



**United States Department of State**

*Washington, D.C. 20520*

April 20, 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 March 9, 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 five responsive records subject to the FOIA. We have determined one record may be released in full and four 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](mailto: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 'Diamonece Hickson', with a stylized, flowing 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

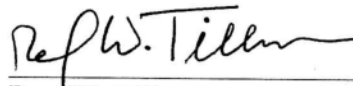
NR Material not responsive to a FOIA request excised with the agreement of the requester

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

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

SEP 11 2017

Date



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Rex W. Tillerson  
Secretary of State

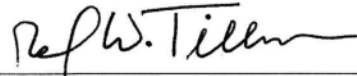
**DEPARTMENT OF STATE**  
**Office of the Secretary**

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

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

SEP 11 2017

Date



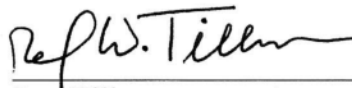
Rex W. Tillerson  
Secretary of State

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

- (1) Following receipt of notice from the Secretary of Homeland Security that the Government of Guinea is denying or unreasonably delaying accepting certain aliens who are citizens, subjects, nationals, or residents of that country, after that government was asked to accept said aliens under this section, I, in my capacity as Secretary of State, acting under the authority of INA section 243(d), 8 USC 1253(d), order consular officers in Guinea to discontinue granting nonimmigrant B1, B2, B1/B2, F1, F2, J1, J2, M1, and M2 visas to Guinean government officials and their immediate family members of Guinea beginning on the second business day following the signing of this order.
- (2) This discontinuation of nonimmigrant visa issuance shall not apply to persons described in paragraph (1) above:
  - (a) whose travel serves the national interest as determined by the Department,
  - (b) who are traveling for humanitarian or emergency reasons such as for medical care as determined by the Department, or
  - (c) who are otherwise specifically authorized by the Department to be issued a visa.
- (3) This discontinuation of issuance of nonimmigrant visas may be expanded to include additional categories of applicants upon agreement of the Assistant Secretary for African Affairs and the Assistant Secretary for Consular Affairs.
- (4) Normal issuance of visas in Guinea will resume when the Secretary of Homeland Security provides notice as required under the statute.

SEP 11 2017

Date



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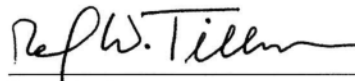
Rex Tillerson  
Secretary of State

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

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

SEP 11 2017

Date



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Rex Tillerson  
Secretary of State

No. 1511

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of the Union of Myanmar and requests the Ministry's assistance in arranging an interagency meeting for the visit of two officials from the Department of Homeland Security on Wednesday, September 26, 2018:

(b)(6) Assistant Director of Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

(b)(6) Deputy Assistant Director of Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

Ambassador of the United States of America to the Republic of the Union of Myanmar, His Excellency Mr. Scot Marciel, First Secretary (b)(6) and interpreter (b)(6) from the Embassy of the United States of America also plan to accompany (b)(6) and (b)(6) at the meeting.

The Embassy requests the Ministry's assistance in facilitating one meeting on the morning of Wednesday, September 26, 2018 between the delegation from the United States of America and the following officials from the Republic of the Union of Myanmar:



1. Union Minister for Labor, Immigration, and Population, His Excellency  
U Thein Swe, or his designate;
2. (b)(6) Permanent Secretary, Ministry of International  
Cooperation
3. (b)(6) Permanent Secretary, Ministry of Home Affairs

The delegation from the United States of America wishes to discuss visa sanctions imposed on Myanmar in July, 2018 and ways to increase cooperation on the removal of Myanmar nationals that are ordered deported from the United States.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Republic of the Union of Myanmar the assurances of its highest consideration.

Embassy of the United States of America,

Yangon, September 7, 2018



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**From:** SMART Archive  
**Sent:** 9/8/2016 1:45:24 PM  
**To:** SMART Core  
**Subject:** DEMARCHE REQUEST ON REPATRIATION OF ALIENS AND POSSIBLE VISA SANCTIONS

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SBU



## DeControlled

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**MRN:** 16 STATE 100030  
**Date/DTG:** Sep 08, 2016 / 081745Z SEP 16  
**From:** SECSTATE WASHDC  
**Action:** BANJUL, AMEMBASSY *IMMEDIATE*  
**E.O.:** 13526  
**TAGS:** CMGT, CVIS, GM, KHLS  
**Captions:** SENSITIVE  
**Reference:** A) 16 STATE 75514  
B) 16 STATE 47479  
**Subject:** DEMARCHE REQUEST ON REPATRIATION OF ALIENS AND POSSIBLE VISA SANCTIONS

1. (SBU) This is an action request. See paragraph 5.
2. (SBU) SUMMARY: Embassy Banjul is requested to demarche the Government of the Gambia (GoTG) at the highest appropriate level to deliver the following Diplomatic Note, which contains an ultimatum on impending visa sanctions as a result of The Gambia's lack of cooperation in issuing travel documents and accepting the return of their nationals ordered removed from the United States. END SUMMARY
3. (SBU) Background: The removal from the United States of aliens subject to final orders of removal is a significant national security issue. The U.S. Department of Homeland Security's Immigration and Customs Enforcement (DHS/ICE) seeks the cooperation of foreign governments to facilitate the return of their nationals who have been ordered removed after exhausting their rights to legal process. Many such aliens hold expired travel documents, claim to have misplaced them, or claim to be from a country to which they have no ties. Some may have legitimate claims, but most seek to complicate and delay the process with the hope of remaining in the United States. The lack of cooperation of the Embassy or Consulate of their nation of origin extends and in many cases inhibits the removal process. The inability of DHS to remove aliens subject to deportation burdens the U.S. government with unnecessary detention costs. Furthermore, as a result of a 2001 Supreme Court ruling (*Zadvydas v. Davis*), aliens subject to an order of removal cannot be kept in custody indefinitely pending receipt of travel documents; they must be generally released after 180 days, even when they have criminal

records. Due to this constraint, combined with uncooperative countries of origin, DHS is required to release hundreds of criminal aliens into U.S. communities each year.

4. (SBU) Background Continued: The United States believes that each country has an obligation under international law to accept the return of its nationals who are not eligible to remain in the United States or any other country. DHS regards a country that is especially uncooperative or refuses to accept the return of their nationals as "recalcitrant." There are 23 such countries as of ICE's last determination, in October 2015, including The Gambia. While we have made progress with other countries on the list through strenuous diplomatic engagement, The Gambia has shown no positive movement. (b)(7)(E)

(b)(7)(E)

(b)(7)(E) For many years, State has worked with DHS to engage with each recalcitrant country, taking into account all of the factors specific to it, with a view to increasing cooperation on removals.

5. (SBU) Begin Diplomatic Note:

The Embassy of the United States presents its compliments to the Ministry of Foreign Affairs of the Republic of The Gambia and has the honor to bring to its attention the outstanding matter of Gambian nationals subject to Final Orders for Removal from the United States. As the Ministry is aware, the United States has long expressed concern that The Gambia has been unresponsive to the repeated requests, in Banjul 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.

It is the view of the United States that The Gambia has an obligation to accept the return of its nationals who cannot legally remain in the United States or any other country. As a result of The Gambia's lack of cooperation in this regard, the Department of Homeland Security, Immigration and Customs Enforcement has placed The Gambia on its list of countries determined to be recalcitrant in accepting the return of their nationals.

On July 7, the Department of State's Director of West African Affairs and the Unit Chief of Immigration and Customs Enforcement responsible for The Gambia jointly informed your Ambassador in Washington that the United States required specific, time-bound commitments by The Gambia, failing which the possibility of visa sanctions might not be avoided.

On July 18, officials from the Department of Homeland Security's Immigration and Customs Enforcement requested that your Embassy interview (b)(7)(C) individuals, listed in attached enclosure, to determine their citizenship and issue them travel documents so they could be returned to The Gambia. While your Embassy interviewed (b)(7)(C) of these individuals, none were issued travel documents. Since then (b)(7)(C) more individuals have become subject to final orders of removal. These individuals have been added to the priority list in attached enclosure, bringing the total to (b)(7)(C) individuals for whom the United States seeks the Government of The Gambia's cooperation to facilitate their removal.

On August 18 in Banjul, U.S. Ambassador Alsup met with Foreign Minister Neneh McDouall Gaye to stress again the need for swift action, that time was running out, and that a failure by The Gambia to act promptly would likely result in visa sanctions.

On August 28 in Nairobi, Kenya, Assistant Secretary for African Affairs Linda Thomas-Greenfield met with Foreign Minister Gaye to reiterate the request for specific, time-bound commitments by The Gambia, failing which

visa sanctions might be implemented.

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 Banjul, the latest of which occurred in July and August 2016, respectively, The Gambia has failed to cooperate sufficiently to facilitate the removal of their nationals from the United States.

Accordingly, the Embassy of the United States is obliged to inform the Ministry of Foreign Affairs of the Republic of The Gambia that the United States intends to impose visa sanctions against The Gambia unless your government cooperates in the following way: 1) issue travel documents for each of the individuals listed in the enclosure no later than September 30 and facilitate their repatriation as soon as practicable; and 2) commit by September 30 to continued documentation of Gambian nationals within 30 days of receipt of a request from Immigration and Customs Enforcement.

The visa sanctions will take effect immediately upon failure to meet the deadlines and commitments detailed above, and will remain in place until the Secretary of Homeland Security has determined that The Gambia has accepted the return of its nationals and so informed the State Department.

Upon request, the Department of State and Immigration and Customs Enforcement stand ready to assist The Gambia in interviewing its putative nationals and planning their removal.

End Diplomatic Note.

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

Attachment:  
List of Gambians Under Final Order of Removal

**Signature:** Kerry

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**Drafted By:** CA/VO:SHankinson ext. (b)(6)  
**Cleared By:** CA: DTDonahue  
CA: SMyers  
CA/VO: ERamotowski  
CA/VO: KKing  
CA/VO/L: NPerry  
CA/VO/F: JNantais  
CA/VO/F: AFenzel  
L/CA: LDonnelly  
A/FO: D. Reimer  
AF/W: J. Hughes  
AF/W: M. Lavine  
D: CDavis  
D-MR: BThomas  
P: EFrench

	M: HAlto
	M-PRI: ALarkin
	S/P:SHall-Judge
<b>Approved By:</b>	CA: Michele Thoren Bond
<b>Released By:</b>	IRM_OPS_MSO:Jarero, Eduardo
<b>Attachments:</b>	GambianDetainedFO9.6.16.pdf

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**Dissemination Rule:** Archive Copy

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201711850  
**United States Department of State**

*Washington, D.C. 20520*

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September 5, 2017

## **ACTION MEMO FOR THE SECRETARY**

**FROM:** CA – Carl C. Risch  
AF – Peter Barlerin, Senior Bureau Official

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

### **Recommendation**

(SBU) That you:

- (1) Sign the “Exercise of Authority” under INA section 243(d) which:
  - (a) orders consular officers in Eritrea to discontinue, after two business days from the date of signature, issuing B1 (business), B2 (tourism), and B1/B2 visas to citizens, subjects, nationals, and residents of that country, with limited exceptions; and
  - (b) authorizes broadening the scope of discontinuation of visa issuance to B, F (academic student), J (exchange visitor), and M (vocational student) visas to all citizens, subjects, nationals, and residents of that country, with limited exceptions after 90 days, in the event that CA and AF jointly determine that Eritrea continues to deny or unreasonably delay accepting its nationals who have been ordered to be removed from the United States. (Approve/Disapprove by 9/12/17)
- (2) Send a letter notifying Acting DHS Secretary Duke of your action.  
(Approve/Disapprove 9/12/17)
- (3) Engage with DHS to lift visa sanctions if CA and AF agree, after the 90 day period, that Eritrea has cooperated to accept its nationals as requested by DHS.  
(Approve/Disapprove 9/12/17)

### **Background**

(U) Under section 243(d) of the INA, if the Secretary from DHS notifies you that a country denies or unreasonably delays accepting an alien who has been ordered to be removed from the United States, you are required to order consular officers in country “to discontinue granting immigrant or nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of that country” until the Secretary from DHS notifies you that the country has accepted the subject aliens. Under the law and the 2003 MOU between the Secretaries of State and DHS concerning implementation of Section 428 of the Homeland Security Act of 2002, you have the authority to determine visa classifications and categories of applicants subject to discontinuation under section 243(d).

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(SBU) We have informed Eritrea at senior levels in both Washington and Asmara that discontinuation of visa issuance was likely if Eritrea failed to issue travel documents within 30 days of receipt of the request and to commit to timely issuance of travel documents to Eritrean nationals subject to a final order of removal in the future. On August 16, Acting DHS Secretary Duke notified you that Eritrea has failed to comply with those requests, and she sent notice, pursuant to INA 243(d), that Eritrea continues to deny or unreasonably delay the return of its citizens or nationals. Should you approve this memo, we recommend your office send a letter notifying Acting DHS Secretary Duke of your action.

(SBU) (b)(5)

(b)(5) We recommend Embassy Asmara discontinue issuing B1, B2, and B1/B2 visas to citizens, subjects, nationals, and residents of the State of Eritrea. Absent sufficient progress in 90 days by the Government of Eritrea on removals as agreed to by AF, CA, and interagency partners, AF and CA will expand the categories of restricted visas to include F, M, and J visas to all citizens, subjects, nationals, and residents of the State of Eritrea. The Department will work with DHS to establish clear benchmarks for Eritrea to secure the lifting of visa sanctions.

(SBU) The visa sanctions proposed in paragraph one of the Exercise of Authority do not apply to travel found to be in the U.S. national interest, or for humanitarian or emergency travel, or when otherwise specifically authorized by the Department. (b)(7)(E)

(b)(7)(E)

(b)(7)(E) If Eritrea accepts its citizens who have been ordered to be removed from the United States within a 30-day period, for four consecutive 30-day periods, the Department will press DHS to review Eritrea's compliance status with a view to lifting the visa suspension. Normal issuance of visas in Eritrea will resume when the Secretary of DHS provides notice to you that the country has accepted the aliens, as required under the statute.

(SBU) The last time INA section 243(d) sanctions were invoked was in 2016, when former Secretary Kerry ordered the discontinuation of certain non-immigrant visas to employees of the government of The Gambia and certain associated business entities. (b)(5)

(b)(5)

(SBU) (b)(5)

(b)(5)

Attachments:

- Tab 1 – Exercise of Authority under Section 243(d) of the INA Temporarily  
Discontinuing Visa Issuance to Certain Applicants in Eritrea
- Tab 2 – Letter to DHS
- Tab 3 – Legal Authorities
- Tab 4 – Notification from Secretary of Homeland Security

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

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

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

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201711851  
**United States Department of State**

*Washington, D.C. 20520*

SENSITIVE BUT UNCLASSIFIED

September 1, 2017

**ACTION MEMO FOR THE SECRETARY**

FROM: CA – Carl C. Risch  
AF – Peter Barlerin, Senior Bureau Official

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

**Recommendation**

(SBU) That you:

- (1) Sign the “Exercise of Authority” under INA section 243(d), which:
  - (a) orders consular officers in Sierra Leone to discontinue after two business days issuing B (business or tourism) visas to MFA officials and immigration officials, with limited exceptions; and
  - (b) authorizes broadening the scope of discontinuation of visa issuance to B, F (academic student), J (exchange visitor), and M (vocational student) visas to all citizens, subjects, nationals, and residents of that country, with limited exceptions after 90 days, in the event that CA and AF jointly determine that Sierra Leone has continued to deny or unreasonably delay accepting its nationals who have been ordered removed from the United States.(Approve/Disapprove by 9/8/17)
- (2) Sign a letter, notifying DHS of the actions taken and forwarding the Exercise of Authority. (Approve/Disapprove 9/8/17)
- (3) Engage with DHS to lift visa sanctions if CA and AF agree, after the 90 day period, that Sierra Leone has cooperated to accept its nationals as requested by DHS. (Approve/Disapprove 9/8/17)

**Background**

(U) Under section 243(d) of the INA, if the Secretary of Homeland Security notifies you that a country denies or unreasonably delays accepting an alien who has been ordered removed from the United States, you are required to order consular officers in country “to discontinue granting immigrant or nonimmigrant visas, or both, to citizens, subjects, nationals, and residents of that country” until the Secretary of Homeland Security notifies you that the country has accepted the subject aliens. Under the law and the 2003 MOU between the Secretaries of State and DHS Concerning Implementation of Section 428 of the Homeland Security Act of 2002, you have the authority to determine which visa classifications and categories of applicants are subject to discontinuation under section 243(d).

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(b)(7)(E) (SBU) Prior to May 2017, we repeatedly informed Sierra Leone at senior levels in both Washington and Freetown that discontinuation of visa issuance was likely if Sierra Leone failed to cooperate with the DHS on removals. In May 2017, recognizing Sierra Leone's positive progress on removals, DHS moved Sierra Leone from its list of "uncooperative" countries to its list of those "at risk of non-compliance." Sierra Leone conducts interviews every four months and works closely with DHS to issue travel documents. There are currently [redacted] Sierra Leoneans in custody on final orders for removal. [redacted] are slated to be interviewed in October. The Embassy of Sierra Leone is working with DHS on the documents for the remaining [redacted]. On August 16, Acting Secretary Duke notified you that the Government of Sierra Leone failed to comply with DHS's requests for cooperation, and she sent notice, pursuant to INA 243(d), that Sierra Leone "continues to deny or unreasonably delay the return of its citizens or nationals" subject to removal from the United States. Should you approve this memo, we recommend you send a letter notifying Acting Secretary Duke of your action. (b)(7)(E) (b)(7)(E)

(SBU) We believe a staged approach is the most effective and practical strategy to compel Sierra Leone to accept the return of its nationals. We recommend that Embassy Freetown discontinue issuing B1 (business), B2 (tourism), and B1/B2 visas to MFA and immigration officials, targeting those most responsible for Sierra Leone's failure to cooperate with DHS. We intend to inform Sierra Leone that for DHS to no longer consider it "Uncooperative," it must: (1) issue travel documents for high-priority deportees within 30 days of notification and facilitate their repatriation; (2) commit by September 15 to continued documentation of Sierra Leonean nationals within 30 days of receipt of a request from DHS; and (3) continue to issue travel documents within 30 days of receipt of a request from DHS.

(SBU) Absent compliance by Sierra Leone, AF and CA intend to expand the categories of restricted visas to include all B, F, M, and J visas for all citizens, subjects, nationals, and residents of Sierra Leone. Conversely, should Sierra Leone abide by these requirements for 120 days, accepting their citizens ordered for removal within a 30-day period for four consecutive 30-day periods, the Department will press DHS to immediately notify you that the INA 243(d) sanction can be lifted.

(SBU) The visa sanctions proposed in paragraph (1) of the Exercise of Authority do not apply to travel found to be in the U.S. national interest, or for humanitarian or emergency travel, or when otherwise specifically authorized by the Department. (b)(7)(E)

(b)(7)(E)

(SBU) The last time INA section 243(d) sanctions were invoked was in 2016, when former Secretary Kerry ordered the discontinuation of certain nonimmigrant visas to employees of the Government of The Gambia and certain associated business entities. (b)(5)

(b)(5)

(SBU) The United States has limited national interests in Sierra Leone, which notably is combatting a significant outbreak of infectious disease. The United States enjoys positive relations with the country, where the United States is viewed favorably. Sierra Leone is recovering from the August 14 mudslide, which killed more than 500 people on the outskirts of

Freetown. The imposition of this specific category of visa sanctions will be jarring to the Sierra Leoneans' view of the United States and may weaken future cooperation.

Attachments:

- Tab 1 – Exercise of Authority Sierra Leone
- Tab 2 – Proposed Correspondence
- Tab 3 – Legal Authorities
- Tab 4 – Incoming Correspondence

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