



United States Department of State

Washington, D.C. 20520

November 16, 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 October 5, 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 three responsive records subject to the FOIA. We have determined that one record may be released in full and two records 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 each 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, 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".

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

Visas Refused Under 243(d) Since September 12, 2017

Country	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	TOTAL
Cambodia		3											
Eritrea		37											
The Gambia		22											
Guinea		44											
Senegal		1											
Sierra Leone		8											

Updated: 2/15/22

From: CA-VO-Special Assistant
Sent: Tue, 12 Sep 2017 05:30:42 -0600
To: Beaumont, Taylor W;Callahan, Ellen;Callard, Robert A;CA-VO-F;CA-VO-I;CA-VO-Managers;CA-VO-SAC;Giblin, Bryan M;Howard, Evangeline L;Kennedy, Barbara J;Oudkirk, Scott M;Poletes, Katerina Y;Saravia, Stacy L;Talkovsky, Sarah;Taylor, Colleen;Varnan, Beena M;Williams, Erin
Cc: CA-VO-Special Assistant
Subject: Key Cables 9-12-2017
Attachments: image001.jpg, image002.jpg, Key Cables 9-12-2017.docx

DeControlled

Key Cables – September 12, 2017

(SBU) CABLE: Sierra Leone Demarche Request Notification of 243(d) Visa Sanctions

(SBU) CABLE: Eritrea Demarche Request Notification of 243(d) Visa Restrictions

(SBU) Cable: Guinea Demarche Request Notif





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A-00000477841

"UNCLASSIFIED"

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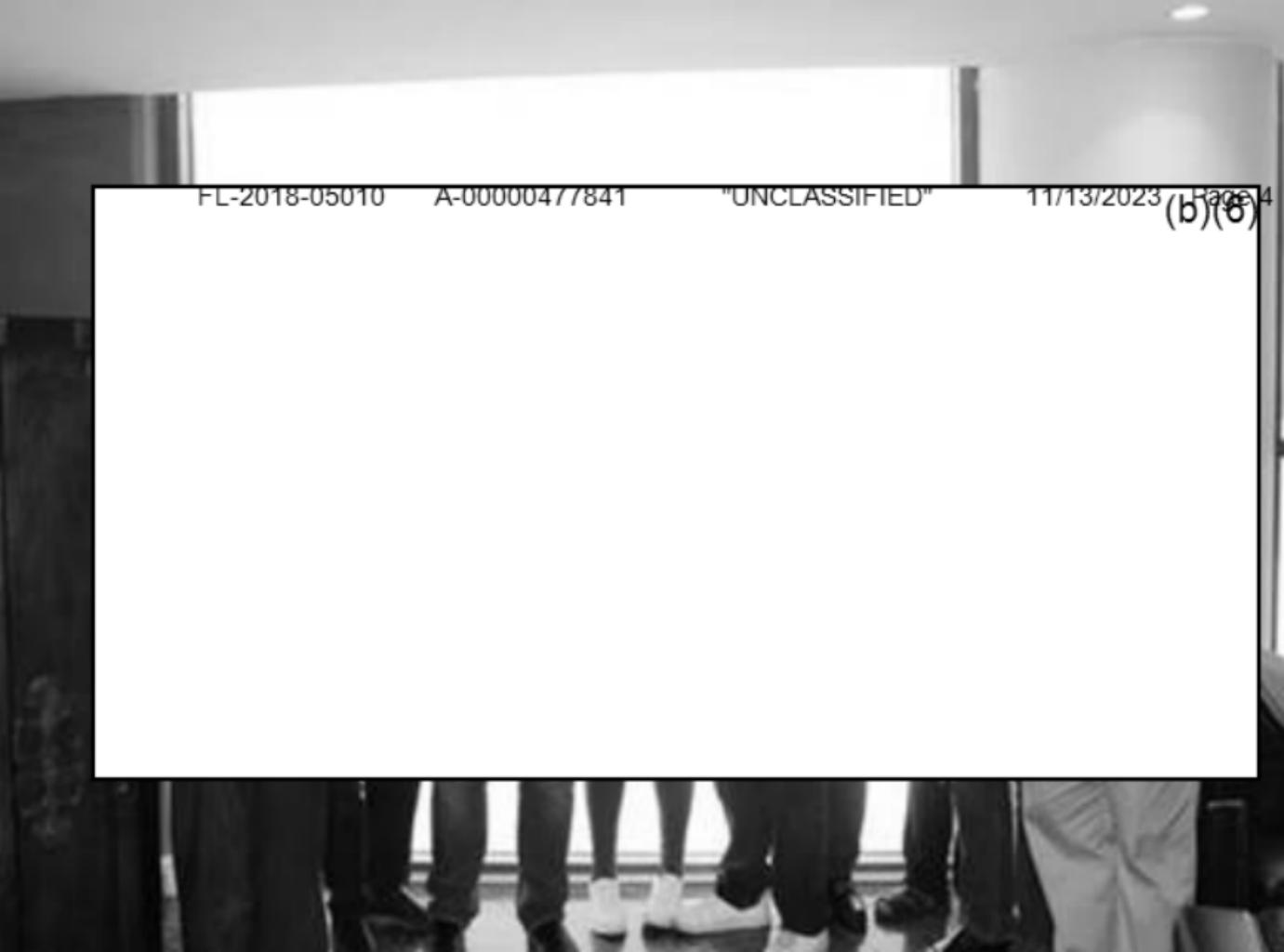
FL-2018-05010

A-00000477841

"UNCLASSIFIED"

11/13/2023

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(b)(6)



Key Cables – February 15, 2022

(SBU) CABLE: Sierra Leone Demarche Request Notification of 243(d) Visa Sanctions

(SBU) CABLE: Eritrea Demarche Request Notification of 243(d) Visa Restrictions

(SBU) CABLE: Guinea Demarche Request Notification of 243(d) Visa Restrictions

(SBU) CABLE: Demarche Request Notification of 243(d) Visa Restrictions Cambodia

(SBU) ALDAC: Guidance on the Suspension of Certain Visas in Cambodia

(SBU) ALDAC: Guidance on the Suspension of Certain Visas in Eritrea

(SBU) ALDAC: Guidance on the Suspension of Certain Visas in Sierra Leone

(SBU) ALDAC: Guidance on the Suspension of Certain Visas in Guinea

(SBU) CABLE: Discontinuing the Issuance of Certain Visas in Guinea Effective September 13, 2017

(SBU) CABLE: Discontinuing the Issuance of Certain Visas in Sierra Leone Effective September 13, 2017

(SBU) CABLE: Discontinuing Issuance of Certain Visas in Eritrea Effective September 13, 2017

(SBU) CABLE: Suspension of Certain Visas in Cambodia Effective September 13, 2017

(SBU) ALDAC: Hurricane Response Task Force Sit Rep #7

(SBU) BARBADOS: Embassy Bridgetown Hurricane Irma and Jose Sit Rep #6

(SBU) FRANCE: Embassy Paris Sit Rep #1 on French St. Martin- September 11, 2017

(SBU) NETHERLANDS: Situation Report #6 on Sint Maarten: September 11, 2017

(SBU) ROMANIA: Romania Looking for Likeminded States to Help Raise U.S. Citizen Issues with Iran

(SBU) MAURITANIA: Mauritanian Government Bars Entry to Delegation of U.S. Anti-Slavery NGOs

(SBU) SOUTH SUDAN: Kudos for Extraordinary Efforts on Complicated Repatriation of Remains Case

(SBU) KENYA: Kudos for Extraordinary Efforts on Complicated Repatriation of Remains Case

**(SBU) CABLE: Sierra Leone Demarche Request Notification of 243(d)
Visa Sanctions****MRN:** 17 STATE 93416**Date/DTG:** Sep 12, 2017 / 120239Z SEP 17**From:** SECSTATE WASHDC**Action:** FREETOWN, AMEMBASSY ROUTINE**E.O.:** 13526**TAGS:** CMGT, CVIS, DHS, SL, 1A, 1W**Captions:** SENSITIVE**Reference:** A) 17 STATE 93390

B) 17 STATE 93404

Subject: Sierra Leone Demarche Request Notification of 243(d) Visa Sanctions

1.-(SBU) This is an action request. The Department requests Embassy Freetown demarche Sierra Leone at the highest appropriate level to deliver the Diplomatic Note contained in paragraph four and inform Sierra Leone of the decision by the Secretary to impose visa restrictions on Sierra Leone, effective September 13, 2017. These restrictions are the result of Sierra Leone's lack of cooperation in issuing travel documents and accepting the return of its nationals ordered removed from the United States. Embassy Freetown can draw from the points contained in paragraph five as appropriate.

2.-(SBU) Summary: On August 16, 2017, Acting Secretary of Homeland Security Elaine Duke notified the Secretary of State that Sierra Leone "continues to deny or unreasonably delay the return of its citizens or nationals whom the United States has ordered removed. Therefore, the Acting Secretary of Homeland Security gave notice to the Secretary of State, pursuant to 8 U.S.C §1253(D), requiring the Secretary of State to impose visa restrictions. Pursuant to INA Section 243(d), the Secretary ordered, effective September 13, 2017, consular officers in Sierra Leone to discontinue granting all nonimmigrant B1, B2, and B1/B2 visa applications for Ministry of Foreign Affairs and Immigration officials in Sierra Leone. If Sierra Leone continues to refuse or delay the acceptance of its nationals, the restrictions will be expanded to include additional categories of visa applicants.

3.-(SBU) Background: Countries have an international legal obligation to accept the return of their nationals whom another state seeks to expel, remove, or deport. The Convention on International Civil Aviation, Annex 9, to which Sierra Leone is a party, states that a Contracting State shall, when requested to provide travel documents to facilitate the return of one of its nationals, respond within a reasonable period of time and not more than 30 days after such a request was made either by issuing a travel document or by satisfying the requesting State that the person concerned is not one of its nationals. DHS and State have agreed on the following expectations with respect to repatriations. Countries will:

- i. Routinely issue travel documents for their nationals, detained or non-detained, within 30 days of a request for such travel document at no cost to the U.S. government. Additionally, travel documents should be immediately issued in cases where ICE presents clear evidence of nationality.

- ii. Notify ICE, within 30 days of request for a travel document, if it believes the subject of a travel document request is not a national of that country, furnishing such evidence or information as they are able to obtain.
- iii. Recognize documents establishing identity and/or nationality they have issued to one of their putative nationals as evidence of identity and nationality, in the absence of new evidence or information suggesting the individual is not such.
- iv. Notify ICE of any deficiencies in the travel document request within seven days of receiving the request.
- v. Accept repatriations via commercial air and/or chartered flight with no more than five business days' notification. Conduct identity verification interview or take other necessary steps to verify identity and nationality within ten business days of receipt of a travel document request for all individuals who are not in possession of an original or photocopy of identity documents.
- vi. Establish and implement a repeatable practice for the efficient issuance of travel documents and/or approval for removal via Form I-269 (Certificate of Identity). In addition, DHS has informed the Department of State that if Sierra Leone can demonstrate progress on creating a sustained, repeatable system of unprompted issuance of travel documents (that is, not requiring a high level of U.S. intervention) for 120 consecutive days – four consecutive 30-day periods – then this may be taken into account by ICE when making recommendations on the easing and/or lifting of 243(d) visa restrictions.

4.-(SBU) Begin Diplomatic Note:

The Embassy of the United States presents its compliments to the Ministry of Foreign Affairs of Sierra Leone and has the honor to bring to its attention the outstanding matter of Sierra Leonean nationals subject to final orders of removal from the United States. These individuals have exhausted their legal remedies and have no right to remain in the United States.

Section 243(d) of the Immigration and Nationality Act authorizes the Secretary of Homeland Security to notify the Secretary of State if a government of a foreign country denies or unreasonably delays accepting one or more of its nationals after the Department of Homeland Security (DHS) has asked that government to accept the national(s). After receiving such notification, the Secretary of State is required to order consular officers in that country to discontinue the granting of immigrant visas, nonimmigrant visas, or both to nationals of that country, until the Secretary of Homeland Security notifies the Secretary of State that the individual(s) have been accepted by that government. Despite repeated requests by United States authorities in both Washington and Freetown, the Government of Sierra Leone has failed to cooperate sufficiently to facilitate the removal of its nationals from the United States.

Accordingly, the Embassy of the United States is obliged to inform the Ministry of

Foreign Affairs of Sierra Leone that the United States intends to impose visa restrictions against Sierra Leone. Effective September 13, 2017, the U.S. Embassy in Freetown will discontinue issuing B (business or pleasure) nonimmigrant visas to Sierra Leonean Ministry of Foreign Affairs officials and immigration officials.

The visa restrictions will take effect immediately and will remain in place until the Secretary of Homeland Security has determined that Sierra Leone has accepted the return of its nationals and so informed the State Department. In the event that Sierra Leone continues to deny or unreasonably delay accepting its nationals who have been ordered removed from the United States, after 90 days, these restrictions may be broadened further.

In order for restrictions to be lifted, your government must cooperate in the following way: 1) issue travel documents for each of the individuals listed in the enclosure no later than 30 calendar days from the date of receipt of demarche and facilitate their repatriation as soon as practicable; 2) commit by September 15 to continued documentation of Sierra Leonean nationals within 30 days of receipt of a request from Immigration and Customs Enforcement (ICE), and 3) continue to issue travel documents within 30 days of receipt of a request from ICE.

Upon request, the Department of State and ICE stand ready to assist Sierra Leone in interviewing its nationals and planning their removal.

End Diplomatic Note.

5. (U) Talking Points: The U.S. government again expresses its profound sympathy to the people of Sierra Leone during this period of national mourning following the tragic flooding and mudslides. We continue to seek to support your efforts to care for those affected.

- As you know, the U.S. government, both in Freetown and Washington, has discussed the issue of removals regularly with your government.
- I must inform you that on August 16, the Secretary of Homeland Security notified the Secretary of State that Sierra Leone continues to deny or unreasonably delay the return of its citizens or nationals whom the United States has ordered removed.
- Consequently, on September 13, 2017, the U.S. government will announce that it is instructing consular officers in Sierra Leone to discontinue issuing B visas to MFA and immigration officials, with limited exceptions.
- The visa restrictions will take effect immediately and will remain in place until the Secretary of Homeland Security has determined that Sierra Leone has implemented a system of regularly and consistently accepting the return of its nationals and so informed the State Department.
- In the event that Sierra Leone continues to deny or unreasonably delay accepting its nationals who have been ordered removed from the United States, after 90 days, these restrictions may be broadened further.

- In order for restrictions to be lifted, your government must cooperate in the following way: 1) issue travel documents for each of the individuals listed in the enclosure no later than 30 calendar days from the date or receipt of demarche and facilitate their repatriation as soon as practicable; 2) commit by September 15 to continued documentation of Sierra Leonean nationals within 30 days of receipt of a request from Immigration and Customs Enforcement (ICE), and 3) continue to issue travel documents within 30 days of receipt of a request from ICE.

End talking points.

6. (U) The Department recognizes and thanks Embassy Freetown for its assistance in facilitating the repatriation

of aliens subject to final orders of removal from the United States.

Signature: Tillerson

{SBU} CABLE: Eritrea Demarche Request Notification of 243(d) Visa Restrictions

MRN: 17 STATE 93414

Date/DTG: Sep 12, 2017 / 120224Z SEP 17

From: SECSTATE WASHDC

Action: ASMARA, AMEMBASSY ROUTINE

E.O.: 13526

TAGS: CMGT, CVIS, DHS, ER, 1A, 1E

Captions: SENSITIVE

Reference: A) 17 ASMARA 49

B) 17 AMARA 65

C) 17 ASMARA 93

D) 17 ASMARA 99

E) 17 ASMARA 107

F) 17 STATE 93388

G) 17 STATE 93406

Subject: Eritrea Demarche Request Notification of 243(d) Visa Restrictions

1. {SBU} This is an action request. The Department requests that Embassy Asmara demarche Eritrea at the highest appropriate level to deliver the Diplomatic Note in paragraph five. The text contains information on impending visa restrictions effective September 13 as a result of Eritrea's lack of cooperation in issuing travel documents and accepting the return of their nationals ordered removed from the United States. Embassy Asmara can draw on the points contained in paragraph four, as appropriate.

2. {SBU} Background: On August 16, Acting Secretary of Homeland Security Elaine Duke notified the Secretary of State that the Eritrea "has denied or unreasonably delayed" the return to that country of certain aliens under final order of removal. We have been advised that there are 70 Eritrean aliens currently detained by the U.S. Department of Homeland Security Immigration and Customs Enforcement (ICE) and an additional 644 nondetained aliens. Therefore, pursuant

to INA Section 243(d), the Secretary ordered, effective September 13, consular officers in Eritrea to discontinue granting all B1, B2, and B1/B2 nonimmigrant visas to citizens, subjects, nationals, and residents of that country.

3. (SBU) The removal from the United States of aliens subject to final orders of removal is a significant national security issue. Countries have an international legal obligation to accept the return of their nationals whom another state seeks to expel, remove, or deport. DHS regards a country that refuses or unreasonably delays accepting the return of its nationals as “uncooperative.” There are 12 such countries as of ICE’s last determination, in May, including Eritrea. While we have made progress with other countries on the list through strenuous diplomatic engagement, Eritrea has shown very limited positive movement. Therefore, the Acting

Secretary of Homeland Security sent notice requiring the Secretary of State, pursuant to 8 U.S.C. §1253(d), to order consular officers to discontinue issuing immigrant or nonimmigrant visas or both to Eritrean citizens, subjects, nationals, and residents of that country. Should Eritrea not demonstrate adequate progress, the scope of discontinuation of visa issuances might be broadened to other visa categories within 90 days.

4. (SBU) The Convention on International Civil Aviation, Annex 9, to which Eritrea is a party, states that a Contracting State shall, when requested to provide travel documents to facilitate the return of one of its nationals, respond within a reasonable period of time and not more than 30 days after such a request was made either by issuing a travel document or by satisfying the requesting State that the person concerned is not one of its nationals. DHS and State have agreed on the following expectations with respect to repatriations. Countries will:

- i. Routinely issue travel documents for their nationals, detained or non-detained, within 30 days of a request for such travel document at no cost to the U.S. Government. Additionally, travel documents should be immediately issued in cases where ICE presents clear evidence of nationality.

- ii. Notify ICE, within 30 days of request for a travel document, if it believes the subject of a travel document request is not a national of that country, furnishing such evidence or information as they are able to obtain.

- iii. Recognize documents establishing identity and/or nationality they have issued to one of their putative nationals as evidence of identity and nationality, in the absence of new evidence or information suggesting the individual is not such.

- iv. Notify ICE of any deficiencies in the travel document request within seven days of receiving the request.

- v. Accept repatriations via commercial air and/or chartered flight with no more than five business days’ notification. Conduct identity verification interviews or take other necessary steps to verify identity and nationality within ten business days of receipt of a travel document request for all individuals who are not in possession of an original or photocopy of identity documents.

- vi. Establish and implement a consistent, timely, and repeatable practice for the efficient issuance of travel documents and/or approval for removal via Form I-269 (Certificate of Identity).

In addition, ICE has informed the Department of State that if Eritrea can demonstrate progress toward a sustained, repeatable system of unprompted issuance of travel documents (that is, not requiring high-level U.S. intervention) for 120 consecutive days, then this may be taken into account by ICE when making recommendations on the easing or lifting of 243(d) visa restrictions. Eritrea has been informed repeatedly in Washington and Asmara that failure to cooperate with ICE on removals would result in the imposition of visa restrictions.

5. (SBU) Begin Diplomatic Note:

The Embassy of the United States presents its compliments to the Ministry of Foreign Affairs of the State of Eritrea and has the honor to bring to its attention the outstanding matter of Eritrean nationals subject to final orders of removal from the United States. As the Ministry is aware, the United States has long expressed concern that Eritrea has been unresponsive to the repeated requests, in Asmara and Washington, from U.S. officials to properly document and facilitate the return home of its nationals who have exhausted their legal remedies and have no right to remain in the United States.

Every country has an international legal obligation to accept the return of its nationals whom another state seeks to expel, remove, or deport. As a result of Eritrea's insufficient cooperation in this regard, the Department of Homeland Security (DHS), Immigration and Customs Enforcement has placed Eritrea on its list of countries determined to be "Uncooperative" in accepting the return of their nationals, meaning, in accordance with 8 U.S.C §1253(d), that "the government of a foreign country denies or unreasonably delays accepting an alien who is a citizen, subject, national, or resident of that country."

Section 243(d) of the Immigration and Nationality Act authorizes the Secretary of Homeland Security to notify the Secretary of State if a government of a foreign country denies or unreasonably delays accepting one or more of its nationals after DHS has asked that government to accept the national(s). After receiving such notification, the Secretary of State is required to order consular officers in that country to discontinue the granting of immigrant visas, nonimmigrant visas, or both to nationals of that country, until the Secretary of Homeland Security notifies the Secretary of State that the individual(s) have been accepted by that government.

Despite repeated requests by U.S. authorities in both Washington and Asmara, the Government of the State of Eritrea has yet to cooperate sufficiently to facilitate the removal of their nationals from the United States. The List of Eritreans under Final Order of Removal (attached) is the current list of such nationals ordered removed, and is subject to change as circumstances warrant.

Accordingly, the Embassy of the United States is obliged to inform the Ministry of Foreign Affairs of the Government of the State of Eritrea that the United States intends to impose visa restrictions against Eritrea. Effective September 13, 2017, the U.S. Embassy in Asmara will discontinue issuing B1, B2, and B1/B2 nonimmigrant visas to citizens, subjects, nationals, and residents of Eritrea.

The visa restrictions will take effect immediately and will remain in place until the Secretary of Homeland Security has determined that Eritrea has accepted the return of its nationals and so informed the State Department. To demonstrate cooperation, the government should expeditiously issue travel documents for each of the individuals listed in the enclosure, facilitate their immediate repatriation, and commit to the United States to a repeatable process

whereby Eritrea issues travel documentation to Eritrean nationals within 30 days of receipt of a request from Immigration and Customs Enforcement (ICE). In the event that Eritrea denies or unreasonably delays accepting its nationals who have been ordered removed from the United States, after 90 days, these restrictions may be broadened further. However, the State Department understands from ICE that if the Government of the State of Eritrea demonstrates progress toward a sustained, repeatable system of unprompted issuance of travel documents for 120 consecutive days, then this may be taken into account by ICE when making recommendations on the easing or lifting of visa 243(d) visa restrictions.

The visa restrictions will take effect immediately and will remain in place until the Secretary of Homeland Security has determined that Eritrea has accepted the return of its nationals, committed to, and demonstrated a repeatable process for documentation and repatriation of nationals, and so informed the State Department.

Upon request, the Department of State and ICE stand ready to assist Eritrea in interviewing its nationals and planning their removal, including in the provision of chartered flights to facilitate repatriation.

End Diplomatic Note.

Signature: Tillerson

~~(SBU)~~ CABLE: Guinea Demarche Request Notification of 243(d) Visa Restrictions

MRN: 17 STATE 93412
Date/DTG: Sep 12, 2017 / 120214Z SEP 17
From: SECSTATE WASHDC
Action: CONAKRY, AMEMBASSY ROUTINE
E.O.: 13526
TAGS: CMGT, CVIS, DHS, GN, 1A, 1W
Captions: SENSITIVE
Reference: A) 17 CONAKRY 53
B) 17 STATE 77186
C) 17 CONAKRY 148
D) 17 CONAKRY 142
E) 16 STATE 128370
F) 17 STATE 93392
G) 17 STATE 93402
Subject: Guinea Demarche Request Notification of 243(d) Visa Restrictions

1. ~~(SBU)~~ This is an action request. Embassy Conakry is requested to demarche the Government of Guinea at the highest appropriate level to deliver the Diplomatic Note contained in paragraph four, and inform the Government of Guinea of the decision by the Secretary to impose visa restrictions on Guinea, effective September [13], 2017, as a result of Guinea's lack of cooperation in issuing travel documents and accepting the return of its nationals ordered removed from the United States. Embassy Conakry can draw from the points contained in paragraph five as appropriate.

2. ~~(SBU)~~ SUMMARY: On August 16, 2017, 2017, Acting Secretary of Homeland Security

Elaine Duke notified the Secretary of State that the Government of Guinea “continues to deny or unreasonably delay the return of its citizens or nationals whom the United States has ordered removed.” Therefore, pursuant to INA Section 243(d), the Secretary of State ordered, effective September 13, 2017, consular officers in Guinea to discontinue granting all nonimmigrant B1, B2, B1/B2, F1, F2, J1, J2, M1, and M2 to Guinean government officials and their immediate family members. If the Government of Guinea continues to refuse or delay the acceptance of its nationals, the restrictions will be expanded to include additional categories of visa applicants. END SUMMARY.

3. (SBU) Background: Countries have an international legal obligation to accept the return of their nationals whom another state seeks to expel, remove, or deport. The Convention on International Civil Aviation, Annex 9, to which Guinea is a party, states that a Contracting State shall, when requested to provide travel documents to facilitate the return of one of its nationals, respond within a reasonable period of time and not more than 30 days after such a request was made either by issuing a travel document, or by satisfying the requesting State that the person concerned is not one of its nationals. DHS and State have agreed on the following expectations with respect to repatriations. Countries will:

- i. Routinely issue travel documents for their nationals, detained or non-detained, within 30 days of a request for such travel document at no cost to the U.S. Government. Additionally, travel documents should be immediately issued in cases where ICE presents clear evidence of nationality.
- ii. Notify ICE, within 30 days of request for a travel document, if it believes the subject of a travel document request is not a national of that country, furnishing such evidence or information as they are able to obtain.
- iii. Recognize documents establishing identity and/or nationality they have issued to one of their putative nationals as evidence of identity and nationality, in the absence of new evidence or information suggesting the individual is not such.
- iv. Notify ICE of any deficiencies in the travel document request within seven days of receiving the request.
- v. Accept repatriations via commercial air and/or chartered flight with no more than five business days’ notification; conduct identity verification interview or take other necessary steps to verify identity and nationality within ten business days of receipt of a travel document request for all individuals who are not in possession of an original or photocopy of identity documents.
- vi. Establish and implement a repeatable practice for the efficient issuance of travel documents and/or approval for removal via Form I-269 (Certificate of Identity).

In addition, DHS/ICE has informed the Department of State that if the Government of Guinea can demonstrate progress toward a sustained, repeatable system of unprompted issuance of travel documents (that is, not requiring high-level U.S. intervention) for 120 consecutive days, this may

be taken into account by ICE when making recommendations on the easing or lifting of 243(d) visa restrictions. The Government of Guinea has been informed repeatedly in Washington and Conakry that failure to cooperate with DHS/ICE on removals would result in the imposition of visa restrictions.

4. (SBU) Begin Diplomatic Note:

The Embassy of the United States presents its compliments to the Ministry of Foreign Affairs and Guineans Abroad of the Government of Guinea and has the honor to bring to its attention the outstanding matter of Guinean nationals subject to final orders of removal from the United States. As the Ministry is aware, the United States has long expressed concern with Guinea's responsiveness to the repeated requests, in Conakry and Washington, from U.S. officials to properly document and facilitate the return home of Guinean nationals who have exhausted their legal remedies and have no right to remain in the United States.

It is the view of the United States that Guinea has an obligation to accept the return of its nationals who cannot legally remain in the United States or any other country.

Section 243(d) of the Immigration and Nationality Act authorizes the Secretary of Homeland Security (DHS) to notify the Secretary of State if a government of a foreign country denies or unreasonably delays accepting one or more of its nationals after DHS has asked that government to accept the national(s). After receiving such notification, the Secretary of State is required to order consular officers in that country to discontinue the granting of immigrant visas, nonimmigrant visas, or both to nationals of that country,

until the Secretary of Homeland Security notifies the Secretary of State that the individual(s) have been accepted by that government.

Despite repeated requests by United States authorities in both Washington and Conakry, the Government of Guinea has failed to cooperate sufficiently to facilitate the removal of its nationals from the United States.

Accordingly, the Embassy of the United States is obliged to inform the Ministry of Foreign Affairs and Guineans Abroad of the Government of Guinea that the United States intends to impose visa restrictions against Guinea. Effective September 13, 2017, the U.S. Embassy in Conakry will discontinue issuing B (business or pleasure), F (academic student), J (exchange visitor), and M (vocational student) nonimmigrant visas to Guinean government officials and their immediate family members.

The visa restrictions will take effect immediately and will remain in place until the Secretary of Homeland Security has determined that Guinea has consistently and in a timely fashion accepted the return of its nationals and so informed the State Department. In the event that Guinea continues to deny or unreasonably delay accepting its nationals who have been ordered removed from the United States, after 90 days, these restrictions may be broadened further.

We understand from Immigration and Customs Enforcement (ICE) that if the Government of Guinea can demonstrate progress toward a sustained, repeatable system of unprompted issuance of travel documents for 120 consecutive days, this may be taken into account by ICE when making

recommendations on the easing or lifting of 243(d) visa restrictions.

Upon request, the Department of State and ICE stand ready to assist

Guinea in interviewing its nationals and planning their removal.

End Diplomatic Note.

5. (U) Talking Points:

- As you know, the U.S. government, both in Conakry and Washington, has discussed this issue regularly with your government, including informing you that continued lack of action on the issue or removals would result in visa restrictions pursuant to U.S. law.
- I must inform you that on August 16, the Secretary of Homeland Security notified the Secretary of State that the Government of Guinea continues to deny or unreasonably delay the return of its citizens or nationals whom the United States has ordered removed.
- Consequently, on September 13, 2017, the U.S. government will announce that it is instructing consular officers in Guinea to discontinue issuing B, F, J, and M visas to government officials and their immediate family members, with limited exceptions.
- These restrictions will be reviewed and extended, broadened, or lifted based on the cooperation of your government.
- I hope that we are able to work together to address our ongoing concerns so that these restrictions can be lifted quickly. We understand from Immigration and Customs Enforcement (ICE) that if the Government of Guinea can demonstrate progress toward a sustained, repeatable system of unprompted issuance of travel documents for 120 consecutive days, this may be taken into account by ICE when making recommendations on the easing or lifting of visa 243(d) visa restrictions.
- ICE expects a permanent repeatable process be immediately implemented by Guinea to review requests for travel document issuance for all Guinean nationals with final orders of removal. This process should grant authority to the embassy or consular representatives in the United States to conduct these efforts to include personal interview when necessary. In the event that Guinean nationality cannot be verified, a written response is expected no less than 30 days from receipt of the initial request.
- Additionally, ICE requests that the Republic of Guinea identify the Guinean authorities who will conduct interviews of the 34 persons who were documented by the Guinean embassy in July 2017. The scheduling of these interviews must take place as soon as possible, within 10 business days. All expenses related to the business and travel of the Guinean authorities will be incurred by the Republic of Guinea.

6. (U) The Department recognizes and thanks Embassy Conakry for its assistance in facilitating

the repatriation of aliens subject to final orders of removal from the United States.

Signature: Tillerson

~~(SBU)~~ **CABLE: Demarche Request Notification of 243(d) Visa Restrictions Cambodia**

MRN: 17 STATE 93410
Date/DTG: Sep 12, 2017 / 120213Z SEP 17
From: SECSTATE WASHDC
Action: PHNOM PENH, AMEMBASSY ROUTINE
E.O.: 13526
TAGS: CMGT, CVIS, DHS, KH, 2P, 2H, 2E
Captions: SENSITIVE
Reference: A) 17 STATE 26812
B) 16 PHNOM PENH 271
C) 16 PHNOM PENH1180
D) 17 STATE 93386
E) 17 STATE 93408
Subject: Demarche Request Notification of 243(d) Visa Restrictions

1. ~~(SBU)~~ This is an action request. See paragraph five.
2. ~~(SBU)~~ SUMMARY: Embassy Phnom Penh is requested to demarche the Government of Cambodia at the highest appropriate level to deliver the Diplomatic Note (see paragraph five), which contains information on impending visa restrictions effective September 13, 2017, as a result of Cambodia's lack of adequate cooperation in issuing travel documents and accepting the return of their nationals ordered removed from the United States. END SUMMARY
3. ~~(SBU)~~ BACKGROUND: On August 16, 2017, Acting Secretary of Homeland Security Elaine Duke notified the Secretary of State that the Government of Cambodia "has denied or unreasonably delayed" the return to that country of certain aliens under final order of removal. We have been advised that there are 24 aliens currently in ICE detention and an additional 1,938 non-detained aliens. Therefore, pursuant to INA Section 243(d), the Secretary ordered, effective September 13, 2017, consular officers in Cambodia to discontinue granting B1, B2, and B1/B2 visas to employees of the Cambodian Ministry of Foreign Affairs, with the rank of Director General and above, and their families. The removal from the United States of aliens subject to final orders of removal is a significant national security issue.
4. ~~(SBU)~~ Countries have an international legal obligation to accept the return of their nationals whom another state seeks to expel, remove, or deport. The Convention on International Civil Aviation, Annex 9, to which Cambodia is a party, states that a Contracting State shall, when requested to provide travel documents to facilitate the return of one of its nationals, respond within a reasonable period of time and not more than 30 days after such a request was made

either by issuing a travel document, or by satisfying the requesting State that the person concerned is not one of its nationals. DHS and State have agreed on the following expectations with respect to repatriations. Countries will:

- i. Routinely issue travel documents for their nationals, detained or non-detained, within 30 days of a request for such travel document at no cost to the U.S. Government. Additionally, travel documents should be immediately issued in cases where ICE presents clear evidence of nationality.
- ii. Notify ICE, within 30 days of request for a travel document, if it believes the subject of a travel document request is not a national of that country, furnishing such evidence or information as they are able to obtain.
- iii. Recognize documents establishing identity and/or nationality they have issued to one of their putative nationals as evidence of identity and nationality, in the absence of new evidence or information suggesting the individual is not such.
- iv. Notify ICE of any deficiencies in the travel document request within seven days of receiving the request.
- v. Accept repatriations via commercial air and/or chartered flight with no more than five business days' notification; conduct identity verification interview or take other necessary steps to verify identity and nationality within ten business days of receipt of a travel document request for all individuals who are not in possession of an original or photocopy of identity documents.
- vi. Establish and implement a repeatable practice for the efficient issuance of travel documents and/or approval for removal via Form I-269 (Certificate of Identity).

In addition, DHS/ICE has informed the Department of State that if the Government of Cambodia can demonstrate progress toward a sustained, repeatable system of unprompted issuance of travel documents (that is, not requiring high-level U.S. intervention) for 120 consecutive days, this may be taken into account by ICE when making recommendations on the easing or lifting of 243(d) visa restrictions. The Government of Cambodia has been informed repeatedly in Washington and Phnom Penh that failure to cooperate with DHS/ICE on removals would result in the imposition of visa restrictions.

5. -(SBU) Begin Diplomatic Note:

The Embassy of the United States presents its compliments to the Ministry of Foreign Affairs of Cambodia and has the honor to bring to its attention the outstanding matter of Cambodian nationals subject to final orders of removal

from the United States. As the Ministry is aware, the United States has long expressed concern that Cambodia has been unresponsive to the repeated requests, in Phnom Penh and Washington, from United States officials to properly document and facilitate the return home of its nationals who have exhausted their legal remedies and have no right to remain in the United States.

Every country has an international legal obligation to accept the return of its nationals whom another state seeks to expel, remove, or deport. As a result of Cambodia's lack of adequate cooperation in this regard, the Department of Homeland Security, Immigration and Customs Enforcement has placed Cambodia on its list of countries determined to be uncooperative in accepting the return of their nationals.

Section 243(d) of the Immigration and Nationality Act authorizes the Secretary of Homeland Security (DHS) to notify the Secretary of State if a government of a foreign country denies or unreasonably delays accepting one or more of its nationals after DHS has asked that government to accept the national(s). After receiving such notification, the Secretary of State is required to order consular officers in that country to discontinue the granting of immigrant visas, nonimmigrant visas, or both to nationals of that country, until the Secretary of Homeland Security notifies the Secretary of State that the individual(s) have been accepted by that government.

Despite repeated requests by United States authorities in both Washington and Phnom Penh, the Government of Cambodia has failed to cooperate

sufficiently to facilitate the removal of their nationals from the United States. The Secretary of State has ordered, effective September 13, 2017, consular officers in Cambodia to discontinue granting B1, B2, and B1/B2 visas to employees of the Cambodian Ministry of Foreign Affairs, with the rank of Director General and above, and their families.

Accordingly, the Embassy of the United States is obliged to inform the Ministry of Foreign Affairs of Cambodia that the United States intends to impose visa restrictions against Cambodia. The List of Cambodians under Final Order of Removal (attached) is the current list of such nationals ordered removed, and is subject to change as circumstances warrant.

The visa restrictions will take effect immediately and will remain in place until the Secretary of Homeland Security has determined that Cambodia has accepted the return of its nationals and so informed the State Department.

We are eager to discuss specific ways your government can cooperate with us in accepting Cambodian citizens subject to removal from the United States, with a view toward removing these restrictions.

The Department of State and Immigration and Customs Enforcement stand ready to assist Cambodia in interviewing its nationals and planning their removal.

End Diplomatic Note.

6. (U) The Department recognizes and thanks Embassy Phnom Penh for their assistance in facilitating the repatriation of aliens subject to final orders of removal from the United States.

Signature: **Tillerson**

~~(SBU)~~ ALDAC: Guidance on the Suspension of Certain Visas in Cambodia

MRN: 17 STATE 93408
Date/DTG: Sep 12, 2017 / 120135Z SEP 17
From: SECSTATE WASHDC
Action: ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE ROUTINE
E.O.: 13526
TAGS: CMGT, CVIS, DHS, KH, 2P, 2H, 2E
Captions: SENSITIVE
Reference: A) 17 STATE 9540
B) 17 STATE 26812
C) 16 PHNOM PENH 271
D) 16 PHNOM PENH1180
E) 17 STATE 93386
Subject: GUIDANCE ON THE SUSPENSION OF CERTAIN VISAS IN CAMBODIA

1. (U) Summary: Effective September 13, the United States will discontinue the issuance of nonimmigrant B visas for the personal travel of employees of the Cambodian Ministry of Foreign Affairs, with the rank of Director General and above, and their families who apply in Cambodia, because that country is denying or unreasonably delaying acceptance of the return of its citizens from the United States. Further visa categories may be designated by the Department at a later date. The suspension does not apply to Cambodians applying outside Cambodia, although posts encountering such applicants should consult the guidance in paragraphs 7-8 concerning out-of-district cases. The suspension also does not invalidate or serve as a basis for revocation of visas already issued. This cable provides background and guidance on the visa suspension. All public inquiries regarding visa issuance suspension in Cambodia should be directed to CA/P. All operational inquiries should go to CA/VO. End Summary.

Background

2. (U) Despite repeated requests by the United States at the highest levels and over a long period, Cambodia has not cooperated in issuing travel documents to its putative nationals to facilitate their removal. On August 16, 2017, Acting Secretary of Homeland Security Elaine Duke notified Secretary Tillerson that Cambodia has denied or unreasonably delayed the return of its nationals currently in ICE detention (Ref A). Therefore, pursuant to INA Section 243(d), Secretary Tillerson has ordered consular officers in Cambodia to discontinue granting B1, B2, and B1/B2 nonimmigrant visas for the personal travel of employees of the Cambodian Ministry of Foreign Affairs, with the rank of Director General and above, and their immediate families.

3. (U) The U.S. government believes that every country has an obligation under international law to accept the return of its nationals who are ineligible to remain in the United States or any other country. The United States routinely cooperates with foreign governments in documenting and accepting its citizens when asked. The U.S. Department of Homeland Security's Immigration and Customs Enforcement (DHS/ICE) asks foreign governments to facilitate the return of their

nationals by issuing valid travel documents and accepting the appropriate flights.

4. (SBU) ICE prioritizes the removal of aliens who pose a danger to national security or are a risk to public safety. The Department of State assists ICE through diplomatic engagement with foreign governments in Washington and at our embassies and consulates overseas. ICE designates as "Uncooperative" those countries that are uncooperative in taking back their nationals or issuing travel documents on time. ICE's Removals Cooperation Initiative (RCI) calculation includes 12 uncooperative countries and an additional 47 "At Risk of Non-Compliance" countries that have not cooperated completely. ICE recalculates this list periodically. The Department will share these lists with affected posts.

5. (SBU) For many years, State and ICE have worked with uncooperative countries at all levels to improve cooperation on removals. In many cases, diplomatic efforts are successful to address the problem. However, Cambodia was not responsive, causing the Secretary of Homeland Security to notify State, triggering the requirement to discontinue visa issuance. The Secretary of State has decided to initially target B1, B2, and B1/B2 visa applicants who are employees of the Cambodian Ministry of Foreign Affairs, with the rank of Director General and above, and their immediate families. The suspension may be expanded to include additional categories of visa applicants at a later time.

Operational Mechanics at Embassy Phnom Penh

6. (SBU) In accordance with an Order of the Secretary of State under section INA 243(d), consular officers at Embassy Phnom Penh will, starting September 13, 2017, discontinue the issuance of all B1, B2, and B1/B2 nonimmigrant visas to employees of the Cambodian Ministry of Foreign Affairs, with the rank of Director General and above, and their immediate family. For the duration of the suspension, Embassy Phnom Penh will accept applications, interview, and refuse ineligible cases as usual (e.g. under INA 214(b) or INA 212(a), etc.). For purposes of processing and tracking, consular officers there will refuse in NIV, under refusal code "243(d)," all visas considered approvable but for the visa suspension. Embassy Phnom Penh will submit visa applications possibly falling within one of the exceptions in the Secretary's order, to the Department for an Advisory Opinion.

Cambodian Applicants Applying Outside Cambodia

7. (SBU) 9 FAM 601.12-3(E) precludes you from accepting the applications of designated nationals of 243(d) countries if the applicant is not a resident of your consular district. Posts should note that INA 243(d) applies only to visa issuance in Cambodia; therefore, B visa applications from the specific categories of Cambodians described in the paragraphs above could still be issued in another country in limited circumstances. 9 FAM 403.2-4(B) states that the authority to reject an applicant based solely on non-residence "will seldom, if ever, be used". If a covered individual who is not a resident of their consular district is not eligible for a visa, then consular officers outside Cambodia should refuse under INA 214(b), INA 212(a), or the other relevant refusal code as in any other adjudication. If such an applicant is otherwise eligible but appears to be applying outside of Cambodia to avoid the visa suspension, officers outside Cambodia must transfer the case to Embassy Phnom Penh.

How to Refuse Out of District Cases in NIV

8. -(SBU) Consular officers who believe applicants are seeking to avoid the visa suspension in Cambodia should use the "case transfer" function in NIV 4.10 in "Open" status and transfer the case to Embassy Phnom Penh. Although the transfer function permits you to deny cases under INA 221(g) prior to transfer, do not select that option; transfer the case in "Open" status.

Exceptions to Sanctions

9. -(SBU) Under the Secretary's order, some applicants in Cambodia who are covered individuals may still be issued visas for travel deemed by the Department to be for a humanitarian or other emergency purpose, or travel otherwise deemed in the interests of the United States. Consular officers should refuse each case under INA 243(d) then submit an advisory opinion to CA-AO243d@state.gov for each case that the adjudicating consular officer believes may fall within one of the exceptions.

Termination of Sanctions

10. (U) When the Secretary of Homeland Security has informed the Secretary of State that Government of Cambodia has accepted its nationals subject to removal orders, the restrictions will be lifted. The Department will inform all posts when this happens and will provide further instructions on bringing the 243(d) cases to conclusion.

Continued Engagement with Uncooperative or At Risk of Non-Compliance Countries

11. (U) The Department recently urged posts (Ref B) in uncooperative and at risk of non-compliance countries to raise the issue of removals with their host governments. If you are in such a post, the suspension of visa issuance in another country may be a useful point to raise in future discussions encouraging your host country to cooperate on removals. While the United States is willing to work with each country to address its concerns, visa discontinuance remains a possibility if a country fails to cooperate in removals and makes little progress in addressing the issue.

12. -(SBU) Any questions on the mechanics of case transfers should be addressed to VO/I. Any questions about the FAM guidance or procedural application of the Secretary's order should be directed to VO/L/A.

Signature:

Tillerson

~~(SBU)~~ ALDAC: Guidance on the Suspension of Certain Visas in Eritrea

MRN: 17 STATE 93406
Date/DTG: Sep 12, 2017 / 120135Z SEP 17
From: SECSTATE WASHDC
Action: ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE *ROUTINE*
E.O.: 13526
TAGS: CMGT, CVIS, DHS, ER, 1A, 1E
Captions: SENSITIVE
Reference:
A) 17 STATE 9540
B) 17 STATE 38606
C) 17 ASMARA 49
D) 16 ASMARA 151
E) 16 ASMARA 322
F) 16 STATE 47479
G) 17 STATE 93388
Subject: GUIDANCE ON THE SUSPENSION OF CERTAIN VISAS IN ERITREA

1. (U) Summary: Effective September 13, the United States will discontinue the issuance of nonimmigrant B1, B2, and B1/B2 visas to citizens, subjects, nationals and residents of Eritrea who apply in Eritrea, because that country is denying or unreasonably delaying acceptance of the return of its citizens from the United States. Further visa categories may be designated by the Department after 90 days. The suspension does not apply to Eritreans applying outside Eritrea, although posts encountering such applicants should consult the guidance in paragraphs 7-8 concerning out-of-district cases. The suspension also does not invalidate or serve as a basis for revocation of visas already issued. This cable provides background and guidance on the visa suspension. All public inquiries regarding visa issuance suspension in Eritrea should be directed to CA/P. All operational inquiries should go to CA/VO. End Summary.

Background

2. (U) Despite repeated requests by the United States at the highest levels and over a long period, Eritrea has not cooperated in issuing travel documents to its putative nationals to facilitate their removal. On August 16, 2017, Acting Secretary of Homeland Security Elaine Duke notified Secretary Tillerson that Eritrea has denied or unreasonably delayed the return of its nationals currently in ICE detention (Ref A). Therefore, pursuant to INA Section 243(d), Secretary Tillerson has ordered consular officers in Eritrea to discontinue granting B1, B2, and B1/B2 nonimmigrant visas to citizens, subjects, nationals, and residents of the Republic of Eritrea.

3. (U) The U.S. government believes that every country has an obligation under international law to accept the return of its nationals who are ineligible to remain in the United States or any other country. The United States routinely cooperates with foreign governments in documenting and accepting its citizens when asked. The U.S. Department of Homeland Security's Immigration and Customs Enforcement (DHS/ICE) asks foreign governments to facilitate the return of their

nationals by issuing valid travel documents and accepting the appropriate flights.

4. -(SBU) ICE prioritizes the removal of aliens who pose a danger to national security or are a risk to public safety. The Department of State assists ICE through diplomatic engagement with foreign governments in Washington and at our embassies and consulates overseas. ICE designates as "Uncooperative" those countries that are uncooperative in taking back their nationals or issuing travel documents on time. ICE's Removals Cooperation Initiative (RCI) calculation includes 12 uncooperative countries and an additional 47 "At Risk of Non-Compliance" countries that have not cooperated completely. ICE recalculates this list periodically. The Department will share these lists with affected posts.

5. -(SBU) For many years, State and ICE have worked with uncooperative countries at all levels to improve cooperation on removals. We consider all options at our disposal, taking into account complex bilateral relationships, foreign policy priorities, and other extenuating circumstances. In many cases, diplomatic efforts are successful to address the problem. However, Eritrea was not responsive, causing the Secretary of Homeland Security to notify State, triggering the requirement to discontinue visa issuance. The Secretary of State has decided to initially target B1, B2, and B1/B2 visa applicants. If Eritrea continues to refuse or unreasonably delay the return of its nationals, the suspension may be expanded to include additional categories of visa applicants.

Operational Mechanics at Embassy Asmara

6.-(SBU) In accordance with an Order of the Secretary of State under section INA 243(d), consular officers at Embassy Asmara will, starting September 13, 2017, discontinue the issuance of all B1, B2, and B1/B2, nonimmigrant visas to citizens, subjects, nationals, and residents of the Republic of Eritrea. For the duration of the suspension, Embassy Asmara will accept applications, interview, and refuse ineligible cases as usual (e.g. under INA 214(b) or INA 212(a), etc.). For purposes of processing and tracking, consular officers there will refuse in NIV, under refusal code "243(d)," all visas considered approvable but for the visa suspension. Embassy Asmara will submit visa applications possibly falling within one of the exceptions in the Secretary's order to the Department for an Advisory Opinion.

Eritrean Applicants Applying Outside Eritrea

7. -(SBU) 9 FAM 601.12-3(E) precludes you from accepting the applications of nationals of 243(d) countries if the applicant is not a resident of your consular district. Posts should note that INA 243(d) applies only to visa issuance in Eritrea; therefore, B applications from Eritreans could still be issued in another country. 9 FAM 403.2-4(B) states that the authority to reject an applicant based solely on non-residence "will seldom, if ever, be used." If a covered individual who is not a resident of their consular district is not eligible for a visa, then consular officers outside Eritrea should refuse under INA 214(b), INA 212(a), or the other relevant refusal code as in any other adjudication. If such an applicant is otherwise eligible but appears to be applying outside of Eritrea to avoid the visa suspension, officers outside Eritrea must transfer the case to Embassy Asmara.

How to Refuse Out of District Cases in NIV

8. ~~(SBU)~~ Consular officers who believe applicants are seeking to avoid the visa suspension in Eritrea should use the "case transfer" function in NIV 4.10 in "Open" status and transfer the case to Embassy Asmara. Although the transfer function permits you to deny cases under INA 221(g) prior to transfer, do not select that option; transfer the case in "Open" status.

Exceptions to Restrictions

9. ~~(SBU)~~ Under the Secretary's order, some applicants in Eritrea who are covered individuals may still be issued visas for travel deemed by the Department to be for a humanitarian or other emergency purpose, or travel otherwise deemed in the interests of the United States. Consular officers should refuse each case under INA 243(d) then submit an advisory opinion to CA-AO243d@state.gov for each case that the adjudicating consular officer believes may fall within one of the exceptions.

Termination of Restrictions

10. (U) When the Secretary of Homeland Security has informed the Secretary of State that Government of Eritrea has accepted its nationals subject to removal orders, the restrictions will be lifted. The Department will inform all posts when this happens and will provide further instructions on bringing the 243(d) cases to conclusion.

Continued Engagement with Uncooperative or At Risk of Non-Compliance Countries

11. (U) The Department recently urged posts (Ref B) in uncooperative and at risk of non-compliance countries to raise the issue of removals with their host governments. If you are in such a post, the suspension of visa issuance in another country may be a useful point to raise in future discussions encouraging your host country to cooperate on removals. While the United States is willing to work with each country to address its concerns, visa discontinuance remains a possibility if a country abjectly fails to cooperate in removals and makes no progress in addressing the issue.

12. ~~(SBU)~~ Any questions on the mechanics of case transfers should be addressed to VO/I. Any questions about the FAM guidance or procedural application of the Secretary's order should be directed to VO/L/A.

Signature: Tillerson

{SBU} ALDAC: Guidance on the Suspension of Certain Visas in Sierra Leone

MRN: 17 STATE 93404
Date/DTG: Sep 12, 2017 / 120126Z SEP 17
From: SECSTATE WASHDC
Action: ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE *ROUTINE*
E.O.: 13526
TAGS: CMGT, CVIS, DHS, SL, 1A, 1W
Captions: SENSITIVE
Reference: A) 17 STATE 9540
B) 16 STATE 47479
C) 17 STATE 93390
Subject: GUIDANCE ON THE SUSPENSION OF CERTAIN VISAS IN SIERRA LEONE

1. (U) Summary: Effective September 13, the United States will discontinue the issuance of nonimmigrant B1, B2, and B1/B2 visa applications for Ministry of Foreign Affairs and immigration officials in Sierra Leone who apply in Freetown, because the Department of Homeland Security has determined that country is denying or unreasonably delaying acceptance of the return of its citizens from the United States. The suspension does not apply to Sierra Leoneans applying outside Freetown, although posts encountering such applicants should consult the guidance in paragraphs 7-8 concerning out-of-district cases. Further expansion of visa categories and affected groups may be announced in the future. The suspension also does not invalidate or serve as a basis for revocation of visas already issued. This cable provides background and guidance on the visa suspension. All public inquiries regarding visa issuance suspension in Sierra Leone should be directed to CA/P. All operational inquiries should go to CA/VO. End Summary.

Background

2. (U) On August 16, 2017, Acting Secretary of Homeland Security Duke notified Secretary Tillerson that Sierra Leone has denied or unreasonably delayed the return of its nationals currently in ICE detention (Ref A). Therefore, pursuant to INA Section 243(d), Secretary Tillerson has ordered consular officers in Sierra Leone to discontinue granting B1, B2, and B1/B2 nonimmigrant visas to Ministry of Foreign Affairs and immigration officials of Sierra Leone. If Sierra Leone continues to refuse or unreasonably delay the return of its nationals, the suspension may be expanded to include additional categories of visa applicants. Conversely, should the Secretary of Homeland Security notify the Secretary of State that Sierra Leone has resumed cooperation, visa restrictions will be lifted.

3. (U) The U.S. government believes that every country has an obligation under international law to accept the return of its nationals who are ineligible to remain in the United States or any other country. The United States routinely cooperates with foreign governments in documenting and accepting its citizens when asked. The U.S. Department of Homeland Security's Immigration and

Customs Enforcement (DHS/ICE) asks foreign governments to facilitate the return of their nationals by issuing valid travel documents and accepting the appropriate flights.

4. -(SBU) The Department of State assists ICE through diplomatic engagement with foreign governments in Washington and at our embassies and consulates overseas. ICE designates as “Uncooperative” those countries that are uncooperative in taking back their nationals or issuing travel documents on time. ICE’s Removals Cooperation Initiative (RCI) calculation includes 12 uncooperative countries and an additional 47 “At Risk of Non-Compliance” countries that have not cooperated completely. ICE recalculates this list periodically. The Department will share these lists with affected posts.

Operational Mechanics at Embassy Freetown

5. -(SBU) In accordance with an Order of the Secretary of State under section INA 243(d), consular officers at Embassy Freetown will, starting September 13, 2017, discontinue the issuance of all B1, B2, and B1/B2 nonimmigrant visas to Ministry of Foreign Affairs officials, and immigration officials, of the Republic of Sierra Leone. For the duration of the suspension, Embassy Freetown will accept applications, interview, and refuse ineligible cases as usual (e.g. under INA 214(b) or INA 212(a), etc.). For purposes of processing and tracking, consular officers there will refuse in NIV, under refusal code “243(d),” all visas considered approvable but for the visa suspension. Embassy Freetown will submit visa applications possibly falling within one of the exceptions in the Secretary’s order to the Department for an Advisory Opinion.

Sierra Leonean Applicants Applying Outside Sierra Leone

6.-(SBU) Posts should note that INA 243(d) applies only to visa issuance in Sierra Leone; therefore, B visa applications from the specific categories of Sierra Leoneans described in the paragraphs above could still be issued in another country. While 9 FAM 403.2-4(B) states that the authority to reject an applicant based solely on non-residence “will seldom, if ever, be used,” 9 FAM 601.12-3(E) precludes you from accepting the applications of nationals of 243(d) countries if the applicant is not a resident of your consular district. If a covered individual who is not a resident of their consular district is not eligible for a visa, then consular officers outside Sierra Leone should refuse under INA 214(b), INA 212(a), or the other relevant refusal code as in any other adjudication. If such an applicant is otherwise eligible but appears to be applying outside of Sierra Leone to avoid the visa suspension, officers outside Sierra Leone must transfer the case to Embassy Freetown.

How to Refuse Out of District Cases in NIV

7. -(SBU) Consular officers who believe applicants are seeking to avoid the visa suspension in Sierra Leone should use the “case transfer” function in NIV 4.10 in “Open” status and transfer the case to Embassy Freetown. Although the transfer function permits you to deny cases under INA 221(g) prior to transfer, do not select that option; transfer the case in “Open” status.

Exceptions to Visa Restrictions

8. (SBU) Under the Secretary's order, some applicants in Sierra Leone who are covered individuals may still be issued visas for travel deemed by the Department to be for a humanitarian or other emergency purpose, or travel otherwise deemed in the interests of the United States. Consular officers should refuse each case under INA 243(d) then submit an advisory opinion to CA-AO243d@state.gov for each case that the adjudicating consular officer believes may fall within one of the exceptions.

Termination of Visa Restrictions:

10. (U) When the Secretary of Homeland Security has informed the Secretary of State that the Government of Sierra Leone has accepted its nationals subject to removal orders, the restrictions will be lifted. The Department will inform all posts when this happens and will provide further instructions on bringing the 243(d) cases to conclusion.

Continued Engagement with Uncooperative or At Risk of Non-Compliance Countries

11. (U) The Department recently urged posts (Ref B) in uncooperative and at risk of non-compliance countries to raise the issue of removals with their host governments. If you are in such a post, the suspension of visa issuance in a country may be a useful point to raise in future discussions encouraging your host country to cooperate on removals. While the United States is willing to work with each country to address its concerns, visa discontinuance remains a possibility if a country abjectly fails to cooperate in removals and makes no progress in addressing the issue.

12. (SBU) Any questions on the mechanics of case transfers should be addressed to VO/I. Any questions about the FAM guidance or procedural application of the Secretary's order should be directed to VO/L/A.

Signature: Tillerson

(SBU) ALDAC: Guidance on the Suspension of Certain Visas in Guinea

MRN: 17 STATE 93402
Date/DTG: Sep 12, 2017 / 120125Z SEP 17
From: SECSTATE WASHDC
Action: ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE ROUTINE
E.O.: 13526
TAGS: CMGT, CVIS, DHS, SL, 1A, 1W
Captions: SENSITIVE
Reference: A) 17 STATE 9540
B) 17 CONAKRY 53
C) 17 STATE 77186
D) 17 CONAKRY 148
E) 17 CONAKRY 142
F) 17 STATE 93392
Subject: GUIDANCE ON THE SUSPENSION OF CERTAIN VISAS IN GUINEA

1. (U) Summary: Effective September 13, the United States will discontinue the issuance of nonimmigrant B1, B2, B1/B2, F1, F2, J1, J2, M1, and M2 visas to Guinean government officials and their immediate families because DHS has determined that Guinea is denying or unreasonably delaying acceptance of the return of its citizens from the United States. The suspension does not apply to Guineans applying outside Guinea, although posts encountering such applicants should consult the guidance in paragraphs 7-8 concerning out-of-district cases. Further expansions or lifting of the visa restrictions may be announced in the future depending on Guinea's cooperation on removals. The suspension also does not invalidate or serve as a basis for revocation of visas already issued. This cable provides background and guidance on the visa suspension. All public inquiries regarding visa issuance suspension in Eritrea should be directed to CA/P. All operational inquiries should go to CA/VO. End Summary.

Background

2. (U) On August 16, 2017, Acting Secretary of Homeland Security Duke notified Secretary Tillerson that Guinea has denied or unreasonably delayed the return of its nationals currently in ICE detention (Ref A). Therefore, pursuant to INA Section 243(d), Secretary Tillerson has ordered consular officers in Guinea to discontinue granting B1, B2, B1/B2, F1, F2, J1, J2, M1, and M2 nonimmigrant visas to Guinean government officials and their immediate family members.

3. (U) The U.S. government believes that every country has an obligation under international law to accept the return of its nationals who are ineligible to remain in the United States or any other country. The United States routinely cooperates with foreign governments in documenting and accepting its citizens when asked. The U.S. Department of Homeland Security's Immigration and Customs Enforcement (DHS/ICE) asks foreign governments to facilitate the return of their nationals by issuing valid travel documents and accepting the appropriate flights.

4. -(SBU) The Department of State assists ICE through diplomatic engagement with foreign governments in Washington and at our embassies and consulates overseas. ICE designates as "Uncooperative" those countries that are uncooperative in taking back their nationals or issuing travel documents on time. ICE's Removals Cooperation Initiative (RCI) calculation includes 12 uncooperative countries and an additional 47 "At Risk of Non-Compliance" countries that have not cooperated completely. ICE recalculates this list periodically. The Department will share these lists with affected posts.

5. -(SBU) For many years, State and ICE have worked with uncooperative countries at all levels to improve cooperation on removals. We consider all options at our disposal, taking into account complex bilateral relationships, foreign policy priorities, and other extenuating circumstances. In many cases, diplomatic efforts are successful to address the problem. However, Guinea was not responsive, causing the Secretary of Homeland Security to notify State, triggering the requirement to discontinue visa issuance. The Secretary of State has decided to initially target these B1, B2, B1/B2, F1, F2, J1, J2, M1, and M2 visa applicants. If Guinea continues to refuse or unreasonably delay the return of its nationals, the suspension may be expanded to include

additional categories of visa applicants. Conversely, should the Secretary of Homeland Security notify the Secretary of State that Guinea has resumed cooperation, visa restrictions will be lifted.

Operational Mechanics at Embassy Conakry

6. ~~(SBU)~~ In accordance with an Order of the Secretary of State under section INA 243(d), consular officers at Embassy Conakry will, starting September 13, 2017, discontinue the issuance of all B1, B2, B1/B2, F1, F2, J1, J2, M1, and M2 nonimmigrant visas to Guinean government officials and their immediate family members. For the duration of the suspension, Embassy Conakry will accept applications, interview, and refuse ineligible cases as usual (e.g. under INA 214(b) or INA 212(a), etc.). For purposes of processing and tracking, consular officers there will refuse in NIV, under refusal code “243(d),” all visas considered approvable but for the visa suspension. Embassy Conakry will submit visa applications possibly falling within one of the exceptions in the Secretary’s order to the Department for an Advisory Opinion.

Guinean Applicants Applying Outside Guinea

7. ~~(SBU)~~ 9 FAM 601.12-3(E) precludes you from accepting the applications of designated nationals of 243(d) countries if the applicant is not a resident of your consular district. Posts should note that INA 243(d) applies only to visa issuance in Guinea; therefore, B, F, J, and M applications from the specific categories of Guineans described in the paragraphs above could still be issued in another country. 9 FAM 403.2-4(B) states that the authority to reject an applicant based solely on non-residence “will seldom, if ever, be used.” If a covered individual who is not a resident of their consular district is not eligible for a visa, then consular officers outside Guinea should refuse under INA 214(b), INA 212(a), or the other relevant refusal code as in any other adjudication. If such an applicant is otherwise eligible but appears to be applying outside of Guinea to avoid the visa suspension, officers outside Guinea must transfer the case to Embassy Conakry.

How to Refuse Out of District Cases in NIV

8. ~~(SBU)~~ Consular officers who believe applicants are seeking to avoid the visa suspension in Guinea should use the “case transfer” function in NIV 4.10 in “Open” status and transfer the case to Embassy Conakry. Although the transfer function permits you to deny cases under INA 221(g) prior to transfer, do not select that option; transfer the case in “Open” status.

Exceptions to Visa Restrictions

9. ~~(SBU)~~ Under the Secretary’s order, some applicants in Guinea who are covered individuals may still be issued visas for travel deemed by the Department to be for a humanitarian or other emergency purpose, or travel otherwise deemed in the interests of the United States. Consular officers should refuse each case under INA 243(d) then submit an advisory opinion to CA-AO243d@state.gov for each case that the adjudicating consular officer believes may fall within one of the exceptions.

Termination of Restrictions:

10. (U) When the Secretary of Homeland Security has informed the Secretary of State that the Government of Guinea has accepted its nationals subject to removal orders, the restrictions will be lifted. The Department will inform all posts when this happens and will provide further instructions on bringing the 243(d) cases to conclusion.

Continued Engagement with Uncooperative or At Risk of Non-Compliance Countries

11. (U) The Department recently urged posts (Ref B) in uncooperative and at risk of non-compliance countries to raise the issue of removals with their host governments. If you are in such a post, the suspension of visa issuance in another country may be a useful point to raise in future discussions encouraging your host country to cooperate on removals. While the United States is willing to work with each country to address its concerns, visa discontinuance remains a possibility if a country abjectly fails to cooperate in removals and makes no progress in addressing the issue.

12. ~~(SBU)~~ Any questions on the mechanics of case transfers should be addressed to VO/I. Any questions about the FAM guidance or procedural application of the Secretary's order should be directed to VO/L/A.

Signature: Tillerson

(SBU) CABLE: Discontinuing the Issuance of Certain Visas in Guinea

Effective September 13, 2017

MRN: 17 STATE 93392
Date/DTG: Sep 12, 2017 / 120049Z SEP 17
From: SECSTATE WASHDC
Action: CONAKRY, AMEMBASSY ROUTINE
E.O.: 13526
TAGS: CMGT, CVIS, DHS, GN, 1A, 1W
Captions: SENSITIVE
Reference: A) 17 CONAKRY 53
B) 17 STATE 77186
C) 17 CONAKRY 148
D) 17 CONAKRY 142
Subject: Discontinuing Issuance of Certain Visas in Guinea Effective September 13, 2017

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 Conakry will, effective September 13, 2017, discontinue the issuance of nonimmigrant visas for all B1, B2, B1/B2, F1, F2, J1, J2, M1, and M2 visa applicants who are Guinean government officials and their immediate family members. This cable details the procedures post should undertake to implement these visa restrictions. END SUMMARY.

Background

2. ~~(SBU)~~ On August 16, 2017, Acting Secretary of Homeland Security Elaine Duke notified the Secretary of State, pursuant to INA Section 243(d), that the Government of Guinea “continues to deny or unreasonably delay the return of its citizens or nationals whom the United States has ordered removed.” Therefore, in accordance with INA Section 243(d), the Secretary ordered, effective September 13, 2017, consular officers in Guinea to discontinue granting all nonimmigrant B1, B2, B1/B2, F1, F2, J1, J2, M1, and M2 visas to Guinean government officials and their immediate family members as described in paragraphs 4 and 7. Guidance on INA 243(d) is located at 9 FAM 601.12.

3. ~~(SBU)~~ If the Government of Guinea continues to refuse or delay the acceptance of its nationals, the restrictions will be expanded to include additional categories of visa applicants. Any additional measures will be detailed in a future cable.

Procedures for Processing NIV Applications

4. ~~(SBU)~~ For the duration of restrictions, 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. A consular officer should request Advisory Opinions (AOs) and (b)(7)(E) as they otherwise would. Once all other processing is complete, 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 “243D” for processing and tracking purposes. If the officer believes that the applicant meets an exception in paragraph 7, the consular officer should refuse “243D” and request authorization from the Department to issue a visa by submitting an AO to CA-AO243d@state.gov. We will not refund the MRV application fee.

5. (U) Third Country Nationals – Third Country Nationals who are resident of and apply for non-immigrant visas in Guinea may still be subject to 243(d) restrictions. Should post encounter a third country national applying for a nonimmigrant visa in one of the listed categories whose visa would be issued but for the 243(d) sanctions, post should send an Advisory Opinion (AO) to CA-AO243d@state.gov for further action.

6. (U) The Department will inform post and provide guidance, as appropriate, when the discontinuation of issuance is expanded, or when lifted and when visas may be issued. Post should note that INA Section 243(d) applies only to visa issuance in Guinea; therefore, covered individuals could still be issued visas by consular officers in another country, despite the section 243(d) discontinuance of issuance. Note that 9 FAM 601.12-3 has specific procedure for posts to follow if an applicant from a country subject to 243(d) applies outside of that country to avoid sanctions. Consular officers outside of Guinea who are rejecting applications of those seeking to avoid the section 243(d) sanctions are instructed in 9 FAM 601.12-3(E) to transfer cases in “Open” status to Conakry based on lack of residence in the consular district. If consular officers in Conakry receive these transferred cases, they should follow this guidance in the same manner as if the applicant had initially applied in Conakry.

7. (U) The Secretary of State ordered the discontinuance in Guinea of the issuance, initially, of all B1, B2, B1/B2, F1, F2, J1, J2, M1, and M2 nonimmigrant visas to Guinean government

officials and their immediate family members beginning September 13, 2017, except those:

- (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.

Consular officers should refuse the case "243D" consistent with paragraph 4 and request an AO for any applicant the officer believes may fall in any of these categories by email to CA-AO243d@state.gov.

8. (U) Government sponsored exchange programs: You should refuse "243D" and request an AO, in accordance with paragraph 4, above, for any J1 visa applicant receiving U.S. government funding.

9. (U) Consular officers must not apply 243(d) to an applicant who is neither a citizen, subject, national, or resident of Guinea but who applies in Conakry. See 9 FAM 403.2-4(B) for a discussion of applicants who are physically present but not resident in the consular district.

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

(U) The following is suggested language for Post's website and/or waiting room area, as needed:

As of September 13, the U.S. Embassy in Conakry, Guinea has discontinued issuing B, F, J, and M visas to Guinean government officials and their immediate family members, with limited exceptions.

Under Section 243(d) of the Immigration and Nationality Act, when so requested by the Secretary of Homeland Security due to a particular country's refusal to accept or unreasonably delay the return of its nationals, the Secretary of State must order consular officers to suspend issuing visas until informed by the Secretary of Homeland Security that the country in question has accepted the individuals.

If you are subject to this visa suspension and you choose to apply, we will interview you but will not be able to issue a visa until the suspension is lifted. Please consider this carefully before you apply.

Application fees will not be refunded.

11. (U) Applicants who cannot be issued a visa because of imposition of section 243(d) should be given the oral and written notice set out in 9 FAM 601.12-3(C).

12. (U) When the Secretary of Homeland Security has informed the Secretary of State, pursuant to section 243(d), that the Government of Guinea is in compliance, the restrictions will be lifted. The Department will send a cable at that time and provide additional instructions.

Signature: Tillerson

~~(SBU)~~ **CABLE: Discontinuing the Issuance of Certain Visas in Sierra Leone Effective September 13, 2017**

MRN: 17 STATE 93390
Date/DTG: Sep 12, 2017 / 120049Z SEP 17
From: SECSTATE WASHDC
Action: FREETOWN, AMEMBASSY ROUTINE
E.O.: 13526
TAGS: CMGT, CVIS, DHS, SL, 1A, 1W
Captions: SENSITIVE
Subject: Discontinuing the Issuance of Certain Visas in Sierra Leone Effective September 13, 2017

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 7 below, consular officers at Embassy Freetown will, effective September 13, 2017, discontinue the issuance of B1, B2, and B1/B2 nonimmigrant visas for all Ministry of Foreign Affairs and immigration officials in Sierra Leone. This cable details the procedures post should undertake to implement these visa restrictions. END SUMMARY.

Background

2. (SBU) On August 16, 2017, Acting Secretary of Homeland Security Elaine Duke notified the Secretary of State, pursuant to INA Section 243(d), that the Government of the State of Sierra Leone "continues to deny or unreasonably delay the return of its citizens or nationals whom the United States has ordered removed." Therefore, in accordance with INA Section 243(d), the Secretary ordered, effective September 13, 2017, consular officers in Sierra Leone to discontinue granting all B1, B2, and B1/B2 nonimmigrant visas to Ministry of Foreign Affairs and immigration officials in Sierra Leone as described in paragraphs 4 and 6. Guidance on INA 243(d) is located at 9 FAM 601.12.

3. (SBU) If the Government of Sierra Leone continues to refuse or delay the acceptance of its nationals, the restrictions will be expanded to include additional categories of visa applicants. Any additional measures will be detailed in a future cable.

Procedures for Processing NIV Applications

4. (SBU) For the duration of restrictions, 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. A consular officer should request Advisory Opinions (AOs) and [] (b)(7)(E) as they otherwise would. Once all other processing is complete, 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 “243D” for processing and tracking purposes. If the officer believes that the applicant meets an exception in paragraph 7, the consular officer must obtain authorization from the Department to issue a visa by submitting an AO to CA-AO243d@state.gov. We will not refund the MRV application fee.

5. (U) Third Country Nationals: Third Country Nationals who are resident of and apply for non-immigrant visas in Sierra Leone may still be subject to 243(d) sanctions. Should post encounter a third country national applying for a nonimmigrant visa in one of the listed categories whose visa would be issued but for the 243(d) sanctions, post should send an Advisory Opinion (AO) to CA-AO243d@state.gov for further action.

6. (U) The Department will inform post and provide guidance, as appropriate, when the discontinuation of issuance is expanded, or when lifted and when visas may be issued. Post should note that INA Section 243(d) applies only to visa issuance in Sierra Leone; therefore, covered individuals could still be issued visas by consular officers in another country, despite the section 243(d) discontinuance of issuance. Note that 9 FAM 601.12-3 has specific procedure for posts to follow if an applicant from a country subject to 243(d) applies outside of that country to avoid sanctions. Consular officers outside of Sierra Leone who are rejecting applications of those seeking to avoid the section 243(d) sanctions are instructed in 9 FAM 601.12-3(E) to transfer cases in “Open” status to Freetown based on lack of residence in the consular district. If consular officers in Freetown receive these transferred cases they should follow this guidance in the same manner as if the applicant had initially applied in Freetown.

7. (U) The Secretary of State has ordered the discontinuance in Sierra Leone of the issuance, initially, of all B1, B2, and B1/B2 nonimmigrant visas to Ministry of Foreign Affairs and immigration officials in Sierra Leone beginning September 13, 2017, except those:

- (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.

Consular officers should refuse the case “243D” consistent with paragraph 4 and request an AO for any applicant the officer believes may fall in any of these categories by email to CA-AO243d@state.gov.

8. (U) Consular officers must not apply 243(d) to an applicant who is neither a citizen, subject, national, or resident of Sierra Leone but who applies in Freetown. See 9 FAM 403.2-4(B) for a discussion of applicants who are physically present but not resident in the consular district.

9. (U) Post should display notices in the consular section and on post’s website to inform applicants of the discontinuance of visa issuance, noting that we will not refund fees.

(U) The following is suggested language for Post’s website and/or waiting room area, as needed:

As of September 13, the U.S. Embassy in Freetown, Sierra Leone has discontinued issuing

B1, B2, and B1/B2 visas to Ministry of Foreign Affairs officials and immigration officials, with limited exceptions.

Under Section 243(d) of the Immigration and Nationality Act, when so requested by the Secretary of Homeland Security due to a particular country's refusal to accept or unreasonably delay the return of its nationals, the Secretary of State must order consular officers to suspend issuing visas until informed by the Secretary of Homeland Security that the country in question has accepted the individuals.

If you are subject to this visa suspension and you choose to apply, we will interview you but will not be able to issue a visa until the suspension is lifted. Please consider this carefully before you apply.

Application fees will not be refunded.

10. (U) Applicants who cannot be issued a visa because of imposition of section 243(d) should be given the oral and written notice set out in 9 FAM 601.12-3(C).

11. (U) When the Secretary of Homeland Security has informed the Secretary of State, pursuant to section 243(d), that Government of Sierra Leone is in compliance, the restrictions will be lifted. The Department will send a cable at that time and provide additional instructions.

Signature: Tillerson

~~(SBU)~~ CABLE: Discontinuing Issuance of Certain Visas in Eritrea Effective September 13, 2017

MRN: 17 STATE 93388
Date/DTG: Sep 12, 2017 / 120045Z SEP 17
From: SECSTATE WASHDC
Action: ASMARA, AMEMBASSY ROUTINE
E.O.: 13526
TAGS: CMGT, CVIS, DHS, ER, 1A, 1E
Captions: SENSITIVE
Reference: A) 17 ASMARA 49
B) 16 ASMARA 151
C) 16 ASMARA 322
D) 16 STATE 47479
Subject: Discontinuing Issuance of Certain Visas in Eritrea Effective September 13, 2017

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 7 below, consular officers at Embassy Asmara will, effective September 13, 2017, discontinue the issuance of nonimmigrant visas for B1, B2, and B1/B2 visa applicants. This cable details the procedures post should

undertake to implement these visa restrictions. END SUMMARY.

Background

2.-(SBU)-On August 16, 2017, Acting Secretary of Homeland Security Elaine Duke notified the Secretary of State, pursuant to INA Section 243(d), that the Government of the State of Eritrea "has denied or unreasonably delayed" the return to that country of specified aliens currently in ICE detention and additional non-detained aliens. Therefore, in accordance with INA Section 243(d), the Secretary ordered, effective September 13, 2017, consular officers in Eritrea to discontinue granting nonimmigrant B1, B2, and B1/B2 visas to citizens, subjects, nationals, and residents of Eritrea, as described in paragraphs 4 and 6. Guidance on INA 243(d) is located at 9 FAM 601.12.

3.-(SBU) If the Government of the State of Eritrea continues to refuse or delay the acceptance of its nationals, the restrictions may be expanded after 90 days to include additional categories of visa applicants, specifically F, M, and J visa applicants. Any additional measures will be detailed in a future cable.

Procedures for Processing NIV Applications

4.-(SBU)-For the duration of restrictions, 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. A consular officer should request Advisory Opinions (AOs) and [REDACTED] (b)(7)(E) as they otherwise would. Once all other processing is complete, 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 "243D" for processing and tracking purposes. If the officer believes that the applicant meets an exception in paragraph 7, the consular officer must obtain authorization from the Department to issue a visa by submitting an AO to CA-AO243d@state.gov. We will not refund the MRV application fee.

5. (U) Third Country Nationals – Third Country Nationals who are resident of and apply for nonimmigrant visas in Eritrea may still be subject to 243(d) sanctions. Should post encounter a third country national applying for a nonimmigrant visa in one of the listed categories whose visa would be issued but for the 243(d) sanctions, post should send an Advisory Opinion (AO) to CA-AO243d@state.gov for further action.

6. (U) The Department will inform post and provide guidance, as appropriate, when the discontinuation of issuance is expanded, or when lifted and when visas may be issued. Post should note that INA Section 243(d) applies only to visa issuance in Eritrea; therefore, covered individuals could still be issued visas by consular officers in another country, despite the section 243(d) discontinuance of issuance. Note that 9 FAM 601.12-3 has specific procedure for posts to follow if an applicant from a country subject to 243(d) applies outside that country to avoid sanctions. Consular officers outside of Eritrea who are rejecting applications of those seeking to avoid the section 243(d) sanctions are instructed in 9 FAM 601.12-3(E) to transfer cases in "Open" status to Asmara based on lack of residence in the consular district. If consular officers in Asmara receive these transferred cases, they should follow this guidance in the same manner as if the applicant had initially applied in Asmara.

7. (U) The Secretary of State ordered the discontinuance in Eritrea of issuance, initially, for B1, B2, and B1/B2 nonimmigrant visas to citizens, subjects, nationals, and residents of Eritrea beginning September 13, 2017, except those:

- (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.

Consular officers should refuse the case "243D" consistent with paragraph 4 and request an AO for any applicant the officer believes may fall in any of these categories by email to CA-AO243d@state.gov.

8. (U) Consular officers must not apply 243(d) to an applicant who is neither a citizen, subject, national, or resident of Eritrea but who applies in Asmara. See 9 FAM 403.2-4(B) for a discussion of applicants who are physically present but not resident in the consular district.

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

(U) The following is suggested language for Post's website and/or waiting room area, as needed:

As of September 13, the U.S. Embassy in Asmara, Eritrea has discontinued issuing B1, B2, and B1/B2 visas to citizens, subjects, nationals, and residents of that country, with limited exceptions.

Under Section 243(d) of the Immigration and Nationality Act, when so requested by the Secretary of Homeland Security due to a particular country's refusal to accept or unreasonably delay the return of its nationals, the Secretary of State must order consular officers to suspend issuing visas until informed by the Secretary of Homeland Security that the country in question has accepted the individuals.

If you are subject to this visa suspension and you choose to apply, we will interview you but will not be able to issue a visa until the suspension is lifted. Please consider this carefully before you apply.

Application fees will not be refunded.

10. (U) Applicants who cannot be issued a visa because of imposition of section 243(d) should be given the oral and written notice set out in 9 FAM 601.12-3(C).

11. (U) When the Secretary of Homeland Security has informed the Secretary of State, pursuant to section 243(d), that the government is in compliance, the restrictions will be lifted. The Department will send a cable at that time and provide additional instructions.

Signature: Tillerson

~~(SBU)~~-CABLE: Suspension of Certain Visas in Cambodia Effective September 13, 2017

MRN: 17 STATE 93386
Date/DTG: Sep 12, 2017 / 120040Z SEP 17
From: SECSTATE WASHDC
Action: PHNOM PENH, AMEMBASSY ROUTINE
E.O.: 13526
TAGS: CMGT, CVIS, KH, DHS, 2P, 2H, 2E
Captions: SENSITIVE
Reference: A) 17 STATE 26812
B) 16 PHNOM PENH 271
C) 16 PHNOM PENH 1180
Subject: Suspension of Certain Visas in Cambodia Effective September 13, 2017

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 Phnom Penh will, effective September 13, 2017, discontinue the issuance of nonimmigrant B visas to employees of the Cambodian Ministry of Foreign Affairs, with the rank of Director General and above, and their immediate family members. This cable details the procedures post should undertake to implement these visa restrictions. END SUMMARY.

Background

2. (SBU)-On August 16, 2017, Acting Secretary of Homeland Security Elaine Duke notified the Secretary of State, pursuant to INA Section 243(d), that the Government of the Kingdom of Cambodia “has denied or unreasonably delayed” the return to that country of specified aliens currently in ICE detention and additional non-detained aliens. Therefore, in accordance with INA section 243(d), the Secretary has ordered, effective September 13, 2017, consular officers in Cambodia to discontinue granting nonimmigrant B1, B2, and B1/B2 visas to Cambodian Ministry of Foreign Affairs employees, with the rank of Director General and above, and their immediate families, with limited exceptions as described in paragraphs 4 and 6. Guidance on INA section 243(d) is located at 9 FAM 601.12.

3. (SBU)-If the Government of the Kingdom of Cambodia continues to refuse or delay the acceptance of its nationals, the restrictions may be expanded to include additional categories of visa applicants. Any additional measures will be detailed in a future cable.

Procedures for Processing NIV Applications

4. -(SBU)-For the duration of restrictions, 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. A consular officer should request Advisory Opinions (AOs) and (b)(7)(E) as they otherwise

would. Once all other processing is complete, 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 “243D” for processing and tracking purposes. If the officer believes that the applicant meets an exception in paragraph 6, the consular officer must obtain authorization from the Department to issue a visa by submitting an AO to CA-AO243d@state.gov. We will not refund the MRV application fee.

5. (U) The Department will inform post and provide guidance, as appropriate, when the discontinuation of issuance is expanded, or when lifted and when visas may be issued. Post should note that INA section 243(d) applies only to visa issuance in Cambodia; therefore, covered individuals could still be issued visas by consular officers in another country, despite the section 243(d) discontinuance of issuance. Note that 9 FAM 601.12-3 has specific procedures for posts to follow if an applicant from a country subject to 243(d) applies to avoid sanctions. Consular officers outside of Cambodia who are rejecting applications of those seeking to avoid the section 243(d) sanctions are instructed in 9 FAM 601.12-3(E) to transfer cases in “Open” status to Phnom Penh based on lack of residence in the consular district. If consular officers in Phnom Penh receive these transferred cases, they should follow this guidance in the same manner as if the applicant had initially applied in Phnom Penh.

6. (U) The Secretary of State has ordered the discontinuance of visa issuance in Cambodia, initially, for B1, B2, and B1/B2 nonimmigrant visas to Cambodian Ministry of Foreign Affairs employees, with the rank of Director General and above, and their immediate families, beginning September 13, 2017, except those:

- (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.

Consular officers should refuse the case “243D” consistent with paragraph 4 and request an AO for any applicant the officer believes may fall in any of these exception categories by email to CA-AO243d@state.gov.

7. (U) Consular officers must not apply 243(d) to an applicant who is neither a citizen, subject, national, or resident of Cambodia but who applies in Phnom Penh. See 9 FAM 403.2-4(B) for a discussion of applicants who are physically present but not resident in the consular district.

8. (U) Post should display notices 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.

(U) The following is suggested language for Post’s website and/or waiting room area, as needed:

As of September 13, the U.S. Embassy in Phnom Penh, Cambodia has discontinued issuing B1, B2, and B1/B2 visas for Cambodian Ministry of Foreign Affairs employees, with the rank of Director General and above, and their families, with limited exceptions.

Under Section 243(d) of the Immigration and Nationality Act, when so requested by the Secretary of Homeland Security due to a particular country's refusal to accept or unreasonably delay the return of its nationals, the Secretary of State must order consular officers to suspend issuing visas until informed by the Secretary of Homeland Security that the country in question has accepted the individuals.

If you are subject to this visa suspension and you choose to apply, we will interview you but will not be able to issue a visa until the suspension is lifted. Please consider this carefully before you apply.

Application fees will not be refunded.

9. (U) Applicants who cannot be issued a visa because of the imposition of section 243(d) should be given oral and written notice set out in 9 FAM 601.12-3(C).

10. (U) When the Secretary of Homeland Security has informed the Secretary of State pursuant to section 243(d) that the government is in compliance, the restrictions will be lifted. The Department will send a cable at that time and provide additional instructions.

Signature: Tillerson

~~(SBU)~~ ALDAC: Hurricane Response Task Force Sit Rep #7

MRN: 17 STATE 93358
Date/DTG: Sep 11, 2017 / 112134Z SEP 17
From: SECSTATE WASHDC
Action: SOMALIA, USMISSION *IMMEDIATE*; ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE *IMMEDIATE*
E.O.: 13526
TAGS: AEMR, ASEC, CASC, MARR, PREL, AMGT, AG, 4R, CU, BS, 6D, HT, DO
Captions: SENSITIVE
Subject: TFHR01 Hurricane Response Task Force SitRep No. 7

STORM UPDATES

1. (U) **Hurricane Irma:** Hurricane Irma continues to move northwestward over mainland United States and is no longer considered to be a concern for the Caribbean. (*NOAA*)
2. (U) **Hurricane Jose:** Hurricane Jose is projected to hit Turks and Caicos by September 14. The center of the storm is approaching the northwest Bahamas. The five day projection for Jose's strength ranges from tropical storm to a hurricane. (*NOAA*)

IMPACT ON POST OPERATIONS

3. (SBU) **Curaçao:** Post is using radio messages and Facebook to advise U.S. citizens to go to the airport. (*Consulate General Curaçao*)
4. (SBU) **Bridgetown:** A flyaway team of nine consular staff was scheduled to arrive in St. Martin September 11. A Royal Caribbean vessel is en route to the U.S. Virgin Islands to assist U.S. citizens. (*Embassy Bridgetown*)
5. (SBU) **Nassau:** Embassy Nassau is open to the public. There is no request for a change in departure status at this time. Nassau International Airport expected six outbound flights on September 11. (*Embassy Nassau*)
6. (SBU) **Santo Domingo:** Embassy Santo Domingo reports normal operations. (*Embassy Santo Domingo*)

CONDITIONS ON THE GROUND

7. (SBU) Consular Affairs will determine whether it can support processing evacuees overnight from St. Martin dependent on the runway operational status. (*Embassy Bridgetown*)
8. (SBU) The first relief flight for Antigua and Barbuda will take place September 11. (*Embassy Bridgetown*)
9. (SBU) The airport in the British Virgin Islands (BVI) is open, but only allowing humanitarian flights. The designated point of entry from BVI is San Juan. (*Embassy Bridgetown*)

SUPPORT FOR U.S. CITIZENS

10. (SBU) Consulate General Curaçao reports 80-100 U.S. citizens are at the St. Martin airport. The border remains between the French and Dutch sides of the island remains open for U.S. citizen travel. (*Consulate General Curaçao, Embassy Bridgetown, Task Force/Telcon*)
11. (SBU) Embassy Bridgetown reports there are approximately 500 U.S. citizens awaiting evacuation in BVI. (*Embassy Bridgetown, Task Force/Telcon*)
12. (SBU) Green card and visa holders accompanying U.S. citizen family members can board air lifts with their family, pending space availability. (*Bureau of Consular Affairs*)

REQUEST FROM FOREIGN GOVERNMENTS

13. (SBU) The Department of State has received requests from Australia, Japan, India, Israel, Poland, Singapore, and Spain for U.S. assistance to evacuate their citizens. (*Task Force*)
14. (SBU) The Department continues to prioritize U.S. citizen evacuations and will accommodate third country nationals with appropriate travel documentation as space is available. Humanitarian cases can be requested in advance by the traveler's government. A consular representative from the traveler's country must be present in San Juan to assist the traveler upon arrival. (*Bureau of Public Affairs*)

15. (U) Minimize Considered.

Signature: Tillerson

~~(SBU)~~ **BARBADOS: Embassy Bridgetown Hurricane Irma and Jose Sit Rep #6**

MRN: 17 BRIDGETOWN 562
Date/DTG: Sep 11, 2017 / 111939Z SEP 17
From: AMEMBASSY BRIDGETOWN
Action: WASHDC, SECSTATE *ROUTINE*
E.O.: 13526
TAGS: CASC, CMGT, ASEC, EAIR, KPAO, BB, AI, MF, BL, VG
Captions: SENSITIVE
Subject: TFHR01: Embassy Bridgetown Hurricane Irma and Jose Sit Rep #6

1. ~~(SBU)~~ Embassy Bridgetown continues to field calls and e-mails regarding U.S. citizens in Anguilla, the British Virgin Islands (BVI), and French St. Martin. We have received about 40 inquiries today, September 11. Our U.S. citizen warden in Anguilla reports that most of the roads are now clear, but gas supplies are low. Air Antilles is running evacuation flights from French St. Martin to Guadeloupe.

2. ~~(SBU)~~ Here is an update on the situation of the islands affected:

Anguilla

According Tradewind Aviation's Director of Operations, he spoke with a contact at Lloyd's Aviation in Anguilla who reported that the airport is open during daylight hours and has security and limited customs. The airport is currently available for relief flights only. The tower is not operational. Post also communicated with our U.S. citizen warden via What's App, who reports that most of the roads are clear. Gas supplies remain low, but major groceries stores are open. Communications remain spotty, and radio is the only reliable means to communicate.

British Virgin Islands

No major updates at this time.

French St. Martin/St. Barthelemy

Our consular agent in Martinique confirms that French authorities are coordinating medical evacuation flights from Grand Case airport to Guadeloupe. These flights are being operated by Air Antilles, and are available regardless of nationality. Capacity on each plane is 54 passengers. U.S. citizens in need of medical evacuation should go to the nearest gendarmerie to be added to a manifest. Post received a report from one U.S. citizen (b)(6)

(b)(6)

French press has reported on the evacuation efforts: <https://www.rci.fm/infos/societe/laeroport-de-grand-case-les-candidats-levacuation-attendent-leur-tour>

Tradewind Aviation continues to fly U.S. citizens from St. Barth's to Puerto Rico on 8 and 9-seater planes. Tradewind's Director of Operations expressed an interest in assisting evacuation efforts in Anguilla and Tortola (BVI) as well. Air Antilles reopened its commercial service in St. Barth's and expects to reopen commercial service in French St. Martin on Friday.

Signature: TAGLIALATELA

**(SBU) FRANCE: Embassy Paris Sit Rep #1 on French St. Martin-
September 11, 2017**

MRN: 17 PARIS 1514
Date/DTG: Sep 11, 2017 / 111737Z SEP 17
From: AMEMBASSY PARIS
Action: WASHDC, SECSTATE *ROUTINE*
E.O.: 13526
TAGS: AEMR, ASEC, CASC, EAID, PGOV, PREL, KHLS, SOCI, 3W, 4R
Captions: SENSITIVE
Reference: 17 PARIS 1498
Subject: TFHR01 Embassy Paris Situation Report #1 on French St. Martin:
September 11, 2017

1. ~~(SBU)~~ **President Macron to visit St. Martin.** French President Emmanuel Macron announced he would be traveling to St. Martin on Tuesday, September 12 on a flight carrying aid supplies to show that France is committed to both helping and rebuilding its far-away territories pummeled by Hurricane Irma. On Sunday, the French government defended its hurricane preparations for the hard-hit islands of St. Martin and St. Barthelemy, rejecting criticism by political opponents and by islanders who felt abandoned as their homes and towns were devastated.
2. ~~(SBU)~~ **U.S. Assistance:** Embassy Paris issued a disaster declaration cable on September 9, 2017 requesting that USAID/OFDA release a total of USD 100,000 for humanitarian assistance (reftel). Specifically, the government of France has requested assistance with

provision of drinking water and/or desalination capabilities due to the loss of the territory's sole desalination plant, general humanitarian relief supplies as needed, and local airlift support.

3. ~~(SBU)~~ Military Assets: (b)(5)

(b)(5)

4. ~~(SBU)~~ Border Issues: The French MFA, MOI and MOD have confirmed that the border between the French and Dutch zones is open. The Ministry of Interior further reports that the border is open except during nighttime curfew hours. One area of concern is movement of assets/aid across the border, as the only working port and airfield are on the Dutch side.
5. (U) The Embassy Paris Mission Disaster Relief Officer is John Griffith. Mr. Griffith can be reached at GriffithJH@state.gov.

Signature: HARDT

~~(SBU)~~ NETHERLANDS: Situation Report #6 on Sint Maarten: September 11, 2017

MRN: 17 THE HAGUE 1118
Date/DTG: Sep 11, 2017 / 111536Z SEP 17
From: AMEMBASSY THE HAGUE
Action: WASHDC, SECSTATE *ROUTINE*
E.O.: 13526
TAGS: AEMR, ACKM, ASEC, CASC, EAID, PREL, SENV, KHLS, KREC, SX, CW, BQ, NL, AID
Captions: SENSITIVE
Reference: A) [17 THE HAGUE 1114](#)
B) [17 THE HAGUE 1102](#)
C) [17 THE HAGUE 1108](#)
D) [17 THE HAGUE 1106](#)
E) [17 CURACAO 138](#)
F) [17 CURACAO 136](#)

G) 17 THE HAGUE 1104

H) 17 THE HAGUE 1096

I) 17 THE HAGUE 1102

Pass Line:
STATE FOR EUR/WE AND WHA
AID FOR OFDA

Subject: TFHR01 Mission the Netherlands Situation Report #6 on Sint Maarten:
September 11, 2017 (SBU)

1. (SBU) **Request for U.S. Assistance:** DAO informed the Ministry of Defense (MOD) that SOUTHCOM's SSAT assessment team and the Marine Air-Ground Task Force (MGTAF) would be armed following U.S. rules of engagement for self-defense. The MOD gave its permission for the conduct of an assessment and gave authorization for personnel to have weapons for self-defense following rules of engagement. The MFA told Post it is establishing a single point of emergency response to streamline handling offers of assistance. The unloading of cargo remains a problem.

2. (SBU) Due to flight disruptions, the team from USAID's Office of Foreign Disaster Assistance (OFDA) has delayed travel to St. Maarten. Post is waiting for an updated flight schedule from USAID OFDA which it will then relay to the MFA. The MFA informed Post that (b)(6) Representative of the Netherlands in Sint Maarten (b)(6)

3. (U) **Evacuations:** On September 11, The MOD extended Note Verbale 0616/17 (September 9) formally granting clearance for U.S. military aircraft to land at Princess Juliana International Airport in Sint Maarten until the end of the hurricane relief operations. The MOD requested that U.S. flight operations not conflict with the two Dutch C130 flights into Sint Maarten.

4. (U) The MOI reported that the Dutch government will prioritize evacuation in this order: 1) medical emergencies regardless of nationality; 2) tourists; and 3) residents (Kingdom citizens and foreign nationals living in Sint Maarten). Tourists will be evacuated to Curacao. The Dutch government announced that it will dispatch an Urban Search and Rescue (USAR.NL) team of 59 search and rescue personnel, medical personnel, and other support staff to Sint Maarten to assist with emergency relief coordination and humanitarian assistance efforts. Dutch media reported the first evacuation flight of approximately 100 Dutch citizens from Curacao to Eindhoven Air Force Base.



5. (U) Other countries continue to request evacuation of their citizens. The Italian Ambassador in The Hague called the Chargé d'Affaires September 11 and said Italy has been trying to evacuate its citizens from SXM for the last several days but has been unable to get any information from the Dutch government. The MOD informed DAO that Venezuela was attempting to get a flight into Sint Maarten to pull out 50 of its citizens.

6. (U) **Airfield Operations:** The Dutch expressed appreciation for SOUTHCOM's efforts to send a team to Sint Maarten September 11 that is capable of providing air traffic control (ATC) for the next two weeks. SOUTHCOM's SSAT assessment team will arrive on the same flight and provide an airfield assessment which will determine the size and type of military and civilian aircraft able to land on Sint

Maarten's airfield.

7. (U) **Security:** The MFA confirmed to Post that the Prefect of the (French) St. Martin and the Governor of the (Dutch) Sint Maarten had closed the border between the French and Dutch sides of the island to prevent looters from crossing from one territory to the other. The MFA told Post that the Ministry of Interior and MOD are reportedly letting some foreign passport holders cross for evacuation purposes, but had no further details. The MOD spokesman said 344 military personnel are on Sint Maarten providing security. They report that the public administration and civil services are "resurfacing."

8. (U) **Consular Information:** MFA Director of Consular Affairs [b](6) briefed foreign missions September 11 on the status of Sint Maarten recovery efforts. He advised embassies to inform their citizens to follow reports on radio and social media regarding evacuation procedures. The Director of Kingdom Affairs [b](6) arrives September 12 to coordinate the civilian operations.

Signature: CROWLEY

(SBU) ROMANIA: Romania Looking for Likeminded States to Help Raise U.S. Citizen Issues with Iran

MRN: 17 BUCHAREST 992
Date/DTG: Sep 11, 2017 / 111502Z SEP 17
From: AMEMBASSY BUCHAREST
Action: WASHDC, SECSTATE IMMEDIATE
E.O.: 13526
TAGS: PREL, CASC, EUN
Captions: SENSITIVE
Reference: A) 17 STATE 51644
B) 17 STATE 92846
Pass Line: NEA/IR RYAN HALEY
Subject: Romania Looking for Likeminded States to Help Raise U.S. Citizen Issues with Iran

1. (SBU) On September 8, POLOFF met with Bogdan Filip the Head of the Middle East and Africa Directorate at the Romanian MFA to follow up on our original demarche request (Ref A) on raising cases

of detained and missing U.S. citizens in Iran. Filip lamented that not much had been done on the issue due to a variety of reasons: 1.) the Romanian Ambassador in Tehran spent an extended summer holiday in Romania, 2.) Romanian experts on Iran felt it would be better if Romania delivered the demarche with other EU states, 3.) other EU states in Tehran were reluctant to raise sensitive issues as they work to reestablish ties with Iran. (b)(5)

(b)(5)

2. (U) On September 11, POLOFF delivered demarche in Ref B to Filip. Filip said he was not yet aware of Romanian VIP's schedule, but would pass the information along. Embassy will also deliver points in Ref B to the UN Directorate at the Romanian MFA.

Signature: KLEMM

{SBU} MAURITANIA: Mauritanian Government Bars Entry to Delegation of U.S. Anti-Slavery NGOs

MRN: 17 NOUAKCHOTT 782
Date/DTG: Sep 11, 2017 / 111350Z SEP 17
From: AMEMBASSY NOUAKCHOTT
Action: WASHDC, SECSTATE *ROUTINE*
E.O.: 13526
TAGS: PREL, PGOV, PHUM, MR
Captions: SENSITIVE
Reference: A) 17 NOUAKCHOTT 2016
B) 15 NOUAKCHOTT 1076
Pass Line: DEPT FOR AF/FO
DEPT FOR AF/W DESK OFFICER DOUGLAS JOHNSTON
Subject: Mauritanian Government Bars Entry to Delegation of U.S. Anti-Slavery NGOs

ICS Sub-Objective 3.2: Our advocacy and programs contribute toward Mauritania making significant progress towards eradicating slavery and its vestiges.

1. {SBU} Summary: Board members of The Abolition Institute, a Chicago-based anti-slavery organization, and of the Rainbow/PUSH Coalition accepted an invitation to visit Mauritania extended by (b)(6). (b)(6) noted anti-slavery activist, founder of SOS-Esclaves, and the implementing partner of an anti-slavery program funded by the USG through State/DRL. We facilitated the program since the purposes of the delegation directly support one of our ICS objectives (see above). At the last minute, the Prime Minister, acting in the absence of the President, forbade the delegation entry into Mauritania, when the delegation was en route. The delegation spent several hours in the VIP lounge of the airport before being re-boarded for the flight back to Paris. This message goes into detail on this unfortunate development. While normally all major decisions, and even relatively minor ones, come from President

Aziz, it appears the decision to bar entry came primarily from the Prime Minister at a time when the President was outside the country and seemingly incommunicado. End Summary.

Origins of the Abolition Institute/Rainbow/PUSH Visit

2. (U) In 2015, The Abolition Institute, a Chicago-based anti-slavery organization, hosted a visit by (b)(6) the founder and president of SOS-Esclaves, a Mauritanian civil-society organization dedicated to identifying slaves, liberating them, and providing them with job training and placement. (Although (b)(6)'IRA" is better known internationally, SOS-Esclaves does far more within Mauritania to address specific instances of slavery. It is recognized by the Mauritanian government. It is a sub-grantee under a State Department/DRL Bureau grant to promote anti-slavery efforts.) (b)(6) co-founder of The Abolition Institute, along with Mauritanian-American (b)(6) (b)(6) – see attached biographies) met with the Ambassador in Nouakchott in 2015 to speak about the possibility of a visit by an American delegation of human rights activists. The visit would be in response to (b)(6) reciprocal invitation to The Abolition Institute's leadership and the allied organization Rainbow/PUSH Coalition (headed by Rev. Jesse Jackson).

3. (U) Since the purpose of the visit aligned well with an Embassy objective in tandem with our efforts to ensure that Mauritania meets its AGOA benchmarks by proactively addressing slavery and vestiges, the Ambassador offered to advise and facilitate the visit, emphasizing the importance of exposing the delegation members to the full spectrum of Mauritanian opinion on slavery and discrimination issues. (b)(6) agreed that since they are already quite familiar with Mauritanian civil-society views, the delegation would seek meetings with Mauritanian government officials and political leaders close to the government so as to learn of the government's anti-slavery actions (establishment of anti-slavery courts, for example). The schedule briefed to the government was faithful to that concept. We briefed the government about The Abolition Institute's planned visit beginning in late July. On August 30 we sent the government a diplomatic note concerning the visit following the government's return to work after the Eid holiday, including a list of meetings and biographic information on delegation members (see attached). Our government interlocutors enthusiastically accepted all proposed government meetings ("the ministers who are out of town will be recalled to meet the delegation") and then added more, which The Abolition Institute accepted. It is usual practice for meetings with ministers to be personally approved by the Prime Minister. Our main contact, the head of the government's Human Rights Commission, assured us that the government meetings would all be approved but that, as usual, scheduling would occur at the last moment.

4. (U) When the Human Rights Commissioner submitted the program to the Prime Minister's office, the trouble began. On August 31, the government asked that celebrated singer, human rights activist, and former ruling party senator, (b)(6) be struck from the program. Since the government subsequently put her under a form of house arrest following an indictment for corruption charges (ref A), this was agreed to by the delegation. The Prime Minister's cabinet director then summoned our political officer the morning of the day prior to the delegation's scheduled arrival insisting on provision of further information (passport numbers, etc.), which was immediately provided by email. The director declined an offer for the Ambassador to participate in the meeting, saying it was unnecessary. Once all requested information was provided, the director indicated that all was fine. Later that day, The Abolition Institute released press stories on the upcoming visit.

A Sudden, Last Minute, Non-Negotiable Cease and Desist Order from the Prime Minister

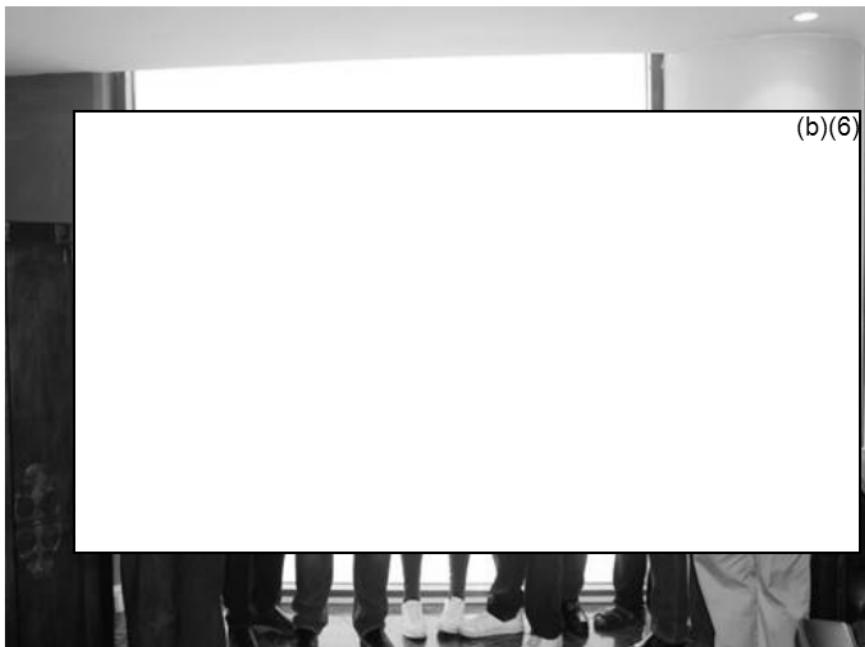
5. -(SBU) At 7:30 PM on the night prior to the delegation's scheduled arrival, DCM Irvin Hicks received a call from one of our main government contacts, Foreign Affairs Minister-Delegate (b)(6)

(b) [redacted] She relayed the Prime Minister's decision to forbid the delegation entry into Mauritania. DCM Hicks handed the phone to the Ambassador, who had just returned to Mauritania from DC the previous midnight. The Ambassador followed up with suggested fixes: allow the delegation to enter the country, but remain at their hotel until the government proposes an approved schedule of meetings. Discussions with the Minister-Delegate, and side calls to allies in the government, continued until 2 AM, but to no avail.

(b)(5)

7. {SBU} The delegation was already en route, in the air, unreachable. The Prime Minister would not take calls. President Abdoul Abdel Aziz was in Paris and not taking calls either, even from senior presidential advisors contacted by the Ambassador. (b)(6)

(b)(6) Aziz then flew to Kazakhstan, remaining incommunicado. Reached while in line to embark on the Paris-Nouakchott Air France flight. (b)(6) readily agreed to the compromise already offered by the Ambassador and rejected by the Prime Minister, i.e. the delegation would stay in their hotel awaiting a government-approved schedule of meetings. (b)(6) then added a few more concessions: a government minder was welcome to join them for all their meetings, organizers of the Arab nationalist protests against the visit were welcome to meet with the delegation to exchange views, any alterations to the schedule of meetings suggested by the government--excluding some and adding others-- would be unquestioningly accepted by the delegation. (b)(6) made the decision to board the flight to Nouakchott confident that these concessions would satisfy any possible government concerns. The Ambassador passed these offers to the government. They were rejected with a firm word from the Prime Minister: his decision barring the delegation was "irrevocable." We then received a response to our diplomatic note formalizing this decision. The note (see attached) read in part, "the program of the visit as submitted (in our diplomatic note) appears discriminatory and subversive of the Islamic Republic of Mauritania's national unity and stability."



A Dangerous Crew? Delegation Family Photo at Nouakchott Airport VIP Lounge

The Delegation Arrives

8. (U) Prior to arrival of the Air France flight, the government dispatched gendarmes to form a cordon blocking the terminal. The order went to Air France to identify the delegation members and to prevent them from leaving the aircraft. An Air France crew member called out for [(b)(6)] national spokesperson for Rainbow/PUSH Coalition, to come to the front of the aircraft. [(b)(6)]

(b)(6)

9. (U) The Air France station manager lobbied with the government to allow him to disembark the delegation members, suggesting that they could stay in the VIP lounge until the flight to Paris late that night. The government finally agreed. The aircraft continued on to Conakry, Guinea. As scheduled, it returned that evening to board Nouakchott passengers to Paris, including the delegation members. (The newly unemployed Canadian passenger was also put on the flight to Paris. He was sober and subdued at that point.) The Ambassador, his wife, and the political officer joined the delegation in the VIP lounge, providing briefings and proposing an alternative program in Dakar, Senegal, which was accepted by the delegation. (Mauritanian dissidents in exile are numerous in Dakar, as are regional human rights organizations. Embassy Dakar was most helpful. The delegation arrived in Dakar from Paris on Sunday, September 10.)

10. -(SBU) Rev. Jesse Jackson spoke with the Ambassador about the incident and expressed his appreciation for the attention given by the Ambassador and his colleagues to the plight of the delegation members, including his son. Rev. Jackson also stressed that, while he was surprised and disappointed at the decision of the Mauritanian government to bar entry to the delegation, he deeply respected the sovereignty of African states and fully acknowledged the right of the authorities to decide who can enter their country.

Comment: (b)(6)

(b)(6)

12. We will provide local reactions to this incident and share press releases and media engagements septel. We have continued with the delegation's planned program in their absence. We will report on those events as well.

Signature: ANDRE

(SBU) SOUTH SUDAN: Kudos for Extraordinary Efforts on Complicated Repatriation of Remains Case

MRN: 17 State 92982

SUBJECT: Kudos for Extraordinary Efforts on Complicated Repatriation of Remains Case

1. (SBU) Mike, allow me to express my appreciation and gratitude to you and your ACS unit- Ms. Denise Knapp, Consular Chief, and LE Staff member Gio Gore - for their outstanding work in a complicated repatriation of remains case (b)(6)

(b)(6)

2. (SBU) Denise and Gio worked nonstop for a week to coordinate the repatriation. They went through Herculean efforts (b)(6)

(b)(6) Denise also faced challenging transportation arrangements during a three day holiday when many airline offices were closed. Denise worked with U.S. Embassy Nairobi and U.S. Embassy London to arrange and monitor the repatriation through two transit points until the remains arrived in the United States on September 4.

3.-(SBU) Thank you for your team's diligent efforts to return the remains of this U.S. citizen to his grieving family. It is evidence of the excellent working relationship between the Mission's Front Office and the Consular section. I am proud to serve with such dedicated colleagues.

Warm regards,

Carl

(SBU) KENYA: Kudos for Extraordinary Efforts on Complicated Repatriation of Remains Case

MRN: 17 STATE 92976
Date/DTG: Sep 11, 2017 / 111326Z SEP 17
From: SECSTATE WASHDC
Action: NAIROBI, AMEMBASSY ROUTINE
E.O.: 13526
TAGS: CASC, KE, 1A, 1E
Captions: SENSITIVE
Pass Line: AMBASSADOR ROBERT GODEC

Subject: Kudos for Extraordinary Efforts on Complicated Repatriation of Remains Case

1.-(SBU) Bob, I write to express my appreciation and gratitude to you and your Consular Section, namely Mr. Glen Keiser, Consul General, and his ACS team for its outstanding work managing a complicated case involving the repatriation of remains (b)(6)

(b)(6)

2.-(SBU) After the arrival of the remains from Juba, Glen navigated complex shipping requirements that, at one point, appeared might delay the onward repatriation. Glen and his team kept in close contact with the funeral director in Nairobi and the ACS team at Embassy London while the remains were in transit. He also updated the grieving family on the itinerary throughout the weekend. The Nairobi team was also challenged by the fact that all of this occurred during a three day religious holiday when many airline and other offices were closed.

3.-(SBU) The successful completion of this important consular duty without delay for grieving parents is evidence of the solid working relationship between the Mission's Front Office and the Consular section and the outstanding support that Glen and his team provided to U.S. Embassy Juba.

4. (U) Thank you for your team's efforts to return the remains of this U.S. citizen to his family. I am proud to serve with such dedicated colleagues.

Warm regards,

Carl

Signature: Tillerson

From: Hooke, Kathleen H
Sent: Fri, 18 May 2018 12:53:37 +0000
To: Newstead, Jennifer G
Cc: Wall, Amanda J
Subject: FYI: AM to S for Your Clearance: 243(d) Package for Burma to S
Attachments: AM to S - Burma 243d 20180517 (L consolidated) CLEAN.docx, Tab 1 - Legal Authorities 20180517.docx, Tab 2 - S1 Letter to Pompeo 05.03.18.pdf, Tab 4 - S letter to DHS -Burma 20180517.docx, Tab 3 - Exercise of Authority - Burma 20180517.docx

DeControlled

Jennifer,

This is an AM to S (b)(5)

(b)(5)

(b)(5) These types of sanctions are triggered by a notification from DHS under Section 243(d) of the INA.

Best,
Kathleen

Official
UNCLASSIFIED

From: Hooke, Kathleen H
Sent: Friday, May 18, 2018 8:49 AM
To: Salie, David P
Cc: Wall, Amanda J; Osborn, Judith L; Donnelly, Elizabeth A
Subject: FW: AM to S for Your Clearance: 243(d) Package for Burma to S

Trying again including David now instead of Christine.

Official
UNCLASSIFIED

From: Hooke, Kathleen H
Sent: Friday, May 18, 2018 8:40 AM
To: Sanford, Christina
Cc: Wall, Amanda J; Osborn, Judith L; Donnelly, Elizabeth A
Subject: FW: AM to S for Your Clearance: 243(d) Package for Burma to S

David,

(b)(5)

Thanks,
Kathleen

Official
UNCLASSIFIED

From: Salie, David P
Sent: Thursday, May 17, 2018 5:57 PM
To: Hooke, Kathleen H
Cc: Wall, Amanda J; Osborn, Judith L; Donnelly, Elizabeth A
Subject: AM to S for Your Clearance: 243(d) Package for Burma to S

Kathleen,

Please find attached the AM to S and its accompanying tabs, (b)(5)

(b)(5)

Thanks much!

-d

*Dave Salie
Attorney-Adviser
U.S. Department of State
Office of the Assistant Legal Adviser for Consular Affairs*

(b)(6)

Official
UNCLASSIFIED

Official
UNCLASSIFIED



DeControlled

SENSITIVE BUT UNCLASSIFIED

United States Department of State

Washington, D.C. 20520

DATE

ACTION MEMO FOR THE SECRETARY

FROM: CA – Carl C. Risch
EAP – Susan Thornton, Acting

SUBJECT: -(SBU) Discontinuing Issuance of Certain Visas in Burma under Section 243(d) of the Immigration and Nationality Act (INA) for Failure to Accept Return of Certain Nationals

Recommendations

(b)(5)

Background

(b)(5)

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

- 2 -

(b)(5)

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

- 3 -

(b)(5)

SENSITIVE BUT UNCLASSIFIED

Approved: CA: 0
EAP: Susan Thornton, Acting 0

Drafted: CA/VO: Andrew Fenzel ext [(b)(6)]

Cleared:
CA/VO: ERamotowski 0
CA/VO/F:Morgan Parker 0
CA/VO/F: JWebster (ok)
CA/VO/F: JLo (ok)
CA/VO/L: NPerry (ok)
CA/VO/L: AGranger 0

EAP/FO:
EAP: PMahoney (ok)

L/FO:
L/CA: DSalie 0
D:
P:
M:
S/P:
R: 0

Tab 1
Legal Authorities

(b)(5)



Homeland Security

May 3, 2018

The Honorable Michael Pompeo
Secretary of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Pompeo:

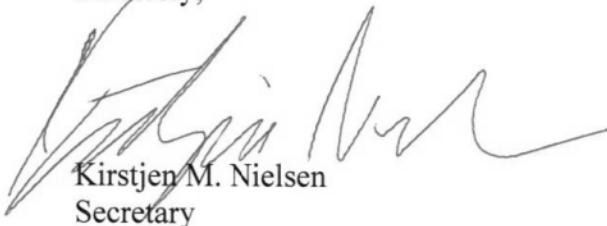
The U.S. Department of Homeland Security is responsible for enforcing our nation's immigration laws, including returning foreign nationals subject to final orders of removal. Countries that refuse repatriation of their nationals subject to final orders of removal interfere with the United States' sovereign interest in enforcing our immigration laws, increase public safety hazards by preventing the removal of individuals with criminal records, and violate their international obligation to accept back their nationals. I appreciate the recent joint efforts between our Departments, which have resulted in improved cooperation from several countries that have long been of concern.

Our Departments have worked together—with renewed focus over the last year—to seek cooperation from the Myanmar government. We have repeatedly reminded Myanmar officials of their country's responsibility to accept the return of its nationals from the United States and warned them of the likelihood of visa sanctions if Myanmar persisted in its failure to fulfill its obligations. The U.S. Department of State (DOS) issued démarches on February 13, 2017, and March 16, 2017, requesting the Myanmar government take several reasonable steps to address the repatriation issue. This message was reinforced by the U.S. Embassy in Rangoon and by DOS and U.S. Immigration and Customs Enforcement leadership as recently as February 2018, with limited response from the Myanmar government.

I write this letter to formally notify you that the Government of Myanmar continues to deny or unreasonably delay the acceptance of its citizens or nationals who are ordered removed from the United States. As a result of this notification and pursuant to 8 U.S.C. § 1253(d), I request that consular officers be ordered to discontinue issuing immigrant or nonimmigrant visas, or both, to Myanmar citizens, subjects, nationals, and residents until I notify you that the Government of Myanmar is complying with its obligation to accept the timely return of its nationals.

Please advise me when action is initiated so that I may advise our immigration authorities as appropriate. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirstjen Nielsen".

Kirstjen M. Nielsen
Secretary

DATE

Dear Secretary Nielsen:

Thank you again for your letter of May 3, 2018,

(b)(5)

I look forward to our continued collaboration on this important matter.

Sincerely,

Michael Pompeo

(b)(5)

Approved: CA -

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DEPARTMENT OF STATE

Office of the Secretary

(b)(5)

Dated:

Michael Pompeo,
Secretary of State

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