



United States Department of State

Washington, D.C. 20520

March 27, 2023

Case No. FL-2016-11198

John Michael Miano
Immigration Reform Law Institute
25 Massachusetts Ave., N.W.
Suite 335
Washington, D.C., 20001

Dear Mr. Miano:

As we noted in our letter dated February 27, 2023, we are processing your request for material under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The Department of State ("Department") has identified an additional one responsive record subject to the FOIA. We have determined that the record may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made redactions, the applicable FOIA exemptions are marked on the record. Where applicable, the Department has considered the foreseeable harm standard when reviewing these records and applying FOIA exemptions. All non-exempt material that is reasonably segregable from the exempt material has been released and is enclosed.

We will keep you informed as your case progresses. If you have any questions, please contact Assistant United States Attorney Kartik Venguswamy at (202) 252-1790 or Kartik.Venguswamy@usdoj.gov. Please refer to the associated case number, F-2016-11198, and the civil action number, 1:17-cv-00118, in all communications regarding this case.

Sincerely,

A handwritten signature in black ink, appearing to read 'Diamonece Hickson', with a stylized, cursive script.

Diamonece Hickson
Chief, Litigation and Appeals Branch
Office of Information Programs and Services

Enclosures: As stated.

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

(b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:

- 1.4(a) Military plans, systems, or operations
- 1.4(b) Foreign government information
- 1.4(c) Intelligence activities, sources or methods, or cryptology
- 1.4(d) Foreign relations or foreign activities of the US, including confidential sources
- 1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
- 1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
- 1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
- 1.4(h) Weapons of mass destruction

(b)(2) Related solely to the internal personnel rules and practices of an agency

(b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:

ARMSEXP	Arms Export Control Act, 50a USC 2411(c)
CIA PERS/ORG	Central Intelligence Agency Act of 1949, 50 USC 403(g)
EXPORT CONTROL	Export Administration Act of 1979, 50 USC App. Sec. 2411(c)
FS ACT	Foreign Service Act of 1980, 22 USC 4004
INA	Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f)
IRAN	Iran Claims Settlement Act, Public Law 99-99, Sec. 505

(b)(4) Trade secrets and confidential commercial or financial information

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product

(b)(6) Personal privacy information

(b)(7) Law enforcement information whose disclosure would:

- (A) interfere with enforcement proceedings
- (B) deprive a person of a fair trial
- (C) constitute an unwarranted invasion of personal privacy
- (D) disclose confidential sources
- (E) disclose investigation techniques
- (F) endanger life or physical safety of an individual

(b)(8) Prepared by or for a government agency regulating or supervising financial institutions

(b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

NR Material not responsive to a FOIA request excised with the agreement of the requester

SENSITIVE BUT UNCLASSIFIED

TALKING POINTS FOR ISRAEL AND THE VISA WAIVER PROGRAM

BACKGROUND:

(SBU) Under the INA, Israel must have a visa refusal rate of less than three percent for the previous full fiscal year to be eligible for VWP participation. Israel’s FY 2012 refusal rate was 5.4 percent. The bulk of the refusal rate is for young Israelis who have just left the army and intend to travel around the world working part time jobs along the way to finance their travels. (b)(7)(E)

(b)(5); (b)(7)(E)

(SBU) To be eligible for the VWP, countries are required under the INA to offer “reciprocal privileges to citizens and nationals of the United States.” Although the INA does not define reciprocal privileges, reciprocity in this context suggests that VWP countries provide U.S. citizens and nationals the same visa-free privileges offered to citizens and nationals of countries under the VWP: in other words, the ability for U.S. citizens to apply without a visa for admission to the VWP country at any port of entry for a period of up to three months for tourist or business purposes.

(b)(5); (b)(7)(E)

(b)(7)(E)

SENSITIVE BUT UNCLASSIFIED

(b)(5); (b)(7)(E)

TALKING POINTS:

- **(U) The Visa Waiver Program (VWP) is administered by the Department of Homeland Security (DHS).**
- **(SBU) The requirements for a country's designation as a VWP member are set by U.S. law. In addition to meeting all statutory requirements, aspirants must also pass a security assessment conducted by DHS.**

(b)(5); (b)(7)(E)

(b)(5); (b)(7)(E)

- **(U) The Department and DHS remain concerned by the unequal treatment that Palestinian-Americans and other Arab-Americans receive at Israel's borders and checkpoints.**

(b)(5); (b)(7)(E)

Approved: Assistant Secretary Janice L. Jacobs

Drafted: CA/VO/F/P – Tamara Oppliger (b)(6)

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VO Tasker #