RELEASE IN PART B5,B7(E),B6

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~~DECL: 08/27/2019~~

Tab 2 - Implementation Guidelines for Honduras Visa Restrictions

Target Class:

All persons who willfully participated in the coup against the democratically elected government and/or the subsequent establishment and support of an illegitimate interim government in Honduras. The Department, in coordination with Embassy Tegucigalpa, will identify persons within the target class and add names to the visa lookout system as appropriate.

Existing Visas

- Visa held by persons in the target class will be revoked prudentially by CA, (pursuant to existing delegations from S), with WHA and L clearance, unless there are clear reasons not to revoke (e.g., visa required to permit UN travel);

- Individuals will be notified by posts and advised that their visas were revoked pursuant to the announced policy.

New Visa Applications

- Applications by persons within the target class will be referred to the Department unless the consular officer has authority to deny the application without Department concurrence (e.g., on intending immigrant grounds). Applications referred to the Department will generally be denied.

- When no other grounds for denial are available, the case will be reviewed for possible denial under the Secretary's foreign policy authority in Section 212(a)(3)(C) of the Immigration and Nationality Act (the applicant's "entry or proposed activities in the United States . . . would have potentially serious adverse foreign policy consequences").

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- Potential 3C denials generally will be referred to you for formal determination (pursuant to existing delegations from S).

- In certain cases, where we will recommend using 3C to deny a visa "because of the alien's past, current, or expected beliefs, statements or associations," we will need the Secretary's personal decision that a "compelling" U.S. foreign policy interest would be compromised by the alien's admission. (The Secretary may not delegate the responsibility to make this determination under INA 212(a)(3)(C).)

- The visa denial policy will not be applied when travel must be authorized because of our legal obligations to the United Nations. B5 B7(E)

- Visa denials under 212(a)(3)(C) will be reported to Congress along with the "factual basis" for determination. The reports will be tailored to each individual, but will all rely upon the following common facts: promoting democracy and rule of law in Honduras and Central America – as elsewhere in the world – is a top U.S. foreign policy priority; opposing coups against lawfully elected governments is critical to our objectives; the aliens' actions are undermining our efforts; allowing the aliens to travel to the U.S. would further undermine our foreign policy by allowing the aliens, and others in Honduras and beyond, to believe that they can conduct business as usual and pay no price for undermining our foreign policy goals.

Because of the visa confidentiality statute, the names of the individuals subject to this policy would not be made public by the USG. It has been our experience, however, that when the USG advises a concerned individual and others who must be advised to help enforce a visa revocation, the fact of the revocation may become public.

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Approved: WHA – Craig A. Kelly, Acting

Drafted: WHA/CEN – Bert Kraaimoore,
ext. 7-1510; cell no: [redacted] B6
WHA/CEN – Gabriela Zambrano,
ext. 7-3482; cell no: [redacted] B6

Cleared:

WHA/FO – Bisa Williams	(ok)
WHA/CEN – C Webster	(ok)
WHA/CEN – D Wolfe	(ok)
D(S) – L Cue	(ok) provisional
P – P Aguilera	(ok)
S/P – F Gonzalez	(ok)
WHA/PPC – David Zimov	(ok)
DRL/AWH – Carlos Garcia	(ok)
CA/FO – David Donohue	(ok)
CA/VO/L - Jim Pritchett	(ok)
L/CA - Rob Anderson	(ok)
L/WHA – T Ramish	(ok)
WHA/PDA – M Lee	(ok)
H – J Bulgrin	(info)