7)(C)  
Watch Commander  
U.S. Customs and Border Protection  
Office of Field Operations  
National Targeting Center—Passenger

Direct Phone: (b)(6), (b)(7)(C)  
WC Desk Phone: (b)(6), (b)(7)(C)  
Email:  
HSDN (b)(6), (b)(7)(C)  
JWICS

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 1:53 PM  
**To:** JFK RCLG (b)(7)(E) HNL-RCLG (b)(7)(E) MRCLG (b)(7)(E)  
**Cc:** NTC-PASSENGER WC (b)(7)(E) (b)(6), (b)(7)(C)  
**Subject:** Carrier Guidance

RCLGs,

For immediate action. (b)(5)

(b)(5)

Respectfully,

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

Chief Watch Commander  
National Targeting Center-Passenger

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

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

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

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 4:40 PM  
**To:**  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: Carrier Guidance  
**Attachments:** Temporary Restraining Order.pdf

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

Copy of the Massachusetts restraining order attached.

Thanks

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 9:39:51 AM  
**To:** HNL-RCLG; (b)(6), (b)(7)(C)  
**Subject:** FW: Carrier Guidance

I was able to find a copy of the restraining order online. See attached.

---

**From:** (b)(6), (b)(7)(C) On Behalf Of HNL-RCLG  
**Sent:** Sunday, January 29, 2017 9:15 AM  
**To:** (b)(6), (b)(7)(C) PAU-HNL (b)(7)(E) HNL-RCLG (b)(7)(E)  
**Subject:** RE: Carrier Guidance

HRCLG acknowledges

CBPO (b)(6), (b)(7)(C)  
Honolulu Regional Carrier Liaison Group  
Department of Homeland Security  
Customs and Border Protection  
Honolulu International Airport

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 9:14 AM  
**To:** PAU-HNL (b)(7)(E) HNL-RCLG (b)(7)(E)  
**Subject:** FW: Carrier Guidance  
**Importance:** High



Please confirm receipt.

(b)(6), (b)(7)(C)  
Watch Commander  
U.S. Customs and Border Protection  
Office of Field Operations  
(b)(7)(E)  
Direct Phone: (b)(6), (b)(7)(C)  
WC Desk Phone: (b)(6), (b)(7)(C)  
Email:  
HSDN: (b)(6), (b)(7)(C)  
JWICS

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From: (b)(6), (b)(7)(C)  
Sent: Sunday, January 29, 2017 1:53 PM  
To: JFK RCLG: (b)(7)(E) HNL-RCLG (b)(7)(E) MRCLG (b)(7)(E)  
Cc: NTC-PASSENGER WC (b)(7)(E) (b)(6), (b)(7)(C)  
Subject: Carrier Guidance

RCLGs,

For immediate action. (b)(5)  
  
**(b)(5)**

Respectfully,

(b)(6), (b)(7)(C)  
Chief Watch Commander  
(b)(7)(E)  
Direct: (b)(6), (b)(7)(C)  
Main: (b)(6), (b)(7)(C)  
Fax: (b)(6), (b)(7)(C)  
Email:  
JWICS (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.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTSMAZDAK POURABDOLLAH  
TOOTKABONI and  
ARGHAVAN LOUHGHALAM,

Petitioners,

CIVIL ACTION NO. 17-cv-10154

v.

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

Respondents

**TEMPORARY RESTRAINING ORDER**

January 29, 2017

BURROUGHS, U.S.D.J.

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

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

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

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

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

NOW, THEREFORE, IT IS HEREBY ORDERED

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

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

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

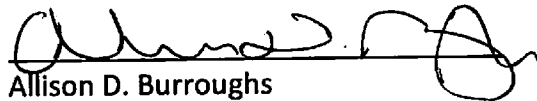
c) to assure compliance with this Order, the United States Marshal for the District of Massachusetts shall be served with this Order and is further directed to take those actions deemed necessary to enforce this Order; and

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

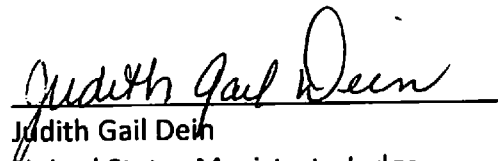
II. This Order shall remain in effect for a period of seven (7) days from the date of this Order.

The Court shall schedule a hearing prior to the expiration of this Order.

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



Allison D. Burroughs  
United States District Judge



Judith Gail Dein  
United States Magistrate Judge

January 29, 2017

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 6:09 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: Media Inquiry

Thanks, I just called her and gave her the email address.

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 11:23 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** RE: Media Inquiry

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

Please refer her to [cbpmediarelations@cbp.dhs.gov](mailto:cbpmediarelations@cbp.dhs.gov). We are not giving any comments locally.

(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:** Monday, January 30, 2017 1:02 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** Media Inquiry

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

(b)(6) a reporter with KITV news in Honolulu, (b)(6) called this morning. She is interested in CBP's comments regarding the President's recent Executive order on immigration and detainees.

I let her know I would forward her information.

(b)(6), (b)(7)(C)  
Chief, TRADE, (b)(6), (b)(7)(C), (b)(7)(E)  
Port of Honolulu  
U.S. Customs and Border Protection  
(b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 3:21 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** RE: EO

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

Your call on locale. I have a couple of conference rooms here or we can come down there.

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

-----Original Message-----

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 10:09 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** RE: EO

Aloha Captain,

I'm available Thursday at 1400. I'm on the 2nd floor of PJKK so can meet wherever is most convenient.

Thanks,

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

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

-----Original Message-----

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 9:03 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** FW: EO

Aloha, Mr. (b)(6), (b)(7)(C)

D14 "Ops guy" here with the "lawyer" Cc'd.

We would like to meet with you this week if possible. I propose Thursday at 2:00 PM - your place or ours. Would that time slot work? CDR (b)(6), (b)(7)(C) (the "lawyer") is out of the office until Thursday and we are anxious to ensure we're aligned with your policies and procedures at CBP

Please let me know if this is a good time slot and where you would like to meet - or if you have a different time slot that works better.

Cheers

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

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

Chief, Response Division  
Fourteenth Coast Guard District  
300 Ala Moana Blvd. Suite 9-240  
Honolulu, HI 96850-4982

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

-----Original Message-----

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

Sent: Monday, January 30, 2017 7:48 AM

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

Cc:

Subject: RE: EO

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

Thanks for the note. I would like to get my Ops guy and lawyer together with your folks to understand your protocols. They will then push them to our Captains of the Port. Really appreciate the offer.

Best regards

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

-----Original Message-----

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

Sent: Saturday, January 28, 2017 11:27 AM

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

Subject: EO

Sir,

We received instructions related to the exec order signed yesterday barring admission of certain groups. Not sure if it will impact D14 ops but may if you have any anticipated visits by folks from the countries covered by the EO.

Please let me know if you'd like a briefing on the actions we're taking, either by phone or email. I'm available at your convenience.

V/r,

Bruce

(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 6:08 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** FW: Today 01/28 Protest At HNL INTL AIRPORT  
**Importance:** High

FYSA, if you were not already aware of. Thanks

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

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 10:34:55 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** Today 01/28 Protest At HNL INTL AIRPORT

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

Information about the protest slated for today from 1500 to 1700.



**Aloha DREAM Team**

· 4 hrs · Honolulu, HI ·

Hawai'i Friends, This Solidarity Protest is Today at Honolulu International Airport @ 3pm. Please share with friends and family. See you all later!!

#NoBan #NoWall #LetThemIn

From our allies at **Hawaii J20**

World Can't Wait-Hawai'i is organizing an important action tomorrow and have invited us all to join in. The action is in response to Trump's executive action that bans travelers from 7 predominantly Muslim countries.

Sunday, Jan. 29 at 3pm  
Honolulu Airport International Terminal  
(where people exit from the customs area)

Feel free to make your signs and join in! Suggestions for signs include - "Refugees are Welcome Here", "Refugees IN - Trump OUT!"

Top of Form

1 Comment

325 5

LikeShow more reactions

CommentShare

Bottom of Form



**David Mulinix** *to* **Our Revolution Hawaii**

· 2 hrs ·

PROTEST TRUMP'S ANTI-MUSLIM ORDER  
HONOLULU AIRPORT INTERNATIONAL TERMINAL  
SUNDAY, JANUARY 29 from 3pm to 5pm

World Can't Wait-Hawai'i is organizing an important action TODAY and have invited us all to join in. The action is in response to Trump's executive action that bans travelers from 7 predominantly Muslim countries.

Sunday, Jan. 29 at 3pm...

HonoluluAirportInternational Terminal  
(where people exit from the customs area)

Feel free to make your signs and join in! Suggestions for signs include - "Refugees are Welcome Here", "Refugees IN - Trump OUT!"

See More

Top of Form

4 Comments

44 4

LikeShow more reactions

Share

Bottom of Form

Like Page



**Oahu Young Democrats**

· 12 hrs ·

OYD stands with Muslims and refugees. There will be a protest at the Honolulu International Airport international arrivals at 3pm tomorrow, January 29. We are standing in solidarity with other US cities against this unconstitutional executive order on banning travelers from muslim-dominated countries. #RefugeesINTrumpOUT

Top of Form

1 Comment  
14 Shares

17724 24

Like Show more reactions

Comment Share

Bottom of Form

Public Posts



**Carolyn Espina Stanton** shared Hawaii J20's post.

· 5 hrs ·

Action at 3 pm today at Honolulu Airport, International Terminal. Protesters are gathering to protest the recent ban on immigrants and refugees.



**Hawaii J20**

· 17 hrs ·

World Can't Wait-Hawai'i is organizing an important action tomorrow and have invited us all to join in. The action is in response to Trump's executive action th...at bans travelers from 7 predominantly Muslim countries.

Sunday, Jan. 29 at 3pm  
Honolulu Airport International Terminal  
(where people exit from the customs area)

Feel free to make your signs and join in! Suggestions for signs include - "Refugees are Welcome Here", "Refugees IN - Trump OUT!"

See More

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

CBP Honolulu International Airport

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



**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 8:30 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Partner Agencies

Completed

(b)(6), (b)(7)(C)  
*Port Director*  
*US Customs and Border Protection*  
*Saipan International Airport*

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 4:37 AM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** Partner Agencies

Please reach out to TSA, HSI and ERO at your respective locations and provide them a briefing of actions we are taking on the executive order from yesterday. Especially important with ERO since we would most likely need their support in the event of an encounter.

Thanks,

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

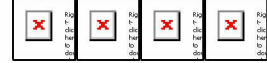
**From:** GovExec Today <(b)(7)(E)>  
**Sent:** Monday, January 30, 2017 5:40 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** Why some feds are leaving; VA's freeze exemptions; Trump's conflicts



**GovExec Today**

January 27, 2017

Problems viewing? [View as a web page](#)



[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.

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[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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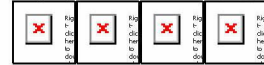
**From:** GovExec PM update <news@e.govexec.com>  
**Sent:** Tuesday, January 31, 2017 3:24 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** Bill would give feds a 3.2% raise in 2018; DHS defends rushed response to Trump executive order



## 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.

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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.

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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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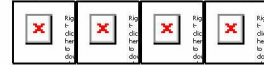
**From:** GovExec PM update <news@e.govexec.com>  
**Sent:** Wednesday, February 01, 2017 3:03 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** Supreme Court nominee could alter court's view of regulation; Immigration order doesn't affect citizenship applications



## 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.

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**[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...](#)

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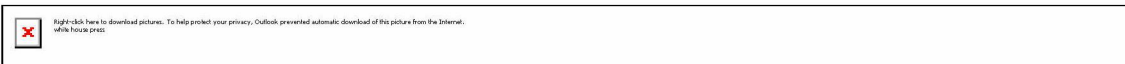
**From:** FEDmanager [redacted] on behalf of  
FEDmanager [redacted]  
**Sent:** Tuesday, January 31, 2017 8:18 PM  
**To:** [redacted]  
**Subject:** Do You Disagree with Trump? Then Quit the Government

Plus, new policy lets DOD layoff employees due to performance.

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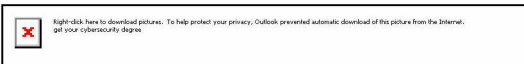
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## 'Career Bureaucrats' Should Quit if they Disagree with Trump

In response to State Department officials dissenting President Trump's executive order on immigration, White House press secretary Sean Spicer said those who oppose can quit if they're unhappy.

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## Award-Winning Cybersecurity Degrees- Up to 70% Off Tuition for Feds

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of our online bachelor's and master's degrees. Learn more about our cybersecurity programs today!



## President Trump's First Weekly Address

In his first weekly address, President Trump gives an update on the work he and his administration have undertaken in their first week in office.

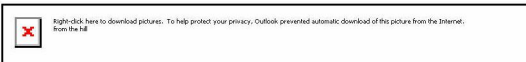
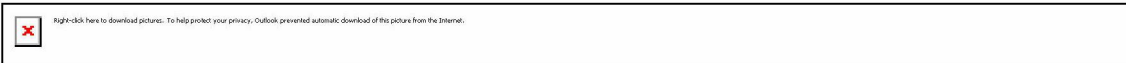
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## New Performance-Based Policy for Layoffs at DOD

A new policy at the Department of Defense allows the agency to lay off civilian employees based on performance.

[Read More](#)

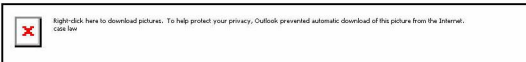


[FROM THE HILL]

## Feds are "The Swamp" Says House Majority Leader

House Majority Leader Kevin McCarthy took on a popular phrase from Trump, outlining that "the greatest threat to America's people, economy, and Constitution" is the federal bureaucracy.

[Read More](#)

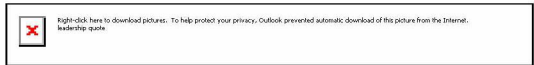
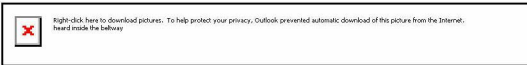
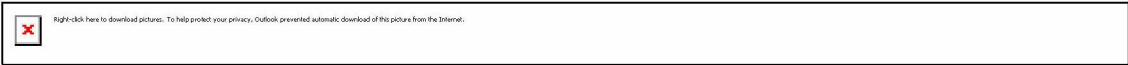


[CASE LAW UPDATE]

## MSPB Issues Answers on Lack of Quorum at Outset of New Administration

Read these FAQs for the lack of Board "quorum," or minimum number of members of the Board's assembly.

## Read More



"President Trump continues to be respectful and supportive of L.G.B.T.Q. rights, just as he was throughout the election. The president is proud to have been the first ever G.O.P. nominee to mention the L.G.B.T.Q. community in his nomination acceptance speech, pledging then to protect the community from violence and oppression."

"I believe a democracy needs men and women of conviction in its positions of leadership in order for us to succeed."

**—R.J. Cutler, American filmmaker**

**—White House statement on LGBT protections for federal workers. Read more in The Washington Post: [White House says LGBT protections for federal workers will remain](#)**



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**From:** Federal Times <news@federaltimes.com>  
**Sent:** Wednesday, February 01, 2017 6:30 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** Lawmaker calls for pay bump


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Feb 01, 2017


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## Daily Brief


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# Connolly calls for 3.2 percent raise for federal employees

The Virginia congressman continues his pursuit of a pay raise for federal employees.

[Read Story](#) 

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### GAO: National security agencies don't know they're in foreign-owned buildings

Many national security agency offices are leasing space in foreign-



owned buildings, often unknowingly, which heightens the potential for espionage, coercion, or unauthorized cyber and physical access, says a new Government Accountability Office report.



### Trump fires acting AG for defying executive order; US Attorney Boente sworn in

President Donald Trump on Monday fired Sally Yates, the acting attorney general and a Democratic appointee, after she refused to defend in court his controversial refugee and immigration ban.



### Forget the hiring freeze, OMB plan could alter the workforce

While questions over the recent federal hiring freeze remain, the reshaping of the executive branch is underway.



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### 4 ways contractors can help alleviate feds' security fears [Commentary]

In matters of cybersecurity, these professionals offer expertise and resources that could directly help agencies from becoming the latest victim.



### Trump sets 5-year, lifetime lobbying bans for officials

President Donald Trump acted Saturday to fulfill a key portion of his pledge to "drain the swamp" in Washington, banning administration officials from ever lobbying the U.S. on behalf of a foreign government and imposing a separate five-year ban on other lobbying.



## Don't leave federal IT future to chance [Commentary]

In the federal community, we have the ability to make a real change — to improve how we serve citizens, protect war fighters and spend taxpayer dollars.

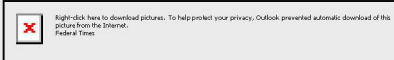


## Congressman claims agency communications blackout is illegal

The Maryland congressman said the president's communications lockdown violates "a host of federal laws."



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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 6:05 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** Automatic reply: Today 01/28 Protest At HNL INTL AIRPORT

To Members of the media:

Please direct all inquiries related to the President's Executive Order to:

[cbpmediarelations@cbp.dhs.gov](mailto:cbpmediarelations@cbp.dhs.gov)

Thank you.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 2:15 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** RE: media and congressional inquiries

10-4. Thanks (b)(6), (b)(7)(C)

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 11:14 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** RE: media and congressional inquiries

Frank,

FYI. Just got a phone call from a staffer with Congresswoman Gabbard's Office here in HNL. I referred him to the email address and phone number you listed below for congressional inquiries.

*Thanks*

(b)(6), (b)(7)(C)  
Watch Commander  
Customs and Border Protection  
Honolulu, HI

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 9:01 AM  
**To:** (b)(6), (b)(7)(C)

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

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

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

**Subject:** media and congressional inquiries

**Importance:** High

All,

We are receiving many inquiries from the media and members of congress, as well as from the public. Please remind all your staff that they are not to discuss or make an comments regarding the Executive Orders or any impact to current CBP operations.

All media inquiries regarding the EO or its impact may be referred directly to [cbpmediarelations.cbp.dhs.gov](http://cbpmediarelations.cbp.dhs.gov).

All congressional inquiries may be referred directly to [ocainquiry.cbp.dhs.gov](http://ocainquiry.cbp.dhs.gov) or 202-344-1760

For any other media inquiries, or as an alternate contact, please refer to me at (b)(6), (b)(7)(C)

Please let me know if there are any question.

Also, please do not give my cell phone out to the public or media, however managers may feel free to call me at (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) for any urgent issues.

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

Program Manager, Public Affairs Liaison  
Customs and Border Protection  
San Francisco Field Office

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

**DEPARTMENT OF THE ATTORNEY GENERAL****DAVID Y. IGE**  
GOVERNOR**DOUGLAS S. CHIN**  
ATTORNEY GENERALFor Immediate Release  
February 3, 2017

News Release 2017-12

**HAWAII V. TRUMP**

HONOLULU – Hawaii Attorney General Doug Chin announced today that the state of Hawaii has filed a lawsuit against President Donald Trump in Hawaii federal court.

The lawsuit filed today asks the court to block implementation of the January 27, 2017 Executive Order signed by President Trump entitled “Protecting the Nation From Foreign Terrorist Entry Into the United States.” The Executive Order restricts immigration from seven Muslim-majority countries: Iraq, Iran, Syria, Somalia, Sudan, Libya, and Yemen. It suspends all refugee admission for 120 days and bars all Syrian refugees indefinitely. It grants entry preferences to minority religions. This order is the beginning of the fulfillment of President Trump’s campaign pledge to implement a “total and complete shutdown of Muslims entering the United States.”

**Attorney General Chin** said, “What makes our country special and a beacon across the world is its inclusive democracy and the rule of law. Everyone in the United States, including the President, must follow the law and follow the Constitution.”

The complaint alleges several causes of action:

- The Executive Order is unconstitutional because it favors one religion over another in violation of the establishment clause of the First Amendment;
- The Executive Order is unconstitutional because it denies equal protection of the law on the basis of national origin;
- The Executive Order is unconstitutional because it curtails the right to travel without any legal justification;
- The Executive Order is unconstitutional because it deprives individuals of their liberty interests without due process of law; and

Department of the Attorney General  
News Release 2017-12  
Page 2

- The Executive Order is illegal because it violates the Immigration and Nationality Act and the Administrative Procedures Act.

Hawaii's papers filed today asked the court to block the order across the country. As the state's memo argues:

Hawaii joins the many voices that have condemned the Order. But this pleading is not about politics or rhetoric—it is about the law. The simple fact is that the Order is unlawful. By banning Muslims and creating a preference for Christian refugees, the Order violates the Establishment Clause of the United States Constitution. By those same acts, it violates the equal protection guarantee of the Fifth Amendment. By failing utterly to provide procedures or protections of any kind for people detained or turned away at our airports, it violates the Due Process Clause. And by enshrining rank discrimination on the basis of nationality and religion, it flies in the face of statutes enacted by Congress.

Hawaii has asked for a hearing on its motion for a temporary restraining order in no more than 14 days.

**Attorney General Chin added,** "Hawaii is an island state. This illegal order affects our state in a unique way. Under this order, an Iraqi permanent resident on the mainland U.S. cannot leave the country without the risk of never being allowed to return, but he still can travel throughout the continental United States. That same person here cannot so much as visit another island within our state for fear of being detained by federal agents at the airport. In the past, the people of this state experienced discrimination by the federal government based on national origin. We must speak up and not let this happen again."

Assisting the state of Hawaii in the litigation is Neal Kumar Katyal, Esq., former Acting Solicitor General of the United States during the Obama Administration. He is currently a partner at the Washington, D.C. law firm Hogan Lovells, and a law professor at Georgetown University.

Copies of the complaint, motion for a temporary restraining order, and memorandum in support of the motion for a temporary restraining order are attached.

###

For more information, contact:  
Joshua A. Wisch  
Special Assistant to the Attorney General  
Phone: (808) 586-1284  
Email: [joshua.A.Wisch@hawaii.gov](mailto:joshua.A.Wisch@hawaii.gov)  
Web: <http://aq.hawaii.gov>  
Twitter: @ATGHgov

Message

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

**Sent:** 1/29/2017 12:52:18 AM

**To:**

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

**Subject:** Update - Waiver Granted - LPR HA 458 (b)(6), (b)(7)(C) Saturday 1/28/2017 -

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

LPR waiver was granted, and the subject will be released momentarily.

(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 2:38 PM

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

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

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

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



Good day PD (b)(6), (b)(7)(C)

Update: (b)(7)(E)

Best,

(b)(6), (b)(7)(C)  
Chief, Supervisory CBP Officer  
Area Port of Honolulu, HI  
U.S. Customs and Border Protection

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

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

Sent: Saturday, January 28, 2017 1:54 PM

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

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

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

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

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

The LPR traveled to (b)(6), (b)(7)(C) because he heard of the Executive Order on the news.

(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 1:49 PM

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

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

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

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

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

Where did he travel on this trip?

(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 11:13:13 PM

**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)**

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

**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)**



**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 12:49 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: FINAL SIGNED EO FOR ACTION

If there someone at the departing they should stop them but I would nt count on them.

(b)(6), (b)(7)(C)  
Watch Commander  
Area Port of San Francisco

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 9:02:16 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: FINAL SIGNED EO FOR ACTION

Will IAP allow them to board?

(b)(6), (b)(7)(C)  
Port Director  
Customs and Border Protection  
Salt Lake City, UT

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

Sent from Samsung Galaxy

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 8:52:48 PM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

All,

The guidance from HQ on the President’s EO. The most likely location to see any passengers like this is Salt Lake City. If you have any passengers matching the below criteria, notify the Duty Chief or Watch Commander immediately.

(b)(6), (b)(7)(C)  
Watch Commander  
Area Port of San Francisco

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

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

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

Sent: Friday, January 27, 2017 7:49 PM

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

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

Subject: FW: FINAL SIGNED EO FOR ACTION

All

Per the DFO below:

Effective immediately, all immigrant (including refugees) and non-immigrant visas of citizens from these countries are revoked. These passengers are to be offered (b)(5), (b)(7)(E) If they do not agree to (b)(5), (b)(7)(E) they will be (b)(5), (b)(7)(E) 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 (b)(5), (b)(7)(E) (b)(5), (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. (b)(5), (b)(7)(E) Such individuals will also be (b)(5), (b)(7)(E) with notation of the approved waiver in the remarks. Until such time that (b)(5), (b)(7)(E) 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)(5), (b)(7)(E) (b)(5), (b)(7)(E) RCLGs are also being involved to offload individuals attempting to board.

Please muster this out to officers ASAP

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

Watch Commander, Port of San Francisco

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

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

Sent: Friday, January 27, 2017 7:24 PM

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

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.

---

**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



**United States Department of State**

*Deputy Assistant Secretary  
for Visa Services*

*Washington, D.C. 20520*

February 3, 2017

Pursuant to the authority delegated to me under section 221(i) of the Immigration and Nationality Act, and taking into account the nationwide injunction issued by a federal district court in Washington State on enforcing section 3(c) of the January 27, 2017, Executive Order on Protecting the Nation from Foreign Terrorist Entry into the United States, I hereby reverse the provisional revocation of all visas provisionally revoked by my letter of January 27, 2017, which implemented section 3(c) of the Executive Order on Protecting the Nation from Terrorist Attacks by Foreign Nationals.

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 black ink, appearing to read 'E. Ramotowski', written over a horizontal line.

Edward J. Ramotowski  
Deputy Assistant Secretary  
Bureau of Consular Affairs  
Department of State

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 2:24 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** FW: media and congressional inquiries  
**Importance:** High

PD's,

See the message below regarding media or congressional inquiries.

Also there are likely to be protests, SFO is expecting some today, so if having at your location call the Duty Chief/Watch Commander to keep them informed.

(b)(6), (b)(7)(C)  
 Watch Commander  
 Area Port of San Francisco

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 11:01 AM  
**To:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Subject:** media and congressional inquiries  
**Importance:** High

All,

We are receiving many inquiries from the media and members of congress, as well as from the public. Please remind all your staff that they are not to discuss or make an comments regarding the Executive Orders or any impact to current CBP operations.

All media inquiries regarding the EO or its impact may be referred directly to [cbpmediarelations.cbp.dhs.gov](http://cbpmediarelations.cbp.dhs.gov).

All congressional inquiries may be referred directly to [ocainquiry.cbp.dhs.gov](http://ocainquiry.cbp.dhs.gov) or 202-344-1760

For any other media inquiries, or as an alternate contact, please refer to me at **(b)(6), (b)(7)(C)**

Please let me know if there are any question.

Also, please do not give my cell phone out to the public or media, however managers may feel free to call me at **(b)(6), (b)(7)(C)** or any urgent issues.

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

Program Manager; Public Affairs Liaison  
Customs and Border Protection  
San Francisco Field Office

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

4

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 3:28 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** Immigrant Detainees?

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

I assume you would let me know if we had any issues with a person who needed to be detained in SLC due to Trump's executive order. I have been contacted by my Mayor this morning as well as a law firm offering to assist any detainees we have. Am I being presumptuous to think that will not happen here? Anyway, I left you a voice mail this morning on your cell as my Mayor asked me for your contact info and I gave it to her. Please keep me in the loop if anything along these lines come to SLC and, as always, let me know if there is anything we can do to help you.

Hope you're having a good day! Nice to see the sun again...☺

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

Salt Lake City Airport

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 11:25 PM  
**To:** SFO CBP SUPERVISORS; SFO CBP CHIEFS  
**Subject:** FW: Federal Court Stay - Hold all departures. Need confirmation

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 8:21:23 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Federal Court Stay - Hold all departures. Need confirmation

**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)**

**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*

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 7:11 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** SFO CBP CHIEFS  
**Subject:** San Francisco, CA: Impact Report – Wait Times Report Flights Exceeding 120 Minutes (8 Flight) for Saturday 1/28/17

### **San Francisco, CA: Impact Report – Wait Times Report Flights Exceeding 120 Minutes (8 Flights)**

#### **Summary:**

On Saturday, January 28, 2017, from 1622-2204hrs SFO International Terminal had (8) flights that exceeded 120 minutes.

#### **Details:**

Between 1614-1946hrs there were six (6) major flights in the FIS that blocked consecutively with 1,540 passengers and 12 officers were available to process these flights. Operations returned to normal by 2300 hours.

#### **Aggravating Factors:**

There were protests outside the international area due to the Executive Order issued on January 27, 2017. Several officers assigned to Arrivals and Transit doors due to protest. 3 medical transports occurred and Primary officers assisted. Overtime officers were unable to report to Primary because they were assisting their location. 2 Primary Officers had to assist with one boarding.

#### **Mitigation Strategies Executed:**

Primary supervisor was actively engaged in queuing passengers and pushing flights to cut down processing times.

The APC kiosks were fully utilized.

Team leader resumed into a booth and Supervisor working checkpoint.

#### **Flight Details (Terminal G):**

<u>Flight #</u>	<u># of PAX</u>	<u>Block Time</u>	<u>Max Wait Time</u>
UA 718	139	1622	139
UA 949	148	1622	136
TK 79	274	1614	151
BR 28	322	1846	141
LH 458	149	1854	149
UA 890	249	1919	144
SQ02	259	1946	129

#### **Flight Details (Terminal A):**

<u>Flight #</u>	<u># of PAX</u>	<u>Block Time</u>	<u>Max Wait Time</u>
BA 287	423	1802	124

Regards,

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

Chief CBPO

San Francisco/Alameda

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 5:39 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** SFO CBP CHIEFS (b)(6), (b)(7)(C)  
**Subject:** FW: EO Breakdown for Sunday.

See below, EO Breakdown for 1/29/17

Regards,

(b)(6), (b)(7)(C)  
Chief CBPO  
San Francisco/Alameda

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 2:21 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:**

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

I cannot confirm that the number breakdown is correct.

NOTE: Approximately 10 passengers are offloaded in Abu Dhabi and Frankfurt airport.

(b)(7)(E)

(b)(7)(E)

Regards,

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

Customs and Border Protection Officer

(b)(7)(E)

San Francisco International Airport  
U.S. Customs and Border Protection  
Office of Field Operations

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 1:42 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** SFO CBP CHIEFS; WATCH-CMDR  
**Subject:** San Francisco, CA: Impact Report – Wait Times Report Flights Exceeding 120 Minutes (6 Flight) for Saturday 1/29/2017

**San Francisco, CA: Impact Report – Wait Times Report Flights Exceeding 120 Minutes (6 Flights)**

**Summary:**

On Sunday, January 29, 2017, from 1800-2000hrs SFO International Terminal had (6) flights that exceeded 120 minutes.

**Details:**

There were eight (8) flights in the A-Terminal that blocked consecutively with 1,917 passengers and 13 officers and there were six flights in the G-Terminal with 1474 passengers and 10 officers to process these flights. Operations returned to normal by 2200 hours.

**Aggravating Factors:**

There were protestors outside the international area due to the Executive Order issued on January 27, 2017. Protestors occupied the arrival lobby with no rooms for arriving passengers to exit.

**Mitigation Strategies Executed:**

The APC and Global Entry kiosks were fully utilized.

Team leader resumed into a booth.

Primary supervisor was actively engaged in queuing passengers, working checkpoint and manned one of the APC Podiums.

SFPD set up barricades to yield a passage for arriving passengers from the exit door to the curb side.

**Flight Details (Terminal G):**

<u>Flight#</u>	<u>PAX</u>	<u>Block Time</u>	<u>Max Wait Time</u>
CZ-657	198	1943	132
SQ-002	270	1950	123

**Flight Details (Terminal A):**

<u>Flight#</u>	<u>PAX</u>	<u>Block Time</u>	<u>Max Wait Time</u>
PR-104	363	1812	123
CI-004	337	1903	160
TA-564	140	1907	136
Y4-910	163	1907	149

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 1:31 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** SFO CBP CHIEFS; WATCH-CMDR  
**Subject:** San Francisco, CA: Impact Report – Wait Times Report Flights Exceeding 120 Minutes (4 Flights) for Monday 1/30/2017

**San Francisco, CA: Impact Report – Wait Times Report Flights Exceeding 120 Minutes (4 Flights)**

**Summary:**

On Monday, January 30, 2017, from 1700-1900hrs SFO International Terminal had (4) flights that exceeded 120 minutes.

**Details:**

There were eight (8) flights in the A-Terminal that blocked consecutively with 1,678 passengers and 12 officers and there were five flights in the G-Terminal with 1435 passengers and 16 officers to process these flights. Operations returned to normal by 2100 hours.

**Aggravating Factors:**

There were protestors outside the international area due to the Executive Order issued on January 27, 2017.  
 Medical Emergency in passport control secondary  
 Overtime officers were released  
 System slow down without outage – National Work Ticket (b)(7)(E)

**Mitigation Strategies Executed:**

The APC and Global Entry kiosks were fully utilized.  
 Team leader resumed into a booth.

**Flight Details (Terminal G):**

Flight#	PAX	Block Time	Max Wait Time
BR-28	291	1823	127
UA-890	243	1832	131

**Flight Details (Terminal A):**

Flight#	PAX	Block Time	Max Wait Time
PR-104	363	1828	122
BA-287	266	1851	122

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 3:48 PM  
**To:** SFO CBP SUPERVISORS; SFO CBP CHIEFS  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: Urgent: latest guidance on responding to EO calls.  
**Importance:** High

Good Afternoon:

Additional information regarding the EO Inquiries.

*Please be aware that various locations around the country have begun receiving a high volume of calls from various individuals and others claiming to be attorneys regarding the recent Executive Order (EO). The callers appear to be reading from a script and they begin by identifying themselves, state they are calling regarding the EO and proceed to ask if we are following the law, the EO and ask how many people we are currently detaining. This is most likely a form of telephonic protest to the EO.*

*Please advise all your personnel not to engage the callers nor respond to any questions.*

Thanks,

(b)(6), (b)(7)(C)  
Chief CBPO  
Port of San Francisco  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 9:17 AM  
**To:** SFO CBP CHIEFS: (b)(6), (b)(7)(C) SFO CBP SUPERVISORS: (b)(7)(E)  
**Cc:** (b)(7)(E)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FW: Urgent: latest guidance on responding to EO calls.  
**Importance:** High

Good Morning:

See latest Guidance regarding the Executive Order (EO) and media inquiries.

Please ensure your direct reports are aware through muster, briefings etc...



*Officers/employees are not to respond to the public, media, congress whatsoever with any type of statement or response to questions regarding the EO.*

*Please refer all callers to CBP.GOV, and CBP Info Center, where information is currently posted and questions can be asked*

Thanks,

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

Chief CBPO

Port of San Francisco

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 9:55 PM  
**To:** (b)(6), (b)(7)(C); SFO CBP CHIEFS; SFO CBP SUPERVISORS;  
 DEFERRED SAN FRANCISCO CA; (b)(6), (b)(7)(C)  
**Cc:** SFR DETENTION CONTROL MAILBOX; (b)(6), (b)(7)(C)  
**Subject:** RE: TRNSPORT TO (b)(6), (b)(7)(C) INADMISSIBLE ALIENS CREDIBLE FEAR

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

For our records. Could you tell us what time the detainee was booked into Contra Costa and what time he was taken out? We have to update our records to ensure proper billing.

Thanks

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

SDDO

ICE/ERO

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

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

Sent: Sunday, January 29, 2017 9:31:40 PM

To: (b)(6), (b)(7)(C); SFO CBP CHIEFS; SFO CBP SUPERVISORS; DEFERRED SAN FRANCISCO CA;

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

Cc: SFR DETENTION CONTROL MAILBOX; (b)(6), (b)(7)(C)

Subject: RE: TRNSPORT TO (b)(6), (b)(7)(C) INADMISSIBLE ALIENS CREDIBLE FEAR

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

Subject was admitted as K-1 earlier this afternoon.

Thank you,

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

Chief Supervisory CBP Officer  
San Francisco Int'l Airport  
U.S. Customs & Border Protection  
Phone: (b)(6), (b)(7)(C)

-----Original Message-----

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

Sent: Sunday, January 29, 2017 6:10 PM

To: (b)(6), (b)(7)(C) SFO CBP CHIEFS; SFO CBP SUPERVISORS; DEFERRED SAN FRANCISCO CA; (b)(6), (b)(7)(C)  
Cc: SFR DETENTION CONTROL MAILBOX; (b)(6), (b)(7)(C)  
Subject: RE: TRANSPORT TO (b)(6), (b)(7)(C) NADMISSIBLE ALIENS CREDIBLE FEAR

Good evening CBP,

My field office director would like to know of the status of the K-1 taken in yesterday. It was his understanding the the K-1 (b)(6), (b)(7)(C) might be waived in. Could you respond? I have tried calling secondary number and no answer.

Thanks

(b)(6), (b)(7)(C)  
SDDO  
ICE/ERO  
(b)(6), (b)(7)(C)

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From: (b)(6), (b)(7)(C)  
Sent: Saturday, January 28, 2017 8:33:26 PM  
To: SFO CBP CHIEFS; SFO CBP SUPERVISORS; DEFERRED SAN FRANCISCO CA; (b)(6), (b)(7)(C)  
Cc: SFR DETENTION CONTROL MAILBOX; (b)(6), (b)(7)(C)  
Subject: TRANSPORT TO (b)(6), (b)(7)(C) NADMISSIBLE ALIENS CREDIBLE FEAR

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

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

Regards,

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

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 9:34 PM  
**To:** (b)(6), (b)(7)(C) SFO CBP CHIEFS; SFO CBP SUPERVISORS; DEFERRED SAN FRANCISCO CA; (b)(6), (b)(7)(C)  
**Cc:** SFR DETENTION CONTROL MAILBOX; (b)(6), (b)(7)(C)  
**Subject:** RE: TRNSPORT TO (b)(6), (b)(7)(C) INADMISSIBLE ALIENS CREDIBLE FEAR

Thanks!

(b)(6), (b)(7)(C)  
SDDO  
ICE/ERO  
(b)(6), (b)(7)(C)

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 9:31:40 PM  
**To:** (b)(6), (b)(7)(C) SFO CBP CHIEFS; SFO CBP SUPERVISORS; DEFERRED SAN FRANCISCO CA; (b)(6), (b)(7)(C)  
**Cc:** SFR DETENTION CONTROL MAILBOX; (b)(6), (b)(7)(C)  
**Subject:** RE: TRNSPORT TO (b)(6), (b)(7)(C) INADMISSIBLE ALIENS CREDIBLE FEAR

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

Subject was admitted as K-1 earlier this afternoon.

Thank you,

(b)(6), (b)(7)(C)  
Chief Supervisory CBP Officer  
San Francisco Int'l Airport  
U.S. Customs & Border Protection  
Phone: (b)(6), (b)(7)(C)

-----Original Message-----

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 6:10 PM  
**To:** (b)(6), (b)(7)(C) SFO CBP CHIEFS; SFO CBP SUPERVISORS; DEFERRED SAN FRANCISCO CA; (b)(6), (b)(7)(C)  
**Cc:** SFR DETENTION CONTROL MAILBOX; (b)(6), (b)(7)(C)  
**Subject:** RE: TRNSPORT TO (b)(6), (b)(7)(C) INADMISSIBLE ALIENS CREDIBLE FEAR

Good evening CBP,

My field office director would like to know of the status of the K-1 taken in yesterday. It was his understanding the the K-1 (b)(6), (b)(7)(C) might be waived in. Could you respond? I have tried calling secondary number and no answer.

Thanks

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

SDDO

ICE/ERO

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

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

Sent: Saturday, January 28, 2017 8:33:26 PM

To: SFO CBP CHIEFS; SFO CBP SUPERVISORS; DEFERRED SAN FRANCISCO CA; (b)(6), (b)(7)(C)

Cc: SFR DETENTION CONTROL MAILBOX; (b)(6), (b)(7)(C)

Subject: TRANSPORT TO (b)(6), (b)(7)(C) INADMISSIBLE ALIENS CREDIBLE FEAR

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

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

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

Regards,

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

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 4:50 PM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** 1400 Update for 212F Executive Order Operation

Good Afternoon,

As of this e-mail, there are no NIV or IV holders who fall under the 212(F) Executive Order that are scheduled to arrive today, February 2, 2017.

Thank you,

(b)(6), (b)(7)(C)  
CBP Officer  
Passenger Analysis Unit (PAU)  
San Francisco Int'l Airport  
U.S. Customs and Border Protection  
Office of Field Operations  
PAU Office:  
PAU Cell: (b)(6), (b)(7)(C)  
PAU Fax:



---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 9:43 PM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** 1900 Update for 212F Executive Order Operation

Good Evening,

As of this e-mail, there are no NIV or IV holders who fall under the 212(F) Executive Order that are scheduled to arrive today, February 2, 2017.

Thank you,

(b)(6), (b)(7)(C)  
CBP Officer  
Passenger Analysis Unit (PAU)  
San Francisco Int'l Airport  
U.S. Customs and Border Protection  
Office of Field Operations  
PAU Office:  
PAU Cell: (b)(6), (b)(7)(C)  
PAU Fax:

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, February 03, 2017 4:59 PM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** 1400 Executive Order Operation

Good Afternoon,

As of this e-mail, per the 212F Executive Order Operation, no NIV or IV holders will be arriving into SFO on February 3, 2017.

Thank you,

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

CBP Officer

Passenger Analysis Unit (PAU)

San Francisco Int'l Airport

U.S. Customs and Border Protection

Office of Field Operations

PAU Office:

PAU Cell:

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

PAU Fax:

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, February 03, 2017 9:48 PM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** Executive Order Projected Arrivals

Good Evening,

As of this e-mail, per the 212F Executive Order Operation, no NIV or IV holders will be arriving into SFO on February 3, 2017.

Thank you,

(b)(6), (b)(7)(C)  
CBP Officer  
Passenger Analysis Unit (PAU)  
San Francisco Int'l Airport  
U.S. Customs and Border Protection  
Office of Field Operations  
PAU Office: (b)(6), (b)(7)(C)  
PAU Cell: (b)(6), (b)(7)(C)  
PAU Fax: (b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, February 04, 2017 5:28 PM  
**To:** SFO CBP SUPERVISORS; SFO CBP CHIEFS  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** Executive Order Projected Arrivals 2/4/2017

Good Afternoon,

As of this e-mail, per the executive order query, no NIV or IV holders will be arriving on Saturday, February 4, 2017.

Thank you,

(b)(6), (b)(7)(C)  
CBP Officer  
Passenger Analysis Unit (PAU)  
San Francisco Int'l Airport  
U.S. Customs and Border Protection  
Office of Field Operations  
PAU Office: (b)(6), (b)(7)(C)  
PAU Cell: (b)(6), (b)(7)(C)  
PAU Fax: (b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Thursday, February 02, 2017 8:47 AM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** 0600 Update for 212F Executive Order Operation

Good Morning All,

As of this email, there are no NIV or IV holders who fall under 212F Executive Order scheduled to arrive today, Thursday, February 02, 2017.

Much obliged!

Respectfully,

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

Passenger Analysis Unit (PAU)  
San Francisco International Airport  
U.S. Customs and Border Protection  
Office of Field Operations  
PAU Office: (b)(6), (b)(7)(C)  
PAU Cell:  
PAU Fax: (b)(6), (b)(7)(C)

Go Giants!

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---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, February 03, 2017 11:41 AM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** SFO - 02/03/2017 I/B BA 285 (ETA: 1333) - VWP with TAC Travel, ESTA Approved, No Visa (Military Exemption annotated)

Good Morning,

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

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

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

Airline	Flight Number	Departure Date	Departure Time	Arrival Time	Departure Date/Time (EST)	Leg	Departure Airport	Arrival Airport
BA	285	2/3/2017	1040	1400	2/3/2017 5:40:00 AM		HEATHROW (LHR) UNITED KINGDOM	SAN FRANCISCO INTL (SFO) UNITED STATES
BA	284	2/8/2017	1605	1040	2/8/2017 7:05:00 PM		SAN FRANCISCO INTL (SFO) UNITED STATES	HEATHROW (LHR) UNITED KINGDOM

Packet will be in PAU

Much obliged!

Respectfully,

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

CBP Officer

Passenger Analysis Unit (PAU)

San Francisco International Airport

U.S. Customs and Border Protection

Office of Field Operations

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

PAU Cell:

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

Go Giants!

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, February 04, 2017 9:07 AM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** Executive Order Projected arrivals 02/04/17

Good Morning All,

As of this email, per the executive order query, no NIV or IV holders will be arriving on Saturday, February 04, 2017.

Much obliged!

Respectfully,

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

CBP Officer

Passenger Analysis Unit (PAU)

San Francisco International Airport

U.S. Customs and Border Protection

Office of Field Operations

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

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

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

Go Giants!

**WARNING:** This document is designated **FOR OFFICIAL USE ONLY (FOUO)** and/or **LAW ENFORCEMENT SENSITIVE (LES)**. 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/LES 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 U.S. Customs and Border Protection.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 11:58 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

(b)(6), (b)(7)(C)  
Port Director  
Customs and Border Protection  
Salt Lake City, UT  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) (cell)

Sent from Samsung Galaxy

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 9:43:38 PM  
**To:** (b)(6), (b)(7)(C)

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

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

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

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 7:49 PM  
**To:** (b)(6), (b)(7)(C)

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

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

All

Per the DFO below:

Effective immediately, all immigrant (including refugees) and non-immigrant visas of citizens from these countries are revoked. These passengers are to be offered: (b)(5), (b)(7)(E) If they do not agree to (b)(5), (b)(7)(E) they will be: (b)(5), (b)(7)(E) 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)(5), (b)(7)(E) (b)(6), (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 s (b)(7)(E) with notation of the approved waiver in the remarks. Until such time that: (b)(5), (b)(7)(E), 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)(5), (b)(7)(E) (b)(5), (b)(7)(E) RCLGs are also being involved to offload individuals attempting to board.

Please muster this out to officers ASAP

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

From: (b)(6), (b)(7)(C)  
Sent: Friday, January 27, 2017 7:24 PM  
To: HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
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.

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)

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

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 12:09 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** (b)(6), (b)(7)(C)  
 FW: FINAL SIGNED Executive Order FOR ACTION

(b)(6), (b)(7)(C)  
 Port Director  
 Customs and Border Protection  
 Salt Lake City, UT

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

Sent from Samsung Galaxy

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 9:48:55 PM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Subject:** FINAL SIGNED Executive Order FOR ACTION

All

Per the DFO below:

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

(b)(7)(E)

(b)(7)(E)

are also being involved to offload individuals attempting to board.

Please muster this out to officers ASAP

(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 4:35 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Executive Order Protecting tje Nation from Foreign Terrorist Entry

(b)(6), (b)(7)(C)  
Port Director  
Customs and Border Protection  
Salt Lake City, UT

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

Sent from Samsung Galaxy

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 1:05:05 PM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Subject:** Executive Order Protecting tje Nation from Foreign Terrorist Entry

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

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

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



**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 11:58 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION  
**Attachments:** 2017protectingtheNationfromTerroristEntryintotheUnitedStates.eo.rel.docx  
**Importance:** High

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

Port Director  
Customs and Border Protection  
Salt Lake City, UT

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

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

Sent from Samsung Galaxy

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 9:53:15 PM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

Here is the Executive Order

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

Watch Commander, Port of San Francisco

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 8:52 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION  
**Importance:** High

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

Chief CBP Officer  
U.S. Customs and Border Protection

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

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 7:24 PM

To: (b)(6), (b)(7)(C)  
Subject: FW: FINAL SIGNED EO FOR ACTION  
Importance: High

From: HUMPHREY, BRIAN J (DFO)  
Sent: Friday, January 27, 2017 7:14:34 PM

To: (b)(6), (b)(7)(C) HUMPHREY, BRIAN J (DFO); (b)(6), (b)(7)(C)  
(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 (b)(5), (b)(7)(E) If they do not agree to

(b)(5), (b)(7)(E) they will be (b)(5), (b)(7)(E) 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)(5), (b)(7)(E) (b)(5), (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, (b)(5), (b)(7)(E) such individuals will also be (b)(5), (b)(7)(E) with notation of the approved waiver in the remarks. Until such time that (b)(5), (b)(7)(E) 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)(5), (b)(7)(E) (b)(5), (b)(7)(E) RCLGs are also being involved to offload individuals attempting to board.

Reporting: Eventually an automated report is expected from NTC, 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



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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 4:50 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: 212F Executive Order Operation

(b)(6), (b)(7)(C)  
Port Director  
Customs and Border Protection  
Salt Lake City, UT

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

Sent from Samsung Galaxy

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 8:11:30 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: 212F Executive Order Operation

10-4, SLC has been added to the query and there doesn't appear to be any arriving there today (limited to SFO, OAK, SJC)

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 6:59 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: 212F Executive Order Operation

10-4

Also keep track using the spreadsheet sent on the earlier email trails. Send it in with the WC report. Thanks

(b)(6), (b)(7)(C)  
Chief Officer  
San Francisco Int'l Airport  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 6:56 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

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

Subject: RE: 212F Executive Order Operation

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

Could I ask for two things?

1) Please have the (b)(7)(E) sent to my (b)(6), (b)(7)(E) (cc'd in this message)

2) Please add SLC to your sweeps for today until my officers get the query working.

Thank you

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

Port Director  
Customs and Border Protection  
Salt Lake City, UT

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

Sent from Samsung Galaxy

From: (b)(6), (b)(7)(C)  
Sent: Saturday, January 28, 2017 7:49:06 AM  
To: SFO CBP CHIEFS; SFO CBP SUPERVISORS  
Cc: (b)(6), (b)(7)(C)  
Subject: FW: 212F Executive Order Operation

FYSA

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

From: (b)(6), (b)(7)(C)  
Sent: Saturday, January 28, 2017 6:39 AM  
To: (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
Cc: (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
Subject: 212F Executive Order Operation

FYI

(b)(7)(E)

(b)(7)(E)

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

CBP Officer

San Francisco Airport

Office

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

Mobile



**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 9:13 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** FW: SLC Daily Report - 29 JAN 2017

Nice work resulting in a great case!

(b)(6), (b)(7)(C)  
Port Director  
Customs and Border Protection  
Salt Lake City, UT

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

Sent from Samsung Galaxy

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 10:20:17 PM  
**To:** SFO WATCH CMDR REPORT; SFO CBP CHIEFS; WATCH-CMDR; (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** SLC Daily Report - 29 JAN 2017

This is the Daily Report for the Salt Lake City POE (#3303) for January 29, 2017:

## Salt Lake City – January 29, 2017

Adverse Action Cases:

### EXPEDITED REMOVAL

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

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

**SALT LAKE CITY**

EXECUTIVE ORDER CASES: None!

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

Thank you,

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

SCBP Officer

U.S. Customs and Border Protection

Field Operations, Salt Lake City

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 10:14 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: 212F Executive Order Operation

Thank you

(b)(6), (b)(7)(C)  
Port Director  
Customs and Border Protection  
Salt Lake City, UT

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

Sent from Samsung Galaxy

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 8:11:30 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: 212F Executive Order Operation

10-4, SLC has been added to the query and there doesn't appear to be any arriving there today (limited to SFO, OAK, SJC)

(b)(7)(E)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 6:59 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: 212F Executive Order Operation

10-4

Also keep track using the spreadsheet sent on the earlier email trails. Send it in with the WC report. Thanks

(b)(6), (b)(7)(C)  
Chief Officer  
San Francisco Int'l Airport  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 6:56 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)

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

Subject: RE: 212F Executive Order Operation

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

Could I ask for two things?

1) Please have the query parameters sent to my (b)(6), (b)(7)(E) (cc'd in this message)

2) Please add SLC to your sweeps for today until my officers get the query working.

Thank you

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

Port Director

Customs and Border Protection

Salt Lake City, UT

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

Sent from Samsung Galaxy

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

Sent: Saturday, January 28, 2017 7:49:06 AM

To: SFO CBP CHIEFS; SFO CBP SUPERVISORS

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

Subject: FW: 212F Executive Order Operation

FYSA

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

Chief Officer

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

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

Sent: Saturday, January 28, 2017 6:39 AM

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

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

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

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

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

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

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

Subject: 212F Executive Order Operation

FYI

(b)(7)(E)

(b)(7)(E)

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

CBP Officer

San Francisco Airport

Office

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

Mobile

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 10:03 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: 212F Executive Order Operation

Chief,

I don't see a message with a spreadsheet attachment, only the E.O.

Please sen the attachment.

(b)(6), (b)(7)(C)  
Port Director  
Customs and Border Protection  
Salt Lake City, UT

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

Sent from Samsung Galaxy

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 7:59:21 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** RE: 212F Executive Order Operation

10-4

Also keep track using the spreadsheet sent on the earlier email trails. Send it in with the WC report. Thanks

(b)(6), (b)(7)(C)  
Chief Officer  
San Francisco Int'l Airport

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 6:56 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** RE: 212F Executive Order Operation

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

Could I ask for two things?

1) Please have the query parameters sent to my PAU officers. They are (b)(6), (b)(7)(C) and (b)(6), (b)(7)(C) (cc'd in this message)

2) Please add SLC to your sweeps for today until my officers get the query working.

Thank you

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

Port Director

Customs and Border Protection

Salt Lake City, UT

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

Sent from Samsung Galaxy

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

**Sent:** Saturday, January 28, 2017 7:49:06 AM

**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS

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

**Subject:** FW: 212F Executive Order Operation

FYSA

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

Chief Officer

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

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

**Sent:** Saturday, January 28, 2017 6:39 AM

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

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

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

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

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

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

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

**Subject:** 212F Executive Order Operation

FYI

(b)(7)(E)



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

CBP Officer

San Francisco Airport

Office

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

Mobile



**United States Department of State**

*Deputy Assistant Secretary  
for Visa Services*

*Washington, D.C. 20520*

February 3, 2017

Pursuant to the authority delegated to me under section 221(i) of the Immigration and Nationality Act, and taking into account the nationwide injunction issued by a federal district court in Washington State on enforcing section 3(c) of the January 27, 2017, Executive Order on Protecting the Nation from Foreign Terrorist Entry into the United States, I hereby reverse the provisional revocation of all visas provisionally revoked by my letter of January 27, 2017, which implemented section 3(c) of the Executive Order on Protecting the Nation from Terrorist Attacks by Foreign Nationals.

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 black ink, appearing to read 'E. Ramotowski', written over a horizontal line.

Edward J. Ramotowski  
Deputy Assistant Secretary  
Bureau of Consular Affairs  
Department of State

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 4:16 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Action: EO Protest Calls Protocol

10-4, I'd estimate we've had 50+ scripted calls today easily.

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

**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:** FW: Action: EO Protest Calls Protocol  
**Importance:** High

All,

See below guidance from HQ on calls we are receiving regarding the EO. Don't engage with them. You can refer them to CBP.GOV and thank them for their call and hang up. I was receiving these calls Sunday during the protests and almost get drag into a lengthy conversation. You can end up in a heated conversation and you don't know if it'd being recorded. Again refer them to the public website, politely thank them and hang up.

(b)(6), (b)(7)(C)  
Watch Commander  
Area Port of San Francisco

(b)(6), (b)(7)(C) desk  
mobile

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 12:39 PM  
**To:** (b)(6), (b)(7)(C)  
**(b)(6), (b)(7)(C)**  
**Subject:** FW: Action: EO Protest Calls Protocol  
**Importance:** High

ALCON,

Please see latest guidance.

(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 12:12 PM

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

(b)(7)(E) MISSION SUPPORT ASST DIRECTORS  
TRADE OPERATIONS ASST DIRECTORS

Cc: ENFORCEMENT PROGRAMS DIVISION (b)(7)(E)

Subject: Action: EO Protest Calls Protocol

Importance: High

DFOs,

Please be aware that various locations around the country have begun receiving a high volume of calls from various individuals and others claiming to be attorneys regarding the recent Executive Order (EO). The callers appear to be reading from a script and they begin by identifying themselves, state they are calling regarding the EO and proceed to ask if we are following the law, the EO and ask how many people we are currently detaining. This is most likely a form of telephonic protest to the EO.

Please advise all your personnel not to engage the callers nor respond to any questions. Ensure all requests for information are referred to the Office of Public Affairs.

Thank you,

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

Acting DXD, Operations  
Director, Field Operations Readiness Team  
Office of Field Operations  
U. S. Customs and Border Protection

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

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 2:33 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** (b)(6), (b)(7)(C)  
 FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"  
**Attachments:** Executive Order - Protecting the Nation from Foreign Terrorist Entry into the United States.pdf; FW: Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

The attachment provides guidance in the event we have an encounter.

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 8:12 AM  
**To:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Subject:** FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

All

Please see guidance below and attached. Please ensure that you coordinate with the SFO Watch Commander/Duty Chief prior to finalizing any action on affected passengers. Thanks.

(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 12:03 AM  
**To:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

SAT Watch Commanders, please see the update from the DFO.

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

Chief CBP Officer  
U.S. Customs and Border Protection

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

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

From: (b)(6), (b)(7)(C)  
Sent: Friday, January 27, 2017 11:46 PM  
To: (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

See attached and below.

From: HUMPHREY, BRIAN J (DFO)  
Sent: Friday, January 27, 2017 10:54:33 PM  
To: (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)  
Subject: FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Interim guidance. I can still approve waivers for LPRs. The Acting Commissioner must approve waivers for UACs, previously admitted refugees, previously admitted asylees, and advance paroles.

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: Saturday, January 28, 2017 1:06:41 AM  
To: DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS  
Cc: Owen, Todd C (AC OFO); WAGNER, JOHN P; HUTTON, JAMES R; (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
Subject: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States"

Directors,

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

Memorandum For: Directors, Field Operations

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

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

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

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

Wherever possible, NTC-P will coordinate the denial of boarding through (b)(7)(E) and Regional Carrier Liaison Groups (RCLG).

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

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

(1) All case processing will be recorded in (b)(7)(E) according to current policy/procedure.

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

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

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

*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) exam should be notated in CSIS with the following language: *Individual is subject to Presidential Executive Order and barred from entry pursuant to 212(f) of the INA but has been granted an exemption per (insert DFO/SES PD).*

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

(1) Aliens from the above group who are prevented from entry solely as a result of the Executive Order, should be referred for (b)(7)(E) examination and held at the port of entry until such time as an

exemption to the Executive Order can be obtained. This exemption falls to the Secretary of State and Secretary of Homeland Security. Further guidance will be forthcoming on processing these exemptions.

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

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

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

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

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



1300 Pennsylvania Avenue NW  
Washington, DC 20229



**U.S. Customs and  
Border Protection**

JAN 28 2017

Memorandum For: Directors, Field Operations

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

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

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

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

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

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

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

- (1) All case processing will be recorded in (b)(7)(E) (b)(7)(E) according to current policy/procedure.
- (2) (b)(7)(E)
- (3) (b)(7)(E)
- (4) (b)(7)(E)

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

*Returning Residents,*

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

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

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

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

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

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

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

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 4:20 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: (b)(6), (b)(7)(C)  
**Attachments:** (b)(6), (b)(7)(C)

Had a good visit with this guy today. He's the Acting Field Office Director here in Salt Lake City. They oversee four States.

The permanent Field Office Director is going to report on the 21<sup>st</sup> of this month.

(b)(6), (b)(7)(C) asked we call him if we have any encounters with persons affected by the E.O.

I am going to wait until the permanent FOD shows up before I schedule a "meet and greet".

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 10:52 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** Automatic reply: FINAL SIGNED EO FOR ACTION

I'll be out of the office Friday, January 27th through Monday, January 30th.

Please contact Supervisory CBP Officer (b)(6), (b)(7)(C) at (b)(6), (b)(7)(C) (cell) for any issues needing immediate attention.

If he's not available, please try the main number, (b)(6), (b)(7)(C) and speak to Officer (b)(6), (b)(7)(C)

Thank you,

(b)(6), (b)(7)(C)  
Port Director  
Salt Lake City, UT 84116

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

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

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 10:52 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

Please see below.

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 7:49 PM  
**To:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Subject:** FW: FINAL SIGNED EO FOR ACTION

All

Per the DFO below:

Effective immediately, all immigrant (including refugees) and non-immigrant visas of citizens from these countries are revoked. These passengers are to be offered (b)(5), (b)(7)(E) If they do not agree to (b)(5), (b)(7)(E) they will be (b)(5), (b)(7)(E) 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)(5), (b)(7)(E) (b)(5), (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 (b)(5), (b)(7)(E) Such individuals will also be (b)(5), (b)(7)(E) with notation of the approved waiver in the remarks. Until such time that (b)(5), (b)(7)(E) we will

need to hold the passengers pending Secretary approval of the waiver. These individuals will (b)(5), (b)(7)(E)  
(b)(5), (b)(7)(E)

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)(5), (b)(7)(E)  
(b)(5), (b)(7)(E) RCLGs are also being involved to offload individuals attempting to board.

Please muster this out to officers ASAP

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

Watch Commander, Port of San Francisco

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

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

Sent: Friday, January 27, 2017 7:24 PM

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

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.

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 10:12 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States  
**Attachments:** Executive Order - Protecting the Nation from Foreign Terrorist Entry into the United States.pdf; FW: Delegation of Case-by-Case Waiver Authority per Executive Order on Protection the Nation From Foreign Terrorist Entry Into the United States

All

Please see guidance below and attached. Please ensure that you coordinate with the SFO Watch Commander/Duty Chief prior to finalizing any action on affected passengers. Thanks.

(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 12:03 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States

SAT Watch Commanders, please see the update from the DFO.

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Friday, January 27, 2017 11:46 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** FW: Guidance on Executive Order "Protecting the Nation from Foreign Terrorist Entry into the United States

See attached and below.

**From:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Friday, January 27, 2017 10:54:33 PM

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

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

Interim guidance. I can still approve waivers for LPRs. The Acting Commissioner must approve waivers for UACs, previously admitted refugees, previously admitted asylees, and advance paroles.

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:** Saturday, January 28, 2017 1:06:41 AM  
**To:** DIRECTORS FIELD OPS; EXECUTIVE DIRECTORS HQ; BORDER SECURITY ASST DIRECTORS  
**Cc:** Owen, Todd C. (AC OFO); WAGNER, JOHN P; HUTTON, JAMES R; (b)(6), (b)(7)(C)  
**(b)(6), (b)(7)(C)**

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

Directors,

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

Memorandum For: Directors, Field Operations

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

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

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



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

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

Wherever possible, NTC-P will coordinate the denial of boarding through **(b)(7)(E)** locations, and Regional Carrier Liaison Groups (RCLG).

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

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

(1) All case processing will be recorded in **(b)(7)(E)** system, according to current policy/procedure.

(2) **(b)(7)(E)**  
(3) **(b)(7)(E)**  
(4) **(b)(7)(E)**

*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).*

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

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

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

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

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

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

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

1300 Pennsylvania Avenue NW  
Washington, DC 20229



**U.S. Customs and  
Border Protection**

JAN 28 2017

Memorandum For: Directors, Field Operations

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

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

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

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

Wherever possible, NTC-P will coordinate the denial of boarding through (b)(7)(E) (b)(7)(E) locations, and Regional Carrier Liaison Groups (RCLG).

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

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

- (1) All case processing will be recorded in (b)(7)(E) (b)(7)(E) according to current policy/procedure.

- (2)
  - (3)
  - (4)
- (b)(7)(E)

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

*Returning Residents,*

- (1) Lawful Permanent Residents should be referred for T [REDACTED] (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 [REDACTED] (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).*

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

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

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

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

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

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

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 11:23 AM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS; (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Subject:** RE: Media/Congressional inquiries

All

Taking into account this is not a confirmed CBP response, still, please, let's not respond to inquiries like this:

"...Court papers said Customs and Border Protection authorities did not allow the lawyers to meet with the men and told them to try reaching Trump.

"When Mr. Darweesh's attorneys approached CBP requesting to speak with Mr. Darweesh, CBP indicated that they were not the ones to talk to about seeing their client. When the attorneys asked, 'Who is the person to talk to?' the CBP agents responded, 'Mr. President. Call Mr. Trump,'" the court papers read."

Here is the link to the CNN story:

<http://www.cnn.com/2017/01/28/politics/2-iraqis-file-lawsuit-after-being-detained-in-ny-due-to-travel-ban/index.html>

(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 7:16 AM  
**To:** SFO CBP CHIEFS (b)(7)(E); SFO CBP SUPERVISORS (b)(7)(E);  
 (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)  
 (b)(6), (b)(7)(C);  
 (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Subject:** Media/Congressional inquiries

All

Please let your people handling telephones know that any inquiries regarding CBP enforcement of the recent Executive Orders must be forwarded to a Supervisor. Supervisors can make the following referral to the caller(s):

Congressional inquiries can go to the [OCAINQUIRY@CBP.DHS.GOV](mailto:OCAINQUIRY@CBP.DHS.GOV) address.

Media inquiries on this topic can go to DHS Public Affairs. 202-282-8010

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

Watch Commander, Port of San Francisco

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 9:18 AM  
**To:** SFO CBP SUPERVISORS; SFO CBP CHIEFS  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** EO Query

**Please note AM 788 into SMF has NOT departed.**

<u>Terminal</u>	<u>Flight</u>	<u>ETA</u>	<u>LPR</u>	<u>Non-Immigrant</u>	<u>New Immigrant</u>
SMF	AM 788	2124	2		
SJC	LH 488	1350	6 OBD/3 NBD		
A Side	KL 605	1230	1 NBD		1 NBD
A Side	EK 225	1245	4 OBD		
G Side	LH 454	1315	3 OBD	2 NBD	
G Side	TK 79	1630	4 OBD/1 NBD	1 NBD	

Thank you,

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

CBP Officer

Passenger Analysis Unit (PAU)

San Francisco International Airport

U.S. Customs and Border Protection

Office of Field Operations

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

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

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 4:52 PM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Subject:** Correction: Executive Order Protecting tje Nation from Foreign Terrorist Entry

Correction: Chief (b)(6), (b)(7)(C) replaces Chief (b)(6), (b)(7)(C) as concurring chief for the ER/CF case of (b)(6), (b)(7)(C)

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 8:05 PM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Subject:** Executive Order Protecting tje Nation from Foreign Terrorist Entry

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



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

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

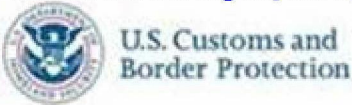
---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 1:44 PM  
**To:** SFO CBP CHIEFS; SFO CBP CHIEFS  
**Subject:** Potential protest today over the new Executive Order for Suspension of Visas  
**Importance:** High

FYSA –

At 10:28 today, SFO Duty Manager (b)(6), (b)(7)(C) called and reported that the SFPD Com Center was gearing up for possible sporadic demonstrations to take place all over San Francisco International Airport today @1500. These demonstrations are due to the new executive order signed by President Trump over the suspension of visas from various countries. More information to come.

(b)(6), (b)(7)(C)  
U.S. Customs and Border Protection  
Supervisory CBP Officer  
San Francisco, California  
Office (b)(6), (b)(7)(C)  
Mobile (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)



**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 7:04 PM  
**To:** (b)(6), (b)(7)(C)  
**Cc:**  
**Subject:** Wed 1 FEB Whiskeys  
**Attachments:**

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

**SKW-4721:** (b)(6), (b)(7)(C)

**DL-642:** (b)(6), (b)(7)(C)

Nobody appears to be even close to being a problem

The rest of the flights are clear. No EO-212(f) people

(b)(6), (b)(7)(C) has the print-outs

**CBP Officer (b)(6), (b)(7)(C)**  
**PAU, Payroll & Fraud Doc Officer**  
**Landing Rights Desk; SCO & PICS:**  
**Salt Lake Air & Cargo Port of Entry**

(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)**

For Official Use Only / Law Enforcement Sensitive

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

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

**For Official Use Only / Law Enforcement Sensitive**

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

**For Official Use Only / Law Enforcement Sensitive**



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

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

**For Official Use Only / Law Enforcement Sensitive**

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

For Official Use Only / Law Enforcement Sensitive

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

**For Official Use Only / Law Enforcement Sensitive**

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

For Official Use Only / Law Enforcement Sensitive

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

**For Official Use Only / Law Enforcement Sensitive**

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

For Official Use Only / Law Enforcement Sensitive

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

**For Official Use Only / Law Enforcement Sensitive**



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

**For Official Use Only / Law Enforcement Sensitive**

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

For Official Use Only / Law Enforcement Sensitive

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

For Official Use Only / Law Enforcement Sensitive

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

For Official Use Only / Law Enforcement Sensitive

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

**For Official Use Only / Law Enforcement Sensitive**

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

For Official Use Only / Law Enforcement Sensitive

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

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 10:56 PM  
**To:** SFO WATCH CMDR REPORT; SFO CBP CHIEFS; WATCH-CMDR  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** SLC Daily Report - 30 JAN 2017

This is the Daily Report for the Salt Lake City POE (#3303) for January 30, 2017:

### SALT LAKE CITY

#### EXECUTIVE ORDER CASES:

AGI-BGC Exams

#### **INBOUND**

*AGI: 9*

*BGC: 0*

(b)(7)(E)


Thank you,

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

SCBP Officer

U.S. Customs and Border Protection

Field Operations, Salt Lake City

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

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



---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 10:58 PM  
**To:** SFO WATCH CMDR REPORT; WATCH-CMDR; SFO CBP CHIEFS  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** REVISED SLC Daily Report

Please disregard the previously sent report for today.

This is the Daily Report for the Salt Lake City POE (#3303) for January 30, 2017:

**SALT LAKE CITY**

EXECUTIVE ORDER CASES: None!

AGI-BGC Exams

**INBOUND**


AGI: 9

BGC: 0

(b)(7)(E)

Thank you,

(b)(6), (b)(7)(C)  
SCBP Officer  
U.S. Customs and Border Protection  
Field Operations, Salt Lake City

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

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 11:38 PM  
**To:** SFO WATCH CMDR REPORT; SFO WATCH CMDR REPORT; WATCH-CMDR; (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** SLC Daily Report - 31 JAN 2017

This is the Daily Report for the Salt Lake City POE (#3303) for January 31, 2017:

SALT LAKE CITY:

**Deferred Inspection**

(b)(7)(E)

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

**Action Taken:** (b)(5), (b)(7)(E)

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

(b)(5), (b)(7)(E) (b)(6), (b)(7)(C) and approved by (b)(6), (b)(7)(C)

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

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

**SALT LAKE CITY**

EXECUTIVE ORDER CASES: None!

AGI-BGC Exams

**INBOUND**

AGI: 10

BGC: 2

(b)(7)(E)

Thank you,

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

SCBP Officer  
U.S. Customs and Border Protection  
Field Operations, Salt Lake City

☎ (b)(6), (b)(7)(C) 1

📠 (b)(6), (b)(7)(C)

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 10:41 PM  
**To:** SFO WATCH CMDR REPORT; SFO CBP CHIEFS; WATCH-CMDR  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** SLC Daily Report - 01 FEB 2017

This is the Daily Report for the Salt Lake City POE (#3303) for February 1, 2017:

### SALT LAKE CITY

EXECUTIVE ORDER CASES: None!

AGI-BGC Exams

### **INBOUND**

*AGI: 7*

*BGC: 0*

(b)(7)(E)


Thank you,

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

SCBP Officer

U.S. Customs and Border Protection

Field Operations, Salt Lake City

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

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

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 4:00 AM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Subject:** Withdrawal of Application \*\*Overnight\*\* Section 212(F) Executive order issued on January 27, 2017

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 10:03 AM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Automatic reply: 212F Executive Order Operation

Copy

(b)(6), (b)(7)(C)  
Chief Supervisory Officer  
SFO (b)(7)(E) Team  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 2:59:22 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** Automatic reply: 212F Executive Order Operation

I'll be out of the office Friday, January 27th through Monday, January 30th.

Please contact Supervisory CBP Officer (b)(6), (b)(7)(C) (cell) for any issues needing immediate attention.

If he's not available, please try the main number, (b)(6), (b)(7)(C) and speak to Officer (b)(6), (b)(7)(C)

Thank you,

(b)(6), (b)(7)(C)  
Port Director  
Salt Lake City, UT 84116

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 5:51 PM  
**To:** SFO CBP CHIEFS; SFO CBP SUPERVISORS  
**Subject:** Final Update: RE: Update: RE: Transport to/from Martinez: 12 and 24 Hour Notification  
(b)(6), (b)(7)(C) 01/28/2017

1/29/2017

(b)(7)(E)

Thank you!

(b)(6), (b)(7)(C)  
Supervisory CBP Officer & Chaplain  
Diversity and Inclusion Program Manager  
(b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 1:02 PM  
**To:** SFO CBP CHIEFS <(b)(7)(E)>, SFO CBP SUPERVISORS  
<(b)(7)(E)>  
**Subject:** RE: Update: RE: Update: RE: Transport to/from (b)(6), (b)(7)(C) 12 and 24 Hour Notification (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) - 01/28/2017

Update:

1300 hrs – Transport team arrived at SFO and (b)(6), (b)(7)(C) was escorted to secondary for processing.

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 11:47 AM  
**To:** SFO CBP CHIEFS <(b)(7)(E)>, SFO CBP SUPERVISORS  
<(b)(7)(E)>  
**Subject:** Update: RE: Update: RE: Transport to/from Martinez: 12 and 24 Hour Notification (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C) - 01/28/2017

Update:

1145 hrs – Transport team is in route to SFO from Martinez, CA. Sector will be notified upon arrival to SFO.

Updates to follow.

**From:** (b)(5), (b)(6), (b)(7)(C), (b)(7)(E)  
**Sent:** Sunday, January 29, 2017 11:33 AM  
**To:** SFO CBP CHIEFS <(b)(7)(E)>; SFO CBP SUPERVISORS <(b)(7)(E)>  
**Subject:** Update: RE: Transport to/from Martinez: 12 and 24 Hour Notification (b)(6), (b)(7)(C) 01/28/2017

Update:

1125 hrs - Transport team arrived at Contra Costa County Jail – Sector has been notified.

Updates to follow.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Sunday, January 29, 2017 10:25 AM  
**To:** SFO CBP CHIEFS <(b)(7)(E)>; SFO CBP SUPERVISORS <(b)(7)(E)>  
**Subject:** Transport to/from Martinez: 12 and 24 Hour Notification (b)(6), (b)(7)(C) 01/28/2017

01/29/2017

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

Thank you!

Sincerely,

(b)(6), (b)(7)(C)  
Supervisory CBP Officer & Chaplain  
Diversity and Inclusion Program Manager  
(b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Saturday, January 28, 2017 9:57 PM  
**To:** SFO CBP CHIEFS <(b)(7)(E)>; SFO CBP SUPERVISORS <(b)(7)(E)>



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

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

Subject: 12 and 24 Hour Notification - (b)(6), (b)(7)(E)

01/28/2017

**(b)(5), (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:** Thursday, February 02, 2017 3:41 AM  
**To:**

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

**Subject:** 212F Executive Order operation

Good morning,

As of this email, Per 212F Executive Order operation Query, no NIV or IV holders will be coming on 02/02/2017.

Regards,

(b)(6), (b)(7)(C)  
Customs and Border Protection Officer  
(b)(7)(E)  
San Francisco International Airport  
U.S. Customs and Border Protection  
Office of Field Operations

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

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**From:**  
**Sent:**  
**To:**

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

Friday, February 03, 2017 3:35 AM

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

**Subject:**

212F Executive Order operation.

Good morning,

As of this email, Per 212F Executive Order operation Query, no NIV or IV holders will be coming on 02/03/2017.

Regards,

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

Customs and Border Protection Officer

(b)(7)(E)

San Francisco International Airport  
U.S. Customs and Border Protection  
Office of Field Operations

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

**This document, and any attachment(s) hereto, may contain confidential and/or sensitive U.S. Government information, and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient(s). Please notify the sender if this email has been misdirected and immediately destroy all originals and copies of the original. Any disclosure of this document must be approved by U.S. Customs and Border Protection.**

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**From:** (b)(6), (b)(7)(C)  
**To:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 3:26 PM  
**Subject:** Read: Executive Order Update on Seaport Operations and Consolidated Guidance

Your message

To: (b)(6), (b)(7)(C)  
Subject: FW: Executive Order Update on Seaport Operations and Consolidated Guidance  
Sent: Tuesday, January 31, 2017 7:58:30 AM (UTC-10:00) Hawaii

was read on Tuesday, January 31, 2017 10:26:04 AM (UTC-10:00) Hawaii.

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 3:26 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Executive Order Update on Seaport Operations and Consolidated Guidance

done

(b)(6), (b)(7)(C) Port Director  
Kahului Maui, Hawaii  
ph: (b)(6), (b)(7)(C)  
fx: (b)(6), (b)(7)(C)

---

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 7:59 AM  
**To:** (b)(6), (b)(7)(C)  
**(b)(6), (b)(7)(C)**  
**Subject:** FW: Executive Order Update on Seaport Operations and Consolidated Guidance  
**Importance:** High

Please review the attached guidance. Please let me know if you have any questions. Acknowledge when complete.

Thank you.

(b)(6), (b)(7)(C)  
Port Director  
Kona International Airport  
Office: (b)(6), (b)(7)(C)  
Fax:

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 7:10 AM  
**To:** (b)(6), (b)(7)(C)  
**(b)(6), (b)(7)(C)**

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

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

Please be familiar with the current guidance on enforcement of the EO.

**(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:** HUMPHREY, BRIAN J (DFO)  
**Sent:** Tuesday, January 31, 2017 7:01 AM

**To:** **(b)(6), (b)(7)(C)**  
**(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)**  
**(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 (b)(7)(E) added to routing on 1/29.

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

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

(b)(7)(E)



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

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 3:26 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: Guidance on Withdrawal - Court Compliance

done

(b)(6), (b)(7)(C) Port Director  
Kahului Maui, Hawaii

pl (b)(6), (b)(7)(C)  
fx

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 7:29 AM  
**To:** (b)(6), (b)(7)(C)  
**(b)(6), (b)(7)(C)**  
**Subject:** FW: Guidance on Withdrawal - Court Compliance  
**Importance:** High

Please review, acknowledge when complete.

Thank you,

(b)(6), (b)(7)(C)  
Port Director  
Kona International Airport  
Office:  
Fax: (b)(6), (b)(7)(C)

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Monday, January 30, 2017 8:47 PM  
**To:** (b)(6), (b)(7)(C)  
**(b)(6), (b)(7)(C)**  
**Subject:** FW: Guidance on Withdrawal - Court Compliance

Please cascade down to be covered in musters of all officers.

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Tuesday, January 31, 2017 2:42:49 AM  
**To:** (b)(6), (b)(7)(C)  
**Cc:** (b)(6), (b)(7)(C)  
**Subject:** FW: Guidance on Withdrawal - Court Compliance

Please make sure this information is disseminated to your officers.

(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:** HUTTON, JAMES R  
**Sent:** Monday, January 30, 2017 6:16:46 PM  
**To:** DIRECTORS FIELD OPS; BORDER SECURITY ASST DIRECTORS; EXECUTIVE DIRECTORS HQ  
**Cc:** Owen, Todd C (AC OFO); WAGNER, JOHN P; (b)(6), (b)(7)(C)  
 (b)(6), (b)(7)(C)  
**Subject:** Guidance on Withdrawal - Court Compliance

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

(b)(5)

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

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



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

**Sent:** Monday, January 30, 2017 7:17 PM

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

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

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

**Subject:** Guidance on Withdrawal

(b)(5)

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

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

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

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 1:35 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

done

(b)(6), (b)(7)(C) Port Director  
Kahului Maui, Hawaii  
ph: (b)(6), (b)(7)(C)  
fx: (b)(6), (b)(7)(C)

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 8:29 AM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

Please review the attached guidance on LPRs. Acknowledge when complete.

Thank you

(b)(6), (b)(7)(C)  
Port Director  
Kona International Airport  
Office: (b)(6), (b)(7)(C)  
Fax: (b)(6), (b)(7)(C)

**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 2:32 PM  
**To:** (b)(6), (b)(7)(C)  
**Subject:** RE: FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

My color printer has a connection problem. I've called the help desk and opened a work ticket.

Thanks

(b)(6), (b)(7)(C) Port Director  
Kahului Maui, Hawaii  
ph: (b)(6), (b)(7)(C)  
fx: (b)(6), (b)(7)(C)

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**From:** (b)(6), (b)(7)(C)  
**Sent:** Wednesday, February 01, 2017 8:29 AM  
**To:** (b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
(b)(6), (b)(7)(C)  
**Subject:** FW: URGENT - FOR IMMEDIATE ACTION - White House Guidance Clarifying Executive Order on Foreign Terrorist Entry

Please review the attached guidance on LPRs. Acknowledge when complete.

Thank you

(b)(6), (b)(7)(C)  
Port Director  
Kona International Airport  
Office: (b)(6), (b)(7)(C)  
Fax: (b)(6), (b)(7)(C)

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**From:** (b)(6), (b)(7)(C)  
**To:**  
**Sent:** Tuesday, January 31, 2017 1:08 PM  
**Subject:** Read: Executive Order Update on Seaport Operations and Consolidated Guidance

Your message

To: (b)(6), (b)(7)(C)  
Subject: FW: Executive Order Update on Seaport Operations and Consolidated Guidance  
Sent: Tuesday, January 31, 2017 7:58:30 AM (UTC-10:00) Hawaii

was read on Tuesday, January 31, 2017 8:08:14 AM (UTC-10:00) Hawaii.