~~SENSITIVE BUT UNCLASSIFIED~~

Implementation Guidelines for Russian and Ukraine Visa Restrictions
(Updated May 2014)

RELEASE IN PART B7(E), B5

Target Class

~~(SBU)~~ Current or former Government of Russia and Government of Ukraine officials and other aliens who are believed to have taken, supported, been actively complicit in, or been responsible for ordering or otherwise directing or authorizing, actions that threaten or violate the sovereignty, territorial integrity, or political independence of Ukraine, including Russian troop movements not authorized by or consented to by the Government of Ukraine, unauthorized actions by the Autonomous Republic of Crimea, or any other unauthorized actions by regional authorities in Ukraine. This includes but is not limited to those aliens believed to be responsible for the decision by the Government of Russia to direct unauthorized troop movements in Ukraine, leading Russian forces into Ukraine, or authorizing the use of force in Ukraine by Russia. As revised May 2014, this policy also includes the immediate family members of such persons, and the immediate family members of any person designated under Executive Order 13660 or 13661.

~~(SBU)~~ EUR and Embassy Moscow, in consultation with EUR, will take the lead [redacted] B5 B7(E)

Persons identified in this way as potentially ineligible would have their eligibility formally determined under INA 212(a)(3)(C) by the Secretary of State, or, where appropriate, by the Deputy Secretary or Under Secretary for Political Affairs, under Delegation of Authority No. 210 (January 5, 1994), should they apply for a visa, unless they are ineligible for a visa on other grounds.

Existing Visas

- ~~(SBU)~~ EUR will obtain L concurrence and request CA/VO prudentially revoke visas held by persons in the target class unless there are clear policy or legal reasons not to revoke (e.g., visa required to permit UN travel).

- ~~(SBU)~~ Individuals will be notified by Embassy Moscow or Embassy Kyiv (or other embassies if named individuals live outside Russia or Ukraine) and advised their visa was revoked pursuant to the announced policy.

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New Visa Applications

- ~~(SBU)~~ Applications by persons believed by Embassy Moscow or Embassy Kyiv, in consultation with EUR, to fall within the target class will be referred to the Department [redacted] unless the consular officer has authority to deny the application on other grounds without Department review (e.g., on intending immigrant grounds). [redacted] B7(E)

B7(E)

- ~~(SBU)~~ If the subject is otherwise eligible for the requested visa, then the case will be reviewed by EUR, in consultation with CA and other relevant bureaus, for possible denial under INA 212(a)(3)(C) (the applicant's "entry or proposed activities in the United States ... would have potentially serious adverse foreign policy consequences").

- ~~(SBU)~~ Potential 3C denials will be referred to the Secretary, the Deputy Secretary, or the Under Secretary for Political Affairs (under Delegation of Authority No. 210 (January 5, 1994)) for formal final determination.

- ~~(SBU)~~ Potential 3C denials of "immediate family members" will need the Secretary's personal determination that a "compelling" U.S. foreign policy interest would be compromised by the alien's admission. This standard applies when we use 3C to deny a visa "because of the alien's past, current, or expected beliefs, statements, or *associations*." (The Secretary may not delegate the authority to make these determinations.) Thus, all visa denials for "immediate family members" will require personal approval by the Secretary. For purposes of this policy, "immediate family members" will be interpreted to include spouses, sons and daughters (including adult children), and parents.

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

- ~~(SBU)~~ Visa denials under 212(a)(3)(C) will be reported to Congress along with the "factual basis" for the determination as required by law.