



United States Department of State

Washington, D.C. 20520

December 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 November 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 one additional responsive record subject to the FOIA. We have determined that the 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 this record 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:

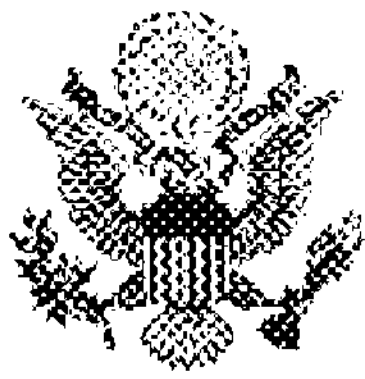
- (A) interfere with enforcement proceedings
- (B) deprive a person of a fair trial
- (C) constitute an unwarranted invasion of personal privacy
- (D) disclose confidential sources
- (E) disclose investigation techniques
- (F) endanger life or physical safety of an individual

(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

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

~~**SENSITIVE BUT UNCLASSIFIED**~~

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.