



United States Department of State

Washington, D.C. 20520

July 27, 2023

Case No. FL-2016-11198

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

Dear Mr. Miano:

As we noted in our letter dated June 27, 2023, we are processing your request for material under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The Department of State ("Department") has identified three additional responsive records subject to the FOIA. We have determined that all three 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, please contact Assistant United States Attorney Kartik Venguswamy at (202) 252-1790 or Kartik.Venguswamy@usdoj.gov. Please refer to the associated case number, FL-2016-11198, and the civil action number, 1:17-cv-00118, in all communications regarding this case.

Sincerely,

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

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

Enclosures: As stated.

The Freedom of Information Act (5 USC 552)

FOIA Exemptions

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

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

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

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

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

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

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

(b)(6) Personal privacy information

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

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

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

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

Other Grounds for Withholding

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

~~SENSITIVE BUT UNCLASSIFIED~~

Acting A/S Bond's Meeting with CG Blome (Jerusalem)
Wednesday, June 24, 2015, 11:30 a.m., 30 minutes
HST, Room 6826

CONTEXT

(U) You will meet with Don Blome, CG to Jerusalem to discuss the consular aspects of his current role. FS-01 Consular Section Chief Aaron Hellman supervises two midlevel officers, seven ELOs, four EFM's, and 31 LE staff. The current wait time for visitor visa appointments is 11 days and for student visas is 10 days. (b)(5)

KEY OBJECTIVES

- **(U) Express gratitude to CG Blome for Jerusalem's consular TDY support to Djibouti to assist with the evacuees from Yemen.** Jerusalem's consular section sent one LE staff and two officers to Embassy Djibouti to assist with Yemeni-American evacuees. Jerusalem was one of the first posts to respond to requests for TDY volunteers for the crisis, and the IV knowledge and Arabic skills of the TDYers has been invaluable in CA's ability to respond to this crisis.
 - **(U) Inform the CG that CA assumes the full responsibility of funding consular agencies and analyzes multiple factors when evaluating proposals to open new agencies.** Consulate General Jerusalem's consular district includes the West Bank and Gaza. U.S. citizens of Palestinian or Arab descent residing or present in the West Bank require a permit from the Israeli government to visit the consular section in Jerusalem. Given the difficulties that U.S. citizens have reaching the consulate, post offers limited ACS services in Ramallah bi-weekly at the Canadian Representative's office. This arrangement generally works well, (b)(5)
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- **(SBU) Israel and the Visa Waiver Program (VWP):** Israel remains interested in VWP membership (b)(5)

~~SENSITIVE BUT UNCLASSIFIED~~

(b)(5) though Israel has not made significant progress in meeting the program requirements. Israel's refusal rate, 8.2 percent in FY 2014, exceeds the three percent threshold, (b)(5)

(b)(5)

The Government of Israel nevertheless has sought legislative changes that would permit a waiver of certain eligibility requirements. On August 19, 2014, DHS hosted an Israel VWP working group with participants from the Israeli government and the Department of State. CA provided them with information on VWP legal requirements, and the Israeli government provided us with a better understanding of their progress on several VWP requirements such as e-passport production.

- ~~(SBU)~~ **Provide background and an overview of steps taken to address the perception that the United States does not welcome young Israeli "army leavers."** In 2014, several Congressional offices focused significant attention on this issue amid concerns that Embassy Tel Aviv has a blanket policy of denying visas to young "army leavers" traveling to the United States during their gap year. Congress focused on adjudications in Tel Aviv, rather than Jerusalem. The Assistant Secretary of State for Legislative Affairs sent a letter to Congress acknowledging the rise in the refusal rate and outlining steps Embassy Tel Aviv would take to facilitate legitimate travel to the United States, particularly for young Israelis. The steps included a review of existing adjudication procedures, calibration discussions focused on borderline cases, more robust outreach, and the formation of a DHS-led joint working group on Israel's progress in meeting VWP requirements. (b)(5)

(b)(5)

(b)(5) As a result of Tel Aviv's concerted efforts to review this group, refusals have dropped.

- ~~(SBU)~~ **Assure the Consul General that while the visa refusal issue involving "army leavers" has been primarily focused on Embassy Tel Aviv, the Visa Office will coordinate with Consulate General Jerusalem on any issues that might affect both posts.**
- ~~(SBU)~~ **Referral Policy/Visas Viper Program:** Discuss the mandatory worldwide referral policy and the importance of the Visas Viper program.

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

- ~~(SBU)~~ **Consular Districts: Remind CG Blome that Tel Aviv's and Jerusalem's consular sections operate independently.** Posts work closely on many matters, but only Tel Aviv can raise cases with the Government of Israel. That said, we encourage both posts to present a common, U.S. Government approach to the shared customer base enhanced by regular communications and exchanges between posts.
 - ~~(SBU)~~ **Palestinian-Americans: Alert him that cases involving Palestinian-Americans are complex.** The Government of Israel views all Palestinian-Americans as Palestinian citizens first and foremost. Palestinians are subject to very specific rules and regulations which do not apply to others.
 - ~~(SBU)~~ **Palestinian-Americans: Stress that we expect that they be treated equally.** We must continue to stress with the Government of Israel that all U.S. citizens be treated equally and fairly, regardless of other nationalities or ethnicities.
 - **(U) Abductions: Express appreciation for the services provided by the Consular section for abduction cases to the West Bank and Gaza.** In non-Hague cases, the Consular staff has been instrumental in providing welfare/whereabouts visits, in conjunction with the Regional Security Office. Oftentimes these visits are the only contact left behind parents have with their children. The consular section plays an important role in confirming the location of the applicant for incoming cases to the United States, which enables OCS/CI to determine whether the case can be accepted for processing under our Jerusalem acceptance policy.
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- ~~(SBU)~~ [REDACTED] (b)(5)
[REDACTED] (b)(5)
 - **(U) Adoptions:** Israel is party to the Hague Adoption Convention. Intercountry adoptions from Israel to the United States are rare because few children are available for intercountry adoption. The Hague Adoption Convention does not currently apply to the Palestinian territories, including the West Bank or the Gaza Strip. Interfamilial and domestic adoptions are prioritized in Israel.

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- (U) All immigrant visas for adoptees from Israel and Jerusalem are processed by CG Jerusalem. There have been no intercountry adoption visas issued to Israeli children since 2005.

IF TIME PERMITS

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

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

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



PARTICIPANTS

Michele T. Bond, Acting Assistant Secretary

Don Blome, CG Jerusalem

Edward Ramotowski, Visa Deputy Assistant Secretary

Karen Christensen, OCS Deputy Assistant Secretary

Attachments:

Tab 1 – CA Country Fact Sheet

Tab 2 – Takeaway Paper

Tab 3 – Visa Statistics

Tab 4 – Bio

Drafted: CA/EX/PAS – Rachel Hilton, (b)(6)
 CA/VO/F/P: Cathy McFarland, (b)(6)
 CA/OCS/ACS/NESCA: KRichter, (b)(6) .
 CA/OCS/CI: Veronique Smith, (b)(6)

Cleared: CA/EX: ABaskette, Acting (ok)
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 CA/EX: JMiles (ok)
 CA/EX: JRoemmel (ok)
 Jerusalem: AHellman (ok)
 CA/VO: KKing (ok)
 CA/VO/F: RPasini (ok)
 CA/VO/F/P: MRitchie (ok)
 NEA/IPA: CEilts (ok)
 Jerusalem: AHellman (ok)
 CA/OCS: HHand, Acting (ok)
 CA/OCS/ACS: VMLopatkiewicz (ok)
 CA/OCS/CI: WWhitaker (ok)
 CA/OCS/CI: MTedesco (ok)
 CA/OCS/CI: BCooper (ok)
 CA/OCS/CI: ADryer (ok)
 CA/OCS/CI: JKLarsen, Acting (ok)
 CA/OCS/CI: SFShaffer, Acting (ok)
 CA/OCS/CCM: SHansucker (ok)
 CA: KSWallace, Acting (ok)
 CA: DTDonahue (ok)

CA Tracking Number: T1066-15

Released in Part

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Talking Points for Assistant Secretary Julia Frifield **Report to Congress on Visa Adjudication in Tel Aviv**

CONTEXT/BACKGROUND

(U) In April 2014, H Assistant Secretary Frifield sent a letter to Representative Nita Lowey in response to several congressional inquiries outlining steps the Department planned to take to review visa adjudication at Embassy Tel Aviv. The letter promised that the Department would report to Congress on the Department's progress in implementing these steps. H advised that the report will take the form of an oral briefing by A/S Frifield.

TALKING POINTS

Policies and Procedures Review

- In response to concerns raised by the Congress, the Department has conducted a thorough review of adjudication policies and procedures at Embassy Tel Aviv. The review focused on applicants aged 21-26 in order to address a perception that Embassy Tel Aviv had a blanket policy to refuse the visa applications of young Israelis who recently completed their mandatory service in the Israeli Defense Forces.
- The review focused on orientation and training, particularly for entry level officers, to ensure that every visa decision is made on the merits of that individual case. Post's consular management and the Department also reviewed past cases to develop a better understanding of the adjudication decisions made by consular officers at post.
- In early May, David Donahue, Consular Affairs' Acting Principal Deputy Assistant Secretary, traveled to Tel Aviv to meet with consular managers and officers, to better understand their operating environment and to discuss the results of the policies and procedures review.

Review Results and Next Steps

- Following a review of Tel Aviv's visa adjudications and discussions with Post's consular management, the Department again states categorically it is not now, nor has it ever been, Embassy Tel Aviv's policy or practice to

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refuse the visa applications of young Israelis based on their status of having recently completed their mandatory service in the Israeli Defense Forces.

- At the same time, to ensure that all qualified Israelis receive visas and have the opportunity to travel to the United States for tourism, business, study and exchange purposes, the Department and Embassy Tel Aviv have taken active steps in the last three months and have plans for additional action in the future.
- The Department has worked with consular managers at Embassy Tel Aviv to further improve consular officer training. Consular managers and officers understand that fair treatment of visa applicants is important in forming Israelis' perceptions of the United States.
- Consular officers worldwide, including in Tel Aviv, implement the immigration laws of the United States. Like all consular officers, those in Tel Aviv speak the local language on the professional proficiency level, are trained in regional studies, and apply local knowledge and experience. Furthermore, Post takes steps to assure that its consular officers have in-depth understanding of particular groups of applicants, including young Israelis, the ultra-orthodox community, and others. They also take into account the results of validation studies and information received from various law enforcement partners. This information provides consular officers with local context, but is not the basis of a decision in any individual case.
- Embassy Tel Aviv has held and will continue to hold regular training sessions with both new and experienced consular officers to discuss sample visa cases and to emphasize that, while awareness of overstay and illegal employment patterns while in the United States is important, each applicant must be evaluated on his or her individual circumstances when applying visa eligibility criteria.
- Embassy Tel Aviv encourages its officers to spend more time, as needed, on interviews for applicants whose cases are more complex. Officers thoroughly explore the applicant's purpose of travel, the plan for his or her time in the United States, and how the applicant will finance his or her trip. The officer then uses this information to assess whether the applicant will comply with the terms of the visa, including Immigration and Nationality

Act prohibitions on working in the United States, and overcome the legal presumption of immigrant intent under Section 214(b) of the Immigration and Nationality Act (INA).

- In his visit to Tel Aviv, A/PDAS Donahue met with consular managers and officers to reinforce their understanding that each and every visa decision must be made on the merits of that individual case.

Outreach – Visa Process

- The Public Affairs Section of Embassy Tel Aviv has updated the visa section of the Embassy website to underscore that the United States welcomes Israeli travelers.
- Following A/S Frifield’s letter, Embassy Tel Aviv, working with the Department, developed an action plan of steps to facilitate the visa process for young Israelis. In furthering our existing public outreach and education, the action plan contains both ongoing and planned outreach activities including:
 - **Detailed Guidance:** The consular section is currently refining its guidance, in Hebrew and English, on what is needed to qualify for a visa and what to expect during the interview. This practical, easy-to-follow updated information will be posted on the Embassy website and on social media, will be made available via handouts and pamphlets, and will be accompanied by an updated YouTube video.
 - **Web Chats:** The Embassy’s consular and public affairs sections held a web chat on June 17, 2014, “Talk to a Consular Officer.” Consular officers answered questions from more than 50 individuals during the chat, and generated approximately 20 subsequent follow-up inquiries. Questions included how to apply for a visa, visa eligibility requirements, and what activities were permitted when traveling with certain visa types.
 - **Social Media Campaign:** The consular section plans to launch a social media campaign to address a source of bad information about the U.S. visa process. More than 60 percent of Israeli applicants use “visa vendors” to help them with applications, even though it is not required and can potentially disadvantage applicants, including young Israelis, because applications prepared by vendors often contain errors that can

complicate the interview and the application process. The consular section is mounting a campaign called “Apply Yourself: Save money and simplify your visa application process” to encourage applicants to submit their applications without using vendors.

J-1 programs

- In June, the Embassy issued more than 600 J-1 visas to young Israelis for work in approved jobs for summer 2014, roughly the same number of J-1 visas as in 2013.
- Embassy Tel Aviv also further enhanced outreach to publicize this and other visa categories which are available to young Israelis and that might allow them to travel to and work in the United States as part of existing education exchange programs. For example, the Embassy webpage was amended to include an entire new section on opportunities available under the Summer Work and Travel program, and how to apply.
- Through social media and the Embassy website, the Embassy has expanded its outreach regarding current J-1 education exchange programs such as camp counsellor, au pair, and internship programs.
- In late spring, the Embassy worked closely with the Israeli organization that is the designated J-1 sponsor to publicize the opportunities for young Israelis to participate in these programs during the summer. We also consulted with the Jewish Agency for Israel to promote to Israelis the J-1 camp counselor programs for Jewish and non-Jewish summer camps this summer, and plan to continue that outreach throughout the year in preparation for Summer 2015.
- We are exploring the creation of a program specifically designed for young Israelis who have completed their mandatory military service or voluntary national service.
- Such a program could target those young Israelis who do not yet qualify for J-1 visas as post-secondary students or recent graduates due to their military and national service obligations. (Military service is compulsory for all Israeli citizens over the age of 18, unless otherwise exempt.)

Visa Waiver Program

- The Department of Homeland Security has formed a joint working group with the government of Israel to advise Israel on the eligibility requirements for the Visa Waiver Program.
- The first meeting of the working group took place August 18-19 in Washington. The attendees included working-level personnel from the Departments of Homeland Security and State and the Israeli Ministries of Foreign Affairs and Interior.

Attachment:

A/S Frifield Letter to Rep. Nita Lowey
Statistical Addendum

Approved: CA: MTBond, Acting (ok)

Drafted: CA/VO/F/P: Ladislav Beranek (b)(5)

Cleared: CA: DTDonahue, Acting (ok)
CA: OWoods, Acting (ok)
CA/VO: ERamotowski (ok)
CA/VO: KKing (ok)
CA/VO/F: SCooper (ok)
CA/VO/F/P: CKelly (ok)
CA/VO/F/P: NMcCarthy (ok)
CA/P: TMazin (ok)
NEA/IPA: CFilts (ok)
NEA/IPA: SButler (ok)
H: MAvery (ok)
ECA: NDeaner (ok)
EMB Tel Aviv: TCypher (ok)
EMB Tel Aviv: DSchwartz (ok)
EMB Tel Aviv: WGrant (ok)
EMB Tel Aviv: DShapiro (ok)

CA Tracking: T1949-14

**U.S. DEPARTMENT OF STATE***U.S. EMBASSY TEL AVIV, ISRAEL*

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INFORMATION MEMORANDUM

DATE: June 29, 2015
TO: The Ambassador
THROUGH: DCM – William Grant
FROM: CONS – David Schwartz
SUBJECT: Status Report on VWP Progress

During the past year, the GOI has made steady progress on a number of VWP requirements, though both the USG and GOI understand that there is no near term date on which readiness for VWP admission consideration will be complete:

- (U) Timely reporting of lost and stolen passports: The GOI and USG are now discussing the formal exchange of diplomatic notes to finalize satisfaction of this VWP requirement element. In February 2015, Israel informed the Department of Homeland Security (DHS) that it had initiated daily reporting of lost and stolen passport data to INTERPOL. In addition,

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

- (U) Issuance of ePassports: DHS sent a letter to the Israeli MFA in June 2015 certifying that Israeli e-Passports are fully useable at U.S. POEs and, as a result, comply with internationally accepted biometric and document authentication standards, as required for admission into VWP. Israeli citizens currently can choose whether to receive a biometric or non-biometric passport.
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- ~~(SBU)~~ Information sharing agreements on persons/passengers who may pose a terrorist or criminal threat: VWP designation requires the completion of two bilateral agreements that allow for the exchange of information on potential criminals and terrorists. (b)(5); (b)(7)(E)

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

- ~~(SBU)~~ Timely repatriation of citizens ordered removed from the United States: DHS has reported some issues with the repatriation of Israeli nationals in the past. However, cooperation with Israel on repatriations continues to improve, with travel documents being issued more rapidly. Although DHS will have to carefully review the repatriation relationship during a potential VWP evaluation process, it appears that Israel is close to meeting this requirement.

- ~~(SBU)~~ Reciprocal visa-free travel for U.S. citizens: DHS and DOS remain concerned with the apparent unequal treatment that Palestinian-Americans and other Americans of Arab and Middle Eastern origin receive at Israel's borders and checkpoints, including Ben Gurion Airport). (b)(5)

(b)(5)

- ~~(SBU)~~ Less than 3 percent visa refusal rate during the previous fiscal year: The FY14 refusal rate published by the Department of State was 8.2 percent. (b)(5); (b)(7)(E)

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

- ~~(SBU)~~ Receive a positive determination by the Secretary of Homeland Security, in consultation with the Secretary of State, that the designation would not compromise U.S. security, law enforcement, and immigration enforcement interests: The DHS evaluation includes a review of a country's counterterrorism and law enforcement risks and capabilities, counterterrorism and law enforcement relationships with the United States, border control capabilities, immigration laws and policies, and travel and identity document issuance and security. DHS will only commence this effort after all other VWP criteria are met, or are about to be met.
- ~~(SBU)~~ Undergo an independent intelligence assessment from the Office of the Director of National Intelligence: The evaluation includes, among other things, a review of terrorist threats; an evaluation of the subject country's counterterrorism efforts; and an evaluation of information sharing relevant to prevent terrorist movements, financing, and actions. The Office of the Director of National Intelligence will only commence this effort after all other VWP criteria are met, or are about to be met.