Everest

Cover Sheet

201404025: ~~(S)~~ Imposing Visa Restrictions on Venezuela

CR Record Tech:	Garcia, Indira G
Date Processed:	3/27/2014 6:06 PM
Initial Distribution:	C;D;D-MR;E;F;INR;J;M;P;PA;R;S;S/ES;S/ES Memoranda Folder;S/ES-S;S/P;T;WHA;CA;DRL;L;D/CSP
Final Distribution:	C;D;D-MR;E;INR;J;M;P;PA;R;S;S/ES;S/ES Memoranda Folder;S/ES-S;S/P;T;WHA;CA;DRL;L;D/CSP;IPS
Final Action:	Approved
Principal Final Action Addressed To:	JFK
Principal Final Action Taken On:	3/27/2014
Final Action Note:	ORIG TO WHA; REC.# 3602574

U.S. Department of State

~~SENSITIVE BUT UNCLASSIFIED~~

Implementation Guidelines for Venezuela RELEASE IN PART B5,B7(E)

Target Class

~~(SBU)~~ Current or former Venezuelan government officials and other persons who are believed to be responsible for or complicit in human rights abuses in Venezuela, including but not limited to extrajudicial killings, arbitrary arrest and detention, disappearance of persons, torture, and other cruel, inhuman, or degrading treatment. This policy will also extend to current or former Venezuelan government officials and other persons considered responsible for undermining democratic governance, including through acts of censorship, public corruption, or supporting impunity for members of the security forces who have engaged in human rights abuses. Immediate family members of such persons will also be included under this policy.

~~(SBU)~~ WHA and Embassy Caracas, in consultation with DRL, will identify persons who potentially fall within the target class, and will provide CA/VO with the names of individuals, along with other identifiers (e.g., date of birth, place of birth), to be added to the Consular Lookout and Support System (CLASS) as potentially ineligible under this policy, together with the grounds for inclusion. If such flagged persons apply for a visa, a security advisory opinion (SAO) would be required. Through that process, CA/VO would consult WHA and DRL for further review of the case under the following procedures.

Existing Visas

- ~~(SBU)~~ WHA and DRL will obtain L concurrence and request CA/VO to 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- ~~(SBU)~~ Individuals will be notified by Embassy Caracas and advised their visa was revoked pursuant to the announcement policy.

New Visa Applications

- ~~(SBU)~~ Applications by persons flagged in CLASS as P3C (potentially ineligible under INA 212(a)(3)(C)) under these procedures or otherwise believed by Embassy Caracas, in consultation with WHA and DRL, to fall within the target class will be referred to the Department through the SAO

process unless the consular officer has authority to deny the application on other grounds without Department review (e.g., on intending immigrant grounds). The SAO request will reference this policy determination, note whether or not the individual already has been denied under the policy, and describe the applicant's activities that support application of the policy. Applications referred to the Department will generally be denied.

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

- (~~SBU~~) WHA and DRL will refer potential 3C denials 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.

- (~~S/NF~~) Potential 3C refusals 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 approval by the Secretary. For purposes of this policy, "immediate family members" will be interpreted to include spouses, children (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. B5 B7(E)

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