



United States Department of State

Washington, D.C. 20520

April 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 March 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 two additional responsive records subject to the FOIA. We have determined that one record may be released in full and one record 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 the 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, F-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:

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| 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

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| | A | B | C | D | E | F | G |
| 1 | IIV Applicant Report for all Israel Posts: FY 2006 to FY 2015' | | | | | | |
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| 37 | *data through 05/31/201 | | | | | | |
| 38 | **The Refused total reflects the number of refusals that have not been | | | | | | |

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|----|---|---------------|------------------|-------------------|----------------|----------------|
| 1 | Applicant Report for Nationals of Israel: FY 2006 to FY 20 | | | | | |
| 2 | Fiscal Year | Issued | Refused** | Applicants | % Visas | % Visas |
| 3 | (b)(7)(E) | | | | | |
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VWP Working Group Wrap-Up

Lost and Stolen Passports

Israel reported no problems with working to meet Lost and Stolen Passports requirements. They said it was “shameful” that they have not been reporting. They will start reporting to INTERPOL in Lyon next month or once Lyon is able to accept their reports.

E-Passports

Israel presented the U.S. with examples of its new e-passport. It will send the required ten samples of all different types to DHS. Israel is currently one year into a two year pilot program set to end in July 2015 (with possible extension up to 2017) of its biometric database. Israel will present to Knesset at end of pilot program with recommendation and report results to the U.S. At the end of the pilot program, regardless of outcome, Israel will switch to issuing solely e-passports.

Electronic System for Travel Authorization (ESTA)

Israel confirmed that it will obey all requirements and has no problem with doing so.

Preventing and Combating Serious Crime Agreement (PCSC)

Legal requirements are clear to Israel now. Israel will inform interested Israeli government offices of U.S. clarification and continue to consider. Israel may need to seek further government approval or a change in legislation to allow foreign government to access its information. U.S. DOJ will follow-up with Israel regarding some outstanding questions regarding the wording of the agreement. VTC suggested for November of 2014 on PCSC to discuss developments with Israel.

Reciprocity

CA/OCS/ACS Director Phillip Skotte offered the U.S. position that “all American citizens, regardless of ethnicity, need to be treated the same at ports of entry, have equal movement within the West Bank and Gaza, and receive the same treatment while in Israel.” Yigal Tzarfati responded “that will be done.” Daniel Solomon specified that Palestinian-Americans are not denied due to their ethnicity, but rather because of security grounds, mostly immigration intent or already being resident. Solomon continued that Israel has a law, upheld by the Supreme Court, which allows them to legally deny the rights of Palestinians to enter Israel. However, Solomon noted that Israel’s security agencies agreed that the Israeli delegation has their clearance to find a solution that allows the Israeli authorities to ignore the fact that someone is Palestinian if they are travelling on a U.S. passport; the only question will be how public we want the solution to be, which will determine what we can achieve. Solomon highlighted though that “active residents” will be excluded from this arrangement. When pressed on what they meant by “active resident” the Israeli delegation was vague and said that it would be Palestinians with an “active PA ID” and have a presence in the territories. Tzarfati noted that the recent AFRP delegation, of over 700 Palestinian-Americans, was an exception and could be used as a model for future arrangements. Solomon admitted that ethnicity is used when screening, but only initially, and official denials are based on residency and suspected immigration violation. The Israeli delegation was aghast, in unison, when presented with the conditions that American citizens that do not have a PA ID face. They said that there are no problems for them. State laid out many of the challenges that these individuals face; Solomon said that he was unaware and would look into this (with David agreeing to send examples). Skotte highlighted that there is a difference between equal treatment in a broader sense and the treatment required under VWP for 90 travel. The Israelis were quick to agree. DHS ended by saying that we all agree to do business and that the next step is to draft something. The U.S. side will continue to discuss what we want/mean/expect out of reciprocity.