



United States Department of State

Washington, D.C. 20520

August 24, 2023

Case No. FL-2018-05010

John Miano
Federation for American Immigration Reform
25 Massachusetts Ave. NW, Suite 330
Washington, DC 20001

Dear Mr. Miano:

As we noted in our letter dated July 13, 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 four responsive records subject to the FOIA. We have determined that two records may be released in part and two records may be released in full.

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 the record 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, your attorney may contact Assistant United States Attorney Stephanie Johnson at (202) 252-7874 or Stephanie.Johnson5@usdoj.gov. Please refer to the case number, FL-2018-05010, and the civil action number, 19-cv-00182, in all correspondence about this case.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Hickson', with a large, stylized initial 'D' and a long horizontal stroke extending to the right.

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

From: SMART Archive
Sent: 10/1/2016 11:39:54 AM
To: SMART Core
Subject: Suspension of Certain Visas in the Gambia Effective October 3, 2016

UNCLASSIFIED



MRN: 16 STATE 108632
Date/DTG: Oct 01, 2016 / 011252Z OCT 16
From: SECSTATE WASHDC
Action: BANJUL, AMEMBASSY *IMMEDIATE*
E.O.: 13526
TAGS: CMGT, CVIS
Reference: A) 16 STATE 47479
B) 16 STATE 100030
C) 16 STATE 101932
D) 16 STATE 75514
Pass Line: GMDHS
CA TRACKING NUMBER: T1486-16
Correction Reason: CORRECTED COPY: Corrected Para 6
Subject: Suspension of Certain Visas in the Gambia Effective October 3, 2016

1. (U) SUMMARY: In accordance with an order of the Secretary of State under section 243(d) of the Immigration and Nationality Act (INA), described in paragraph 6 below, consular officers at Embassy Banjul will, effective October 3, 2016, discontinue the issuance of nonimmigrant visas to certain individuals who are associated with the government of The Gambia (GoTG) or related entities ("covered individuals"). This discontinuance will also apply to the spouses and children, whether minor or adult, of these individuals. For the duration of sanctions, post will accept applications and MRV fees, and will interview as usual. Cases that may be refused based on an ineligibility, e.g. under INA 214(b) or 212(a), should be adjudicated and refused on that basis.

2. (U) SUMMARY, Continued: All visas for covered individuals considered otherwise approvable will be marked as such in the case notes and refused in the NIV system under refusal code "243(d)" for processing and tracking purposes. Consular officers should submit an Advisory Opinion on all applications for "A" and "G" visa applicants and on each case that the adjudicating consular officer believes may fall within one of the exceptions. A consular officer must obtain authorization from the Department to issue a visa in cases submitted for an Advisory Opinion before we may issue any visa.

3. (U) The Department will inform post and provide guidance, as appropriate, when the discontinuation of issuance is lifted and visas may be issued. The order does not apply to travel

consistent with U.S. international legal obligations such as under the United Nations Headquarters Agreement. In addition, there are exceptions for other U.S. government interests, and for urgent humanitarian or emergency reasons.

END SUMMARY.

4. (U) On September 30, 2016, Secretary of Homeland Security Johnson notified the Secretary of State that the Republic of The Gambia "has denied or unreasonably delayed" the return to that country of 11 specified aliens currently in ICE detention. Therefore, pursuant to INA Section 243 (d), the Secretary has ordered, effective October 3, 2016, consular officers in The Gambia to discontinue granting nonimmigrant visas, as described in paragraphs 6 and 7. This is a first step in targeted visa sanctions, intended to affect those persons most likely to influence The Gambia's policy makers.

5. (U) If the GoTG continues to refuse or delay the acceptance of its nationals, the sanctions may be expanded to include additional categories of visa applicants. Post should note that INA Section 243(d) applies only to visa issuance in The Gambia; therefore, covered individuals could still be issued visas by consular officers in another country, despite the section 243(d) discontinuance of issuance. Other posts generally are encouraged to transfer to Banjul cases of covered individuals who are physically present but not residents of the consular district where they apply, consistent with applicable regulations and FAM guidance.

6. (U) The Secretary of State has ordered the discontinuance of the issuance, initially, of nonimmigrant visas in the following categories to nationals of the republic of The Gambia beginning October 3, 2016 except as provided in paragraph 6(2), below:

(1) nonimmigrant visas shall not be issued to:

(a) officials or employees of the GoTG, the military, the legislature, and the judiciary, and their spouses and children, whether minor or adult; and

(b) officers or employees of entities identified in paragraph 10, below, and their spouses and children, whether minor or adult.

(2) The discontinuance of nonimmigrant visa issuance shall not apply to persons described in paragraph 6(1) above:

(a) who are traveling to the United Nations in New York and whose entry must be facilitated under the United Nations Headquarters Agreement or other international obligations as determined by the Department,

(b) whose travel serves the national interest as determined by the Department,

- (c) who are traveling for humanitarian or emergency reasons such as for medical care as determined by the Department, or
- (d) who are otherwise specifically authorized by the Department to be issued a visa.

Consular officers should request an Advisory Opinion for any applicant the officer believes may fall in any of these categories, as well as applicants qualifying for A or G visas, by email to CA-AO243d@state.gov.

7. (U) Applicants who fall under paragraph 6(1) who are not eligible for a visa, should be refused under INA Section 214(b), INA Section 212(a), or the other relevant refusal code, as in any other adjudication. Officers should ask questions intended to discover whether applicants might fall in one of the categories defined in (1)(a) and (1)(b) of paragraph 6, above. **If** an applicant who falls under paragraph 6(1) is otherwise qualified for a visa, Post must first enter a refusal code under INA 243(d) only. Post should handle any approved applications still pending for issuance at opening of business October 3, 2016 at Embassy Banjul as described above. We will not refund the MRV application fee.

8. (U) Post should display notice in the consular section and on post's website to inform applicants of the discontinuance of visa issuance and note that we will not refund fees.

9. (U) Applicants who cannot be issued a visa because of imposition of section 243(d) should be given this notice:

Dear [Insert Applicant's Name]:

This letter is to inform you that we are unable to grant your visa because of Section 243 (d) of the Immigration and Nationality Act. The Secretary of Homeland Security has notified the Secretary of State that The Gambia denies or unreasonably delays accepting the return of its citizens, subjects, nationals or residents subject to deportation from the United States, and the Secretary of State has ordered consular officers in The Gambia to discontinue granting nonimmigrant visas to certain individuals associated with the Government of Gambia and other listed Gambian entities, as well as their spouses and children with certain limitations. Consistent with this law, the issuance of your visa has been suspended. Applicants cannot appeal the decision and we will not refund the visa application fee.

When the Secretary of Homeland Security notifies the Secretary of State that The Gambia has complied with U.S. requests relating to acceptance of its nationals, the

normal issuance of visas will resume. A consular officer will review your application at that time, and may contact you as necessary regarding it.

Sincerely,

Consular Officer

10. (U) In addition to officials or employees of the GoTG, the following entities are included in the Secretary's order:

- Bureau of Statistics (GBOS)
- Central Bank
- Civil Aviation Authority
- Banjul International Airport
- Customs & Excise
- Divestiture Agency
- Banjul Capital
- Gambia Competition Commission
- Gambis
- Gamtel
- Gambia Agency for Management of Public Works (Gamworks)
- Gambia Investment & Export Promotion Agency (GIEPA)
- Gambia Public Procurement Authority (GPPA)
- Gambia Tourism Board (GTB)
- Gambia Public Transport Corporation (GPTC)
- Gambia Radio & Television Services (GRTS)
- Independent Electoral Commission (IEC)
- National AIDS Secretariat
- National Environment Agency (NEA)
- National Training Authority (NTA)
- National Water & Electricity Company (NAWEC)
- National Centre For Arts & Culture (NCAC)
- Ports Authority
- Post Office
- Public Procurement Authority
- Public Service Commission
- Public Utilities Regulatory Authority (PURA)
- Royal Victoria Teaching Hospital (RVTH)
- Social Security & Housing Finance (SSHFC)

- Assets Management & Recovery Corp (AMRC)
- University of The Gambia

11. (U) When the Secretary of Homeland Security has informed the Secretary of State that GoTG has accepted its nationals subject to removal orders, the sanctions will be lifted. The Department will send a cable at that time and provide additional instructions.

Signature: Kerry

Drafted By: VO:Simon Hankinson, ext. 5-6770, cell

(b)(6)

Cleared By:

CA: JEchard
CA/VO: ERamotowski
CA/VO: KKing
CA/VO: SHankinson
CA/VO/F: MMcEvoy
CA/VO/L: DNewman
CA/VO/L: NPerry
D: CDavis
D-MR: BThomas
P: JJeffreys
S/P: SOat-Judge
M: DWinters
AF: DBWharton, Acting:M/PRI: ALarkin
AF/W: VTrim
OFM: CSeagroves
L/FO: KHooke
L/CA: J Osborne/EDonnelly
USEmb Banjul: MMurray
USEmb Banjul: CAlsup
Approved By: Michele T. Bond
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Info: ECOWAS COLLECTIVE *IMMEDIATE*

Dissemination Rule: Archive Copy

UNCLASSIFIED



WASHINGTON

SEP 11 2017

The Honorable
Elaine Duke
Acting Secretary of Homeland Security
245 Murray Lane, S.W.
Washington, D.C. 20528

Dear Ms. Duke:

I have received your letter on August 16, 2017 formally notifying me of your determination, pursuant to Section 243(d) of the Immigration and Nationality Act, 8 U.S.C. 1253(d), that Eritrea has denied or unreasonably delayed the return of its citizens whom the United States has ordered removed and noting the Department's obligations under that law.

In response to your notification, effective September 11, 2017, I have ordered, as a first step, that consular officers in Asmara discontinue the issuance of B1, B2, and B1/B2 non-immigrant visas to citizens, subjects, nationals, and residents of the Republic of Eritrea. If after 90 days Eritrea does not improve cooperation, this order will be expanded to all F1, F2, J1, J2, M1, and M2 as well for all citizens, subjects, nationals, and residents of the Republic of Eritrea. The order does not apply for travel in the U.S. national interest, for urgent humanitarian or emergency reasons, and other limited exceptions. As noted in the order, these initial measures may be expanded to include additional categories of applicants, as needed. I am enclosing a copy of my order, for your reference.

I look forward to hearing from you on significant actions taken by Eritrea to cooperate with their international obligations.

Sincerely,

Rex W. Tillerson
Secretary of State

Enclosures:
As stated.

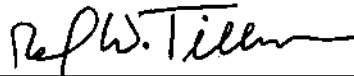
DEPARTMENT OF STATE
Office of the Secretary

Exercise of Authority under Section 243(d) of the Immigration and Nationality Act (INA)
Temporarily Discontinuing Visa Issuance to Certain Applicants in Eritrea

- (1) Following receipt of notice from the Secretary of the Department of Homeland Security that the Government of Eritrea is denying or unreasonably delaying accepting certain aliens who are citizens, subjects, nationals, or residents of that country, after that government was asked to accept said aliens under this section. In my capacity as Secretary of State, acting under the authority of INA section 243(d), 8 USC 1253(d), order consular officers in Eritrea to discontinue granting non-immigrant B1, B2, and B1/B2 visas to citizens, subjects, nationals, and residents of Eritrea beginning on the second business day following the signing of this order.
- (2) This discontinuation of non-immigrant visa issuance shall not apply to persons described in paragraph (1) above:
 - (a) whose travel serves the national interest as determined by the Department,
 - (b) who are traveling for humanitarian or emergency reasons such as for medical care as determined by the Department, or
 - (c) who are otherwise specifically authorized by the Department to be issued a visa.
- (3) This discontinuation of issuance of non-immigrant visas may be expanded to include additional categories of applicants upon agreement of the Assistant Secretary for African Affairs and the Assistant Secretary for Consular Affairs.
- (4) Normal issuance of visas in Eritrea will resume when the Secretary of Homeland Security provides notice as required under the statute.

SEP 11 2017

Date



Rex W. Tillerson
Secretary of State



THE SECRETARY OF STATE

WASHINGTON

SEP 11 2017

The Honorable
Elaine Duke
Acting Secretary of Homeland Security
245 Murray Lane, SW
Washington, DC 20528

Dear Ms. Duke:

I received your recent letter formally notifying me of your determination, pursuant to Section 243(d) of the Immigration and Nationality Act, 8 U.S.C. 1253(d), that Sierra Leone has denied or unreasonably delayed the return of its citizens whom the United States has ordered removed and noting the Department's obligations under that law.

In response to your notification, effective September 11, 2017, I have ordered, as a first step, that consular officers in Freetown discontinue the issuance of B1, B2, and B1/B2 nonimmigrant visas to all Ministry of Foreign Affairs officials and, immigration officials, of Sierra Leone. If after 90 days Sierra Leone does not improve cooperation, this order will be expanded to all citizens, subjects, nationals, and residents of Sierra Leone. The order does not apply for travel in the U.S. national interest, for urgent humanitarian or emergency reasons, and other limited exceptions. As noted in the order, these initial measures may be expanded to include additional categories of applicants, as needed. I am enclosing a copy of my order, for your reference.

I look forward to hearing from you on significant actions taken by Sierra Leone to cooperate with their international obligations.

Sincerely,

Rex Tillerson

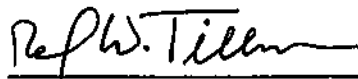
Enclosures:

As stated.

DEPARTMENT OF STATE**Office of the Secretary****Exercise of Authority under Section 243(d) of the Immigration and Nationality Act (INA)
Temporarily Discontinuing Visa Issuance to Certain Applicants in Sierra Leone**

- (1) Following receipt of notice from the Secretary of Homeland Security that the Government of Sierra Leone is denying or unreasonably delaying accepting certain aliens who are citizens, subjects, nationals, or residents of that country, after that government was asked to accept said aliens under this section, I, in my capacity as Secretary of State, acting under the authority of INA section 243(d), 8 USC 1253(d), order consular officers in Sierra Leone to discontinue granting B1, B2, and B1/B2 nonimmigrant visas to all Ministry of Foreign Affairs officials and, immigration officials, of Sierra Leone beginning on the second business day following the signing of this order.
- (2) This discontinuation of nonimmigrant visa issuance shall not apply to persons described in paragraph (1) above:
 - (a) whose travel serves the national interest as determined by the Department,
 - (b) who are traveling for humanitarian or emergency reasons such as for medical care as determined by the Department, or
 - (c) who are otherwise specifically authorized by the Department to be issued a visa.
- (3) This discontinuation of issuance of nonimmigrant visas may be expanded to include additional categories of applicants upon agreement of the Assistant Secretary for African Affairs and the Assistant Secretary for Consular Affairs.
- (4) Normal issuance of visas in Sierra Leone will resume when the Secretary of Homeland Security provides notice as required under the statute.

SEP 11 2017

Date

Rex Tillerson
Secretary of State

The Honorable
Elaine Duke
Acting Secretary of Homeland Security
245 Murray Lane, S.W.
Washington, D.C. 20528

Dear Ms. Duke:

I have received your letter on August 16, 2017 formally notifying me of your determination, pursuant to Section 243(d) of the Immigration and Nationality Act, 8 U.S.C. 1253(d), that Eritrea has denied or unreasonably delayed the return of its citizens whom the United States has ordered removed and noting the Department's obligations under that law.

In response to your notification, effective September 11, 2017, I have ordered, as a first step, that consular officers in Asmara discontinue the issuance of B1, B2, and B1/B2 non-immigrant visas to citizens, subjects, nationals, and residents of the Republic of Eritrea. If after 90 days Eritrea does not improve cooperation, this order will be expanded to all F1, F2, J1, J2, M1, and M2 as well for all citizens, subjects, nationals, and residents of the Republic of Eritrea. The order does not apply for travel in the U.S. national interest, for urgent humanitarian or emergency reasons, and other limited exceptions. As noted in the order, these initial measures may be expanded to include additional categories of applicants, as needed. I am enclosing a copy of my order, for your reference.

I look forward to hearing from you on significant actions taken by Eritrea to cooperate with their international obligations.

Sincerely,

Rex W. Tillerson
Secretary of State

Enclosures:
As stated.

Approved: CA: Carl C. Risch (CCR)
AF: Peter Barlerin, Senior Bureau Official (PB)

Drafted: CA/VO: Valerie Chittenden ext. (b)(6)

Cleared: CA: PMarigliano (ok)
CA: KChristensen (ok)
AF/W: SClark (ok)
L: KHooke (ok)
L/CA: DSallie (ok)
CA/VO: ERamotowski (ok)
CA/VO/F: CParker (ok)
CA/VO/L: DNewman (ok)
D: JShufflebarger (ok)
D: KNanavatty (ok)
P: LSnyder (ok)
M: JWhiteley (ok)
S/P: TFrideres (ok)
R: SMorimura (ok)