



United States Department of State

Washington, D.C. 20520

March 9, 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:

We refer you to our letter dated January 26, 2023, regarding the release of certain Department of State ("Department") material under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The Department has located six additional records responsive to your request subject to the FOIA. We have determined that all six records may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we 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 in the enclosed pages.

The processing of your request is ongoing. 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 'Diamonece Hickson', with a stylized flourish at the end.

Diamonece Hickson
Chief, Litigation and Appeals Branch
Office of Information Program 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

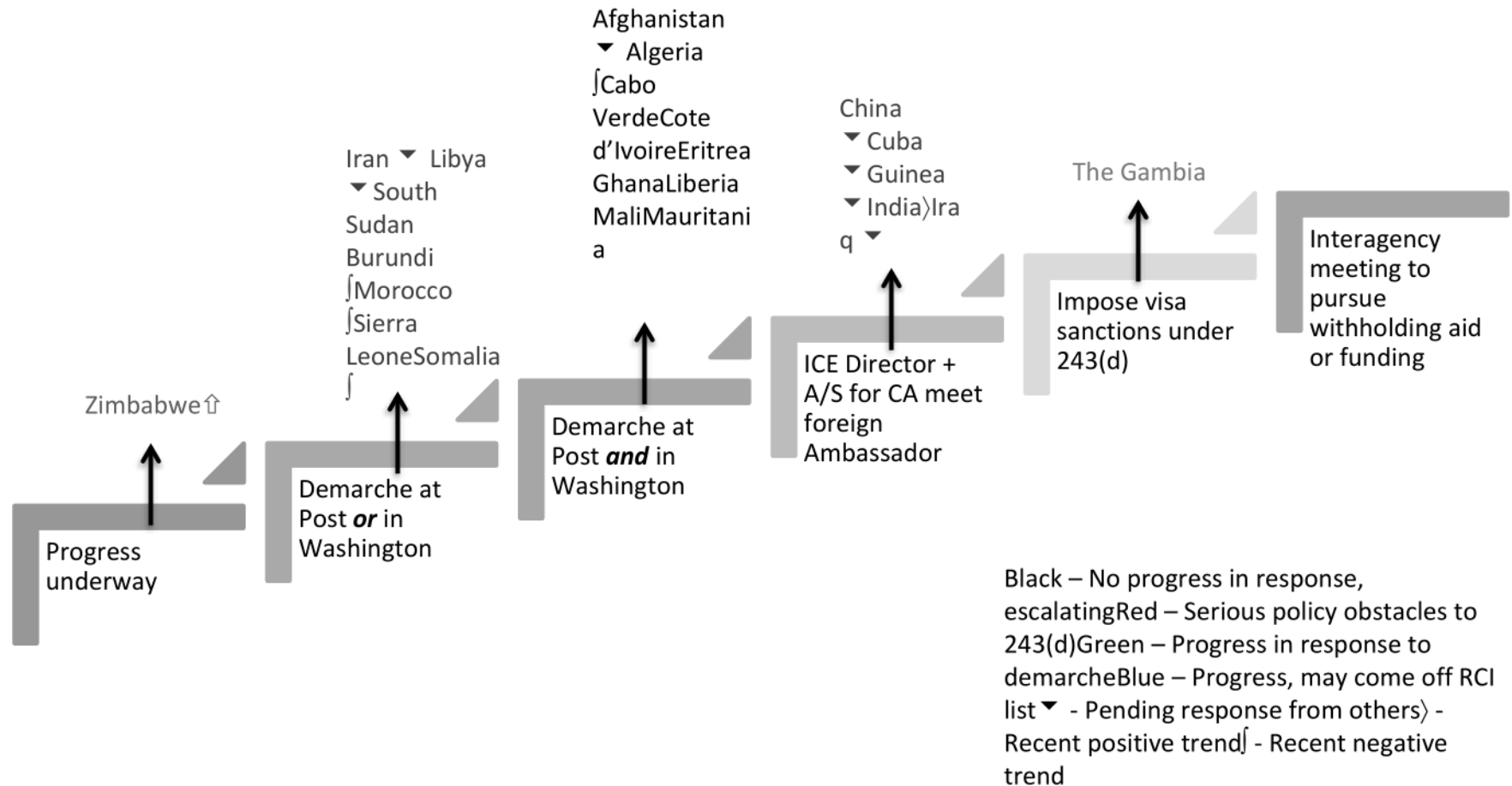
(b)(8) Prepared by or for a government agency regulating or supervising financial institutions

(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

Measures to Address Recalcitrant Countries per CA-ICE MoU



From: Briggs, Jamie M
Sent: Fri, 26 May 2017 15:46:29 -0400
To: Bentes, Julianna W; Kerr, Stephen M; Murphy, Kathleen A; Donnelly, Elizabeth A; O'Connor, Elizabeth M; Tampio, A Jesse
Cc: Salie, David P; Chabora, Paige E
Subject: RE: Pls Clr 4 pm: Game Plan on Repats (Cambodia)
Attachments: Game Plan to Restore Cambodia Coop on Repats_v10 LCA (LEAP).docx

DeControlled

A few small edits and suggestions (b)(5)

Best,
Jamie

Official - ~~SBU~~ (Attorney Work Product, Deliberative Process)
UNCLASSIFIED

From: Bentes, Julianna W
Sent: Friday, May 26, 2017 3:38 PM
To: Kerr, Stephen M; Murphy, Kathleen A; Donnelly, Elizabeth A; Briggs, Jamie M; O'Connor, Elizabeth M; Tampio, A Jesse
Cc: Salie, David P; Chabora, Paige E
Subject: RE: Pls Clr 4 pm: Game Plan on Repats (Cambodia)

(b)(5)

All the best,
Julianna

Official - ~~SBU~~ (Attorney Work Product, Deliberative Process)
UNCLASSIFIED

From: Kerr, Stephen M
Sent: Friday, May 26, 2017 2:16 PM
To: Murphy, Kathleen A; Donnelly, Elizabeth A; Briggs, Jamie M; O'Connor, Elizabeth M; Tampio, A Jesse
Cc: Bentes, Julianna W; Salie, David P; Chabora, Paige E
Subject: RE: Pls Clr 4 pm: Game Plan on Repats (Cambodia)

Merged version attached.

Steve

Official - ~~SBU~~ (Attorney Work Product, Deliberative Process)
UNCLASSIFIED

From: Murphy, Kathleen A
Sent: Friday, May 26, 2017 2:03 PM
To: Donnelly, Elizabeth A; Briggs, Jamie M; O'Connor, Elizabeth M; Tampio, A Jesse

Cc: Bentes, Julianna W; Kerr, Stephen M; Salie, David P; Chabora, Paige E
Subject: RE: Pls Clr 4 pm: Game Plan on Repats (Cambodia)

Liz - (b)(5)

(b)(5) Can you merge? Thx, Kathleen Murphy

Official - ~~SBU~~ (Attorney Work Product, Deliberative Process)
UNCLASSIFIED

From: Donnelly, Elizabeth A
Sent: Friday, May 26, 2017 12:31 PM
To: Briggs, Jamie M; Murphy, Kathleen A; O'Connor, Elizabeth M; Tampio, A Jesse
Cc: Bentes, Julianna W; Kerr, Stephen M; Salie, David P
Subject: FW: Pls Clr 4 pm: Game Plan on Repats (Cambodia)
Importance: High

Hi all - (b)(5)

(b)(5)

Thanks,
Liz

Official - ~~SBU~~
UNCLASSIFIED

From: Bazil, Drew D
Sent: Friday, May 26, 2017 11:59 AM
To: Donnelly, Elizabeth A; Hankinson, Simon R
Cc: Fenzel, Andrew D; Lewis, Poonam; Salie, David P; Newman, David S
Subject: RE: Pls Clr COB: Game Plan on Repats (Cambodia)

Yes - (b)(5)

Drew

Official - ~~SBU~~
UNCLASSIFIED

From: Donnelly, Elizabeth A
Sent: Friday, May 26, 2017 11:57 AM
To: Hankinson, Simon R; Bazil, Drew D
Cc: Fenzel, Andrew D; Lewis, Poonam; Salie, David P; Newman, David S
Subject: RE: Pls Clr COB: Game Plan on Repats (Cambodia)

(b)(5)

Official - ~~SBU~~
UNCLASSIFIED

From: Hankinson, Simon R
Sent: Friday, May 26, 2017 11:12 AM
To: Bazil, Drew D
Cc: Fenzel, Andrew D; Lewis, Poonam; Donnelly, Elizabeth A; Salie, David P; Newman, David S
Subject: RE: Pls Clr COB: Game Plan on Repats (Cambodia)

Drew

Some edits. (b)(5)

S

Official - ~~SBU~~
UNCLASSIFIED

From: Fenzel, Andrew D
Sent: Friday, May 26, 2017 10:27 AM
To: Bazil, Drew D; Hankinson, Simon R; Lewis, Poonam
Subject: RE: Pls Clr COB: Game Plan on Repats (Cambodia)

Drew,

Some minor edits, but overall looks good.

Thanks,
Andrew

Andrew Fenzel
Post Operations Division, Office of Visa Services
Bureau of Consular Affairs
U.S. Department of State
(W) 202-485-7613

Official - ~~SBU~~
UNCLASSIFIED

From: Bazil, Drew D
Sent: Friday, May 26, 2017 9:41 AM
To: Hankinson, Simon R; Fenzel, Andrew D; Lewis, Poonam
Subject: RE: Pls Clr COB: Game Plan on Repats (Cambodia)

As Simon will have seen from another chain, ICE got back to us. Please clear on this version with ICE's substantive changes accepted.

Drew

Official -~~SBU~~
UNCLASSIFIED

From: Bazil, Drew D
Sent: Friday, May 26, 2017 9:06 AM
To: Hankinson, Simon R; Fenzel, Andrew D; Lewis, Poonam
Subject: Pls Clr COB: Game Plan on Repats (Cambodia)

Hi Simon and team,

I sent it to Post last night and the ICE attaché there sent it to ICE HQ (John). Sorry—I would have preferred to get your edits before it went over there, but now the cat is out of the bag so we have to clear at the same time. I will let you know if they edit anything and vice versa.

Drew

Drew David Bazil | Cambodia Desk Officer
U.S. Department of State (EAP/MLS) | HST 5206
Office: +1 202-647-3095 | Email: BazilDD@State.gov

Official -~~SBU~~
UNCLASSIFIED

~~(SBU)~~ **Draft Game Plan to Restore Cambodia's Cooperation on the Removal of
Cambodian Nationals with Final Orders of Removal**

~~(SBU)~~ **Strategic Objectives:**

- **Protect the American public from criminality.**
- **Defend the U.S. immigration system.**
- **Create/Defend American jobs.**
- **Ensure we can continue working with Cambodia on high-priority issues (e.g., North Korea, maritime security, etc.).**

~~(SBU)~~ **Scale of the Issue:**

(b)(5)

~~(SBU)~~ **Desired Cambodian Response:**

(b)(5)

(b)(5)

~~(SBU)~~ **Recent Action and Engagement:**

(b)(5)

(b)(5)

~~(SBU)~~ **Action Plan to Encourage Progress**

(b)(5)

(b)(5)



Drafted: EAP/MLS: Drew Bazil – 202 647 3095

Cleared: Phnom Penh: JChung (ok)

ICE: JSchultz (ok)

CA: SHankinson (ok)

EAP: PMurphy ()

From: Donnelly, Elizabeth A
Sent: Fri, 26 May 2017 19:20:32 +0000
To: Salie, David P
Cc: Bentes, Julianna W
Subject: RE: Pls Clr: Laos Repats Game Plan
Attachments: Game Plan to for Laos Coop on Repats_v2 plus L.docx

DeControlled

(b)(5)

Official -~~SBU~~ (Attorney Work Product, Deliberative Process)
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From: Salie, David P
Sent: Friday, May 26, 2017 3:04 PM
To: Donnelly, Elizabeth A
Subject: RE: Pls Clr: Laos Repats Game Plan

Great – thanks!

Official -~~SBU~~ (Attorney Work Product, Deliberative Process)
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From: Donnelly, Elizabeth A
Sent: Friday, May 26, 2017 2:59 PM
To: Salie, David P
Subject: RE: Pls Clr: Laos Repats Game Plan

I can take a look quickly at this.

Official -~~SBU~~ (Attorney Work Product, Deliberative Process)
UNCLASSIFIED

From: Salie, David P
Sent: Friday, May 26, 2017 2:58 PM
To: Briggs, Jamie M; Murphy, Kathleen A; Tampio, A Jesse; Kerr, Stephen M; O'Connor, Elizabeth M
Cc: Donnelly, Elizabeth A
Subject: RE: Pls Clr: Laos Repats Game Plan

Thank you all!

-d

Official -~~SBU~~ (Attorney Work Product, Deliberative Process)

UNCLASSIFIED

From: Briggs, Jamie M
Sent: Friday, May 26, 2017 2:57 PM
To: Murphy, Kathleen A; Tampio, A Jesse; Kerr, Stephen M; Salie, David P; O'Connor, Elizabeth M
Cc: Donnelly, Elizabeth A
Subject: RE: Pls Clr: Laos Repats Game Plan

Just a few typos corrected (b)(5)

Best,
Jamie

Official - ~~SBU~~ (Attorney Work Product, Deliberative Process)
UNCLASSIFIED

From: Murphy, Kathleen A
Sent: Friday, May 26, 2017 2:47 PM
To: Tampio, A Jesse; Kerr, Stephen M; Salie, David P; Briggs, Jamie M; O'Connor, Elizabeth M
Cc: Donnelly, Elizabeth A
Subject: RE: Pls Clr: Laos Repats Game Plan

(b)(5) Kathleen Murphy

Official - ~~SBU~~ (Attorney Work Product, Deliberative Process)
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From: Tampio, A Jesse
Sent: Friday, May 26, 2017 2:26 PM
To: Kerr, Stephen M; Salie, David P; Briggs, Jamie M; Murphy, Kathleen A; O'Connor, Elizabeth M
Cc: Donnelly, Elizabeth A
Subject: RE: Pls Clr: Laos Repats Game Plan

Same as the last one - (b)(5) Thanks.

A. Jesse Tampio // Attorney-Adviser, Economics & Business Affairs (L/EB)
x5-1644 // HST 5519

Official - ~~SBU~~
UNCLASSIFIED

From: Kerr, Stephen M
Sent: Friday, May 26, 2017 2:12 PM
To: Salie, David P; Briggs, Jamie M; Murphy, Kathleen A; O'Connor, Elizabeth M; Tampio, A Jesse
Cc: Donnelly, Elizabeth A
Subject: RE: Pls Clr: Laos Repats Game Plan

No edits. One comment.

Steve

Official - ~~SBU~~
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From: Salie, David P
Sent: Friday, May 26, 2017 2:09 PM
To: Briggs, Jamie M; Murphy, Kathleen A; O'Connor, Elizabeth M; Tampio, A Jesse
Cc: Donnelly, Elizabeth A; Kerr, Stephen M
Subject: FW: Pls Clr: Laos Repats Game Plan

And here's another one, gang – this one for Laos. Can you get back to me by 4pm, too?

If I've missed anyone, please feel free to forward . . .

-d

David P. Salie
Attorney-Adviser
Office of the Assistant Legal Adviser for Consular Affairs (L/CA)
202.485.8659

Official - ~~SBU~~
UNCLASSIFIED

From: Bazil, Drew D
Sent: Friday, May 26, 2017 1:11 PM
To: Hankinson, Simon R; Fenzel, Andrew D; Lewis, Poonam; Newman, David S; Donnelly, Elizabeth A; Salie, David P
Cc: Prokop, Paul G
Subject: Pls Clr: Laos Repats Game Plan

Hi all,

I am covering for the Laos Desk today, though Paul is available sporadically and may chime in as well on this thread. Please clear this plan for Laos—similar to the one I circulated earlier for Cambodia.

ICE has already cleared and this version incorporates their edits.

Drew

Drew David Bazil | Cambodia Desk Officer
U.S. Department of State (EAP/MLS) | HST 5206
Office: +1 202-647-3095 | Email: BazilDD@State.gov

Official - ~~SBU~~
UNCLASSIFIED

~~(SBU)~~ **Draft Game Plan to Restore the Lao PDR's Cooperation on the Removal of Lao Nationals with Final Orders of Removal**

~~(SBU)~~ **Strategic Objectives:**

- Protect the American public from criminal aliens
- Strengthen the integrity of the U.S. immigration system
- Create and protect U.S. jobs
- Maintain Lao cooperation on other high-priority issues (e.g., DPRK, South China Sea and MIA recovery)

~~(SBU)~~ **Scale of the Problem:**

(b)(5)

~~(SBU)~~ **Benchmarks for Lao Cooperation:**

(b)(5)

(b)(5)

~~(SBU)~~ Recent Action and Engagement:

(b)(5)

~~(SBU)~~ Action Plan to Encourage Progress

(b)(5)

Non-Laos-Specific Actions

(b)(5)

Potential Actions Short of Visa Sanctions if Laos Fails to Meet Cooperation Benchmarks by June 30

(b)(5)

Steps to Imposition of Visa Restrictions ~~Sanctions~~ if Laos Fails to Meet Cooperation Benchmarks by July 15

(b)(5)

(b)(5)



Drafted: EAP/MLS: Paul Prokop – 202 647 2036

Cleared: Vientiane: (ok)

ICE: JSchultz (ok)

From: Salie, David P
Sent: Fri, 15 Jun 2018 11:07:06 -0400
To: Hooke, Kathleen H
Cc: Wall, Amanda J;Donnelly, Elizabeth A
Subject: RE: New Version of the Burma 243(d) Package is Coming
Attachments: AM to S on Burma 243(d) Sanctions (L).docx, Tab 4 - CA 243d Order - Burma (L).docx

DeControlled

And here you go, Kathleen. (b)(5)

(b)(5) your prompt review and clearance would be appreciated.

I've reviewed these two key documents (sorry, Judy is out, so she did not have a chance to review). (b)(5)

(b)(5)

Thanks much!

-d

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From: Salie, David P
Sent: Thursday, June 14, 2018 3:56 PM
To: Hooke, Kathleen H
Cc: Wall, Amanda J
Subject: New Version of the Burma 243(d) Package is Coming

Kathleen,

The good news is (b)(5)

(b)(5)

The bad news is that they will want L's quick clearance on it.

The new package has not yet been sent to me, but Judy and I will review as soon as I get it. I'm certain that you'll want to review after we've done so, but hopefully the changes will be relatively straightforward (I'll flag for you any parts that appear substantively new).

Thanks,

-d

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

202.485.8672

**Official
UNCLASSIFIED**

**United States Department of State*****Washington, D.C. 20520***~~SENSITIVE BUT UNCLASSIFIED~~

June 15, 2018

ACTION MEMO FOR THE SECRETARY

FROM: CA – Carl Risch
EAP – Susan Thornton

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

Recommendation(s)

(b)(5)

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

-2-

Background

(U) Under INA Section 243(d), 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 alien. Under the law and consistent with the 2003 Memorandum of Understanding between the Secretaries of State and Homeland Security 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 INA Section 243(d).

Commented [C1]: Originally cleared background text

(b)(5)

Commented [C2]: Original cleared background text

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

-3-

(b)(5)

~~SENSITIVE BUT UNCLASSIFIED~~

Approved: CA: Carl Risch
EAP: Susan Thornton

Drafted: CA – Valerie Chittenden, ext. 5-6770 and cell: (b)(6)
EAP -

Cleared: CA: KChristensen ()
CA: JEchard ()
CA/VO: ERamotowski (ok)
CA/VO: MParker (ok)
CA/VO/F: CParker (ok)
CA/VO/F: JLo (ok)
CA/VO/L: NPerry (ok)
CA/VO/L: AGranger (ok)
EAP: PMahoney (ok)
L/FO: KHooke ()
L/CA: DSalie (ok)
D: ()
P: ()
M: ()
S/P: ()

DEPARTMENT OF STATE

Office of the Secretary

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

(b)(5)

Dated:

Michael Pompeo,
Secretary of State

From: Salie, David P
Sent: Wed, 31 May 2017 18:34:53 -0400
To: Hooke, Kathleen H;Donnelly, Elizabeth A;Osborn, Judith L
Cc: Bentes, Julianna W;Scimeca, Natalya K
Subject: (b)(5) Removals to Recalcitrant Countries:(b)(5)

Thanks, Kathleen. (b)(5)

(b)(5); (b)(6)

(b)(5)

DHS informed the NSC that it had sent State a notice last Friday,

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

Thanks,

-d

David P. Salie
Attorney-Adviser
Office of the Assistant Legal Adviser for Consular Affairs (L/CA)

(b)(6)

Official
UNCLASSIFIED

From: Hooke, Kathleen H
Sent: Wednesday, May 31, 2017 5:32 PM
To: Donnelly, Elizabeth A; Osborn, Judith L; Salie, David P
Subject: FW: DHS - State MOU

Fyi.

-----Original Message-----

From: (b)(6) EOP/NSC [mailto:(b)(6)]
Sent: Wednesday, May 31, 2017 4:58 PM
To: Hooke, Kathleen H
Subject: RE: DHS - State MOU

Thanks, Kathleen, (b)(5)

(b)(5)

-----Original Message-----

From: Hooke, Kathleen H [mailto:HOOKEKH@state.gov]
Sent: Wednesday, May 31, 2017 2:25 PM
To: (b)(6) EOP/NSC (b)(6)
Subject: DHS - State MOU

(b)(6)

You asked about the status of MOU and here is what I learned. We reviewed a DHS draft MOU and returned it to them on May 12 with edits. We have not received anything back yet (b)(5)

(b)(5)

Thanks,

Kathleen

Official

UNCLASSIFIED

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From: Osborn, Judith L
Sent: Tue, 20 Sep 2016 07:57:53 -0400
To: Dybdahl, Chloe J
Subject: FW: Gambia 243(d) cable for L/CA reivew
Attachments: Gambia Sanctions Cable v3.docx, Gambia 243d CA Press Guidance.docx

Chloe

(b)(5)

(b)(5)

Thanks, J.

This email is UNCLASSIFIED.

From: Perry, Nicholas
Sent: M

Subject: Suspension of Issuance of Visas in The Gambia Effective October 1, 2016

(b)(5)

(b)(5)



Approved: Michele T. Bond ()

Drafted: VO: Simon Hankinson, ext (b)(6) cell (b)(6)

Cleared: CA: DDonahue ()
CA: ERamotowski ()
CA/VO: KKing ()
CA/VO/F: MMcEvoy ()
CA/VO/L: DNewman ()
CA/VO/L: NPerry (OK)
AF/W: DReimer ()

CA Tracking Number: T1486-16

FOR OFFICIAL USE ONLY

**CA Press Guidance
September 12, 2016**

The Gambia: Visa Sanctions Under 243(d)

(b)(5)



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(b)(5)

FOR OFFICIAL USE ONLY

(b)(5)

Drafted: (CA/VO: LHudspeth, ext (b)(6))

Cleared: CA/VO: ERamotowski ()
CA/VO: KKing ()
CA/VO: SHankinson (OK)

FOR OFFICIAL USE ONLY

CA/VO/F: MMcEvoy ()
CA/VO/L: NPerry (OK)
CA/VO/F: CParker (OK)
CA/VO/F: AFenzel (OK)