

Exhibit B



**Homeland
Security**

Privacy Office, Mail Stop 0655

March 25, 2020

SENT VIA EMAIL TO: nimra@muslimadvocates.org

Nimra Azmi
Muslim Advocates
PO BOX 66408
Washington, DC 20035

Re: 2020-HQFO-00633

Dear Ms. Azmi:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), Privacy Office, dated February 25, 2020, and received in this office on February 25, 2020. You requested documents regarding:

1) Records that concern guidance, interpretation, implementation, or enforcement of Proclamation 9983 by DHS, Customs & Border Patrol ("CBP"), the Department of State, or any component agency of the federal government, including, but not limited to:

a) Cables, presentations, practices, policies, guidance, internal correspondence, and procedures relating to criteria for assessing visa applications in light of Proclamation 9983;

b) Cables, presentations, practices, policies, guidance, internal correspondence, and procedures relating to criteria for assessing individual waiver requests dated on or after January 31, 2020;

c) Cables, presentations, practices, policies, guidance, internal correspondence, and procedures dated on or after January 31, 2020, regarding how officers should determine that an individual's waiver request be granted;

d) Internal guidance or correspondence dated on or after January 31, 2020 instructing consular or other officers on how to assess whether denial of an individual's entry "would cause undue hardship"; or when "his or her entry would not pose a threat to national security"; or when his or her entry "would be in the national interest";

e) The processes for accepting and adjudicating waiver requests under Proclamation 9983;

f) Deidentified data from databases maintained by DOS like VOIS and CCD showing the following information about immigrant visa seekers from Eritrea, Myanmar, Kyrgyzstan, and

Nigeria starting from February 21, 2020 until the date the response to this FOIA is complete:

- (1) Country of origin;
- (2) Visa type sought;
- (3) Whether visa was denied or granted;
- (4) Whether waiver was denied or granted;
- (5) Whether individual satisfied the undue hardship prong;
- (6) Whether individual satisfied national interest prong;
- (7) Whether security processing was requested by consular official;
- (8) Whether consular official consulted with countries-of-concerninquiries@state.gov before making waiver determination; and
- (9) Current status of application.

g) Deidentified data from databases maintained by DOS like VOIS and CCD showing the following information about diversity visa seekers from Tanzania and Sudan starting from February 21, 2020 until the date the response to this FOIA is complete:

- (1) Country of origin;
- (2) Visa type sought;
- (3) Whether visa was denied or granted;
- (4) Whether waiver was denied or granted;
- (5) Whether individual satisfied the undue hardship prong;
- (6) Whether individual satisfied national interest prong;
- (7) Whether security processing was requested by consular official;
- (8) Whether consular official consulted with countries-of-concerninquiries@state.gov before making waiver determination; and
- (9) Current status of application.

h) Cables, presentations, practices, policies, guidance, internal correspondence, and procedures dated on or after January 31, 2020 regarding procedures for administrative and security processing for waivers under Proclamation 9983;

- i) All correspondence to and from consular posts to countries-of-concerninquiries@state.gov regarding waiver requests pursuant to Proclamation 9983;
 - j) Practices, policies, guidance, internal correspondence, and procedures used by countries-of-concern-inquiries@state.gov to assess whether a waiver request meets the undue hardship, national interest, and national security prongs of the waiver process under either Proclamation 9645 or Proclamation 9983; and
 - k) All materials from the Foreign Affairs Manual related to the implementation of Proclamation 9983.
- 2) Records that concern the worldwide review undertaken by DHS pursuant to Proclamation 9645, including but not limited to:
- a) DHS' 180-day reports on whether the interests of the United States require the suspension of or limitation on entry of certain classes of foreign nationals from September 24, 2017 until the date that the response to this Request is completed;
 - b) Records of the statistical information consolidated by DHS on operational encounters with foreign nationals that according to the Proclamation, "speaks to the frequency with which a country's nationals commit offenses while in the United States or otherwise develop grounds for inadmissibility under the Immigration and Nationality Act (INA)."
 - c) A list of the "worst-performing countries" referenced in Proclamation 9983 that DHS identified for interagency review;
 - d) A copy of the report referenced in Proclamation 9983 submitted on September 13, 2019 by the Acting Secretary of Homeland Security the suspension of, or limitation on, the entry of certain classes of nationals from certain countries;
 - e) A copy the worldwide review referenced in Proclamation 9983 that DHS conducted pursuant to Proclamation 9645 between March 2019 and September 2019;
 - f) All records relied upon by DHS in creating, or in connection with, the September 2019 worldwide review;
 - g) All records related to the assessment model developed by the Secretary of Homeland Security in consultation with the Secretary of State and the Director of National Intelligence;
 - h) A copy of the January 2020 proposal referenced in Proclamation 9983 submitted to the President by senior officials that recommended visa restrictions on certain countries;
 - i) A list of the five "poorly performing" countries that the January 2020 proposal recommended not be subject to travel restrictions;

- j) Records related to the recommendations that the five "poorly performing countries" identified in the January 2020 proposal not be subject to travel restrictions;
 - k) Records relating to any consideration by DOS, Department of Defense or National Intelligence officials of whether the "foreign policy interests" that purportedly resulted in the exclusion of these five "poorly performing countries" from the new travel restrictions also applied to any of the six countries that were included in the new restrictions;
 - l) The name of and records related to the country that per Proclamation 9983 "made sufficient improvements in its information-sharing and identity-management practices and was removed from consideration for travel restrictions";
 - m) Any cables sent to U.S. diplomatic posts related to the worldwide review;
 - n) Copies of instructions to foreign governments regarding the requirements that must be met to avoid travel restrictions;
 - o) Any communications between DHS, DOS, Department of Defense, or National Intelligence officials about imposing new travel or immigration restrictions for nationals of any of the new countries identified in Proclamation 9983 prior to the beginning of the "worldwide review" that occurred between March 2019 and September 2019; and
 - p) Any communications between DHS, DOS, Department of Defense, or National Intelligence officials communicated regarding statements by President Trump indicating a desire to ban or limit immigration or travel by persons from one or more African nations, Asian nations, nations with large Muslim populations, and/or that President Trump has a preference for immigrants from Europe or from one or more European countries over immigrants from non-European countries.
- 3) Records describing the processing of this request, including but not limited to records sufficient to identify the search terms used and the search queries conducted; records sufficient to identify the locations and custodians searched; any tracking sheets used to track the processing of this request; and any FOIA questionnaires or certifications completed by individual custodians or components used to determine whether they possess responsive materials or to describe how they conducted searches.

Due to the subject matter of your request, I am transferring this request to the FOIA Officer for U. S. Customs & Border Protection (**CBP**), for processing under the FOIA and direct response to you. Please find their contact information below:

U. S. Customs & Border Protection (CBP)

FOIA Officer

U.S. Customs and Border Protection

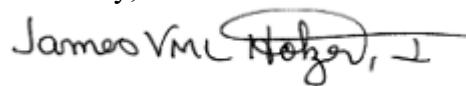
90 K Street, NE

FOIA Division

Washington, DC 20229
Phone: 202-325-0150
CBP Website

If you need to contact our office again about this matter, please refer to **2020-HQFO-00633**.
You may contact this office at 1-866-431-0486 or 202-343-1743.

Sincerely,

A handwritten signature in black ink that reads "James VML Holzer, J." The signature is written in a cursive style with a large, sweeping flourish at the end.

James Holzer
Deputy Chief Privacy Officer (A)
Deputy Chief FOIA Officer