

UNCLASSIFIED
SBU



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From: SECSTATE WASHDC
Action: SOMALIA, USMISSION IMMEDIATE;
ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE IMMEDIATE
E.O.: 13526
TAGS: CMGT, CVIS, PTER, KHLS
Captions: SENSITIVE
Reference: 17 STATE 23338
Subject: (SBU) Implementing Immediate Heightened Screening and Vetting of Visa Applications

1. (SBU) THIS IS AN ACTION REQUEST. Executive Order (E.O.) 13780 on Protecting the Nation from Terrorist Attacks by Foreign Nationals suspends visa issuance to nationals of Iran, Libya, Somalia, Sudan, Syria, and Yemen for 90 days, subject to certain exemptions and exceptions. This guidance supplements the guidance in 17 STATE 23338. The suspension does not go into effect until March 16 and additional implementation authorization will be forthcoming.

2. (U) Simultaneous with the release of the E.O. on March 6, 2017, the President also signed a Memorandum for the Secretary of State, the Attorney General, the Secretary of Homeland Security. Section 2 of the memorandum states: "The Secretary of State and the Secretary of Homeland Security, in consultation with the Attorney General, shall, as permitted by law, implement protocols and procedures as soon as practicable that in their judgment will enhance the screening and vetting of applications for visas and all other immigration benefits, so as to increase the safety and security of the American people. These additional protocols and procedures should focus on:

- (a) preventing the entry into the United States of foreign nationals who may aid, support, or commit violent, criminal, or terrorist acts; and
- (b) ensuring the proper collection of all information necessary to rigorously evaluate all grounds of inadmissibility or deportability, or grounds for the

denial of other immigration benefits."

3. (U) The President also underscored:

"[T]his Nation cannot delay the immediate implementation of additional heightened screening and vetting protocols and procedures for issuing visas to ensure that we strengthen the safety and security of our country.

Moreover, because it is my constitutional duty to 'take Care that the Laws be faithfully executed,' the executive branch is committed to ensuring that all laws related to entry into the United States are enforced rigorously and consistently."

4. (SBU) The E.O. and Presidential Memorandum highlight the critical importance of maintaining extra vigilance in the conduct of our work and continuing to increase scrutiny of visa applicants for potential security and non-security related ineligibilities. Consular officers should not hesitate to refuse any case presenting security concerns under §221(g) of the Immigration and Nationality Act (INA) in order to explore all available local leads and pending the outcome of an SAO as appropriate, or issue any other refusals or take other precautionary actions pursuant to any applicable ground of inadmissibility under the INA. All officers should remember that all visa decisions are national security decisions. Any nonimmigrant visa applicant whom the consular officer believes may fail to abide by the requirements of the visa category in question should be refused under §214 (b) of the INA.

5. (SBU) As part of our ongoing efforts to refine and improve visa applicant vetting, to supplement the initiatives set out in the E.O. and the concepts undergirding the Presidential Memoranda, the Department instructs posts to implement immediately the following screening processes for all visa applicants. These are preliminary measures. Additional screening measures will be introduced based on the conclusions of the interagency working group mandated by the E.O.

Increased Screening Worldwide of Certain Visa Populations

6. (SBU) Consular Chiefs must immediately convene post's law enforcement and intelligence community partners under the auspices of existing Visa Viper or Law Enforcement Working Groups, as appropriate. These working groups will develop a list of criteria identifying sets of post applicant populations warranting increased scrutiny.

7. (SBU) Once posts have documented these population sets, posts are required to direct adjudicating consular officers to attempt to identify individual applicants that fall within the population set during the course of a consular visa interview. If the

applicant is otherwise eligible for a visa (including overcoming INA 214(b) for nonimmigrant visa applicants), the interviewing consular officer should consider sending a discretionary Donkey Security Advisory Opinion (SAO) request. For SAO requests based on this guidance, as for all other SAO requests, officers must ask additional questions directly related to understanding the applicant's answers on application forms, which may include subjects such as those listed below, and should provide applicant responses to the following questions in the "Additional Information Optional" field:

- The applicant's travel history over the last 15 years;
- The names of any siblings/children/former spouses not recorded in the DS-160/260 or NIV/IVO case notes;
- The applicant's addresses during the last 15 years, if different from the applicant's current address;
- Applicant's prior passport numbers;
- Applicant's prior occupation(s) and employers (plus a brief description if applicable) looking back 15 years;
- All phone numbers used by the applicant in the last five years;
- All email addresses and social media handles used by the applicant in the last five years.

8. (SBU) As part of its working group with post's law enforcement and intelligence community partners, posts may augment these series of seven questions as appropriate.

Increased Screening for nationals of Iran, Yemen, Sudan, Syria, Somalia and Libya

(SBU) Mandatory SAOs for non-official travelers

9. (SBU) Effective immediately and until further notice, a Donkey SAO is required for every visa applicant (other than A/G/C-2/C-3/NATO) who:

- is at least 16 years of age and less than 65 years of age; and
- applying with a passport from Iran, Libya, Somalia, Sudan, Syria, or Yemen.

10. (SBU) Post should only submit the Donkey SAO once the consular officer has determined that the applicant:

- is applying for a visa category other than A/G/C-2/C-3/NATO;
- is otherwise eligible for the visa (i.e. not ineligible under INA section 214 (b) or other ineligibilities);
- qualifies for a case-by-case waiver of the suspension of entry under the E.O. in the consular officer's discretion; and,
- is not/not an applicant for whom post is already required to submit a Donkey, Mantis, or Merlin/Merlin 92 SAO under existing guidance in 9 FAM 304.2, Security Advisory Opinions (SAO) or 9 FAM 304.5, Special Clearance and Issuance Procedures.

11. (SBU) When the guidance in this ALDAC is the sole reason for submitting an SAO for an applicant, consular officer:

- must submit a Donkey SAO and select "Policy" as the reason for submission; and
- must write "EO 13780" in the "Additional Information Optional" field.

12. (SBU) For SAO requests based on this guidance, as for all other SAO requests, officers must ask additional questions directly related to understanding the applicant's answers on application forms, which may include subjects such as those listed below, and should provide applicant responses to the following questions in the "Additional Information Optional" field:

- The applicant's travel history over the last 15 years;
- The names of any siblings/children/former spouses not recorded in the DS-160/260 or NIV/IVO case notes;
- The applicant's addresses during the last 15 years, if different from the applicant's current address;
- Applicant's prior passport numbers;
- Applicant's prior occupation(s) and employers (plus a brief description if applicable) looking back 15 years;
- All phone numbers used by the applicant in the last five years;
- All email addresses and social media handles used by the applicant in the last five years.

-- Whether the applicant was ever present in a territory at the time it was under the control of ISIS. Location, dates, and purpose of presence must be thoroughly documented by the consular officer.

13. (SBU) Because applicants without advance notice may be unable to provide this information at the time of the initial interview, posts should give applicants notice, in advance of the visa interview, that they will be asked to provide their addresses during the last 15 years, if different from the applicant's current address; their prior passport numbers; their prior occupation(s) and employers for the past 15 years; all phone numbers used by the applicant in the last five years; and all email addresses and social media handles they have used in the last five years. Posts should determine the best way to communicate this advance notice. If applicants are unable to provide this information at the time of the interview, then, as in any case where additional information is required for an SAO, consular officers may refuse an application under 221(g) in order to solicit the information subsequent to the interview. Posts are reminded not to create standalone forms or questionnaires to solicit this information, but may include a request that applicants bring any previous passport data to the interview on post websites and/or GSS appointment letters.

14. (SBU) All existing SAO requirements for nationals from these six countries remain in effect, including existing SAO guidance in 9 FAM 304.2, Security Advisory Opinions (SAO), for Donkey, Bear, Mantis, and Merlin/Merlin 92 SAOs based on IACT/PATRIOT Red, CLASS Hits, TAL, or Officer Discretion, and the country-specific Policy SAO guidance in 9 FAM 304.5, Special Clearance and Issuance Procedures, among other sections.

(SBU) Mandatory social media check for applicants present in a territory at the time it was controlled by ISIS

15. (SBU) If post determines the applicant may have ties to ISIS or other terrorist organizations or has ever been present in an ISIS-controlled territory, post must/must refer the applicant to the Fraud Prevention Unit for a mandatory social media review, as described in more detail in 7-FAH-1 H-943.5-2. The results of this review should be scanned into the NIV case for consideration during the SAO process. Details on complying with this requirement will be provided via septel.

(SBU) Mandatory Donkey SAO for Iraqi nationals with presence in territory at the time it was controlled by ISIS

16. (SBU) While the E.O. exempts nationals of Iraq from the travel suspension provisions of Section 2, the Presidential Memorandum and Sections 1(g) and Section 4 of the E.O. contemplate additional screening for Iraqi nationals in addition to the robust vetting already in place.

17. (SBU) Effective immediately and until further notice, when adjudicating an application from an Iraqi national applying with an Iraqi passport, consular offices must consider whether the applicant was ever present in a territory at the time it was controlled by ISIS. If so, post must submit a Donkey Security Advisory Opinion (SAO) for these applicants, other than those applying for an A/G/C-2/C-3/NATO visa. For SAO requests pursuant to this section, posts should follow the guidance in paragraphs 9-13 regarding additional lines of inquiry for submission with the SAO and necessary social media checks.

(SBU) Mandatory review of IV issuances

18. (SBU) Effective immediately and until further notice, consular managers are required to conduct a managerial review of all IV issuances for applicants applying with a passport from of Iran, Iraq, Libya, Somalia, Sudan, Syria, or Yemen.

(SBU) Interview Guidelines

19. (SBU) In order to ensure that proper focus is given to each application, posts should generally not schedule more than 120 visa interviews per consular adjudicator/per day. Please confer with EX and VO if you plan to schedule more than 120 cases per day. CA recognizes that limiting scheduling may cause interview appointment backlogs to rise.

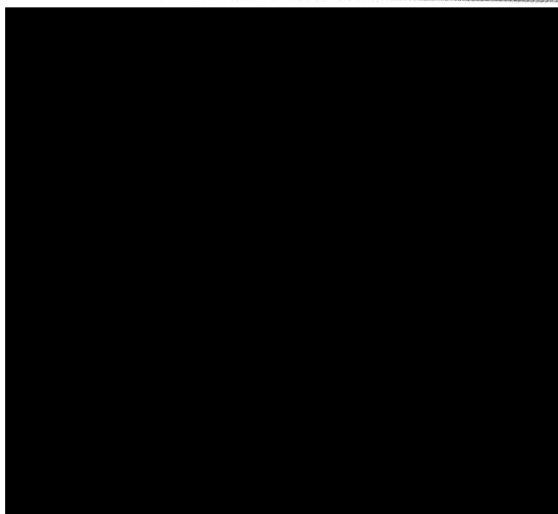
20. (U) Minimize considered.

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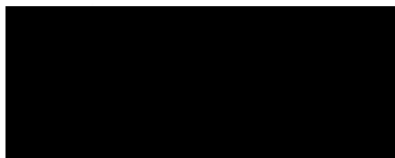
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