~~SENSITIVE BUT UNCLASSIFIED~~

RELEASE IN PART
B5,B7(E),B6

Implementation Guidelines for Visa Restrictions

~~(SBU)~~ This policy is effective from the date the attached action memorandum is signed until the Secretary has determined that this policy should no longer be effective.

~~(SBU)~~ Target Class and Entry of Lookouts

~~(SBU)~~ The target classes include:

(1) Aliens designated for a travel ban in the UN Yemen sanctions regime (as listed at http://www.un.org/sc/committees/2140/2140.htm).

(2) Yemeni nationals [redacted] believed to have undertaken or directed actions that threaten Yemen's peaceful transition to democracy, unity, and territorial integrity, including by enabling violent action by non-State actors against the legitimate government of Yemen B5 B6

(3) [redacted] B5 B6

~~(SBU)~~ NEA will identify persons who potentially fall within the target class, and will provide CA/VO with the names of individuals, [redacted] as potentially ineligible under this policy, together with the grounds for inclusion. [redacted] B7(E) B7(E)

~~(SBU)~~ Existing Visas

- ~~(SBU)~~ NEA will submit an action memo, cleared by L and other relevant bureaus to CA/VO/L 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~~(SBU)~~ Individuals will be notified by the responsible embassy or consulate, as practicable, and advised their visa was revoked pursuant to INA 212(a)(3)(C)

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(~~SBU~~) New Visa Applications

- ~~(SBU)~~ When flagged persons apply for a visa, [redacted] B7(E)
  [redacted] Upon receipt request, CA/VO shall notify NEA of such flagged persons. [redacted] B7(E)
  [redacted] As Embassy Sana'a is temporarily suspended, individuals falling within the target class would not apply for visas in Yemen.

- ~~(SBU)~~ NEA will send an action memo, cleared by L, CA, and all other relevant bureaus, for 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 approval, as appropriate. [redacted] B7(E)

- ~~(SBU)~~ 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 seek 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 the purposes of this policy, "immediate family members" will be interpreted to include spouses, children, and sons-in-law.

- ~~(SBU)~~ The visa denial policy will not be applied when the proposed travel or activities in the United States would not have potentially serious adverse foreign policy consequences or, for immediate family members, would not compromise a compelling foreign policy interest. [redacted] B7(E)

- ~~(SBU)~~ The visa denial policy will not be applied when travel must be authorized because of our legal obligations under the United Nations Headquarters Agreement or pursuant to any other international obligation.

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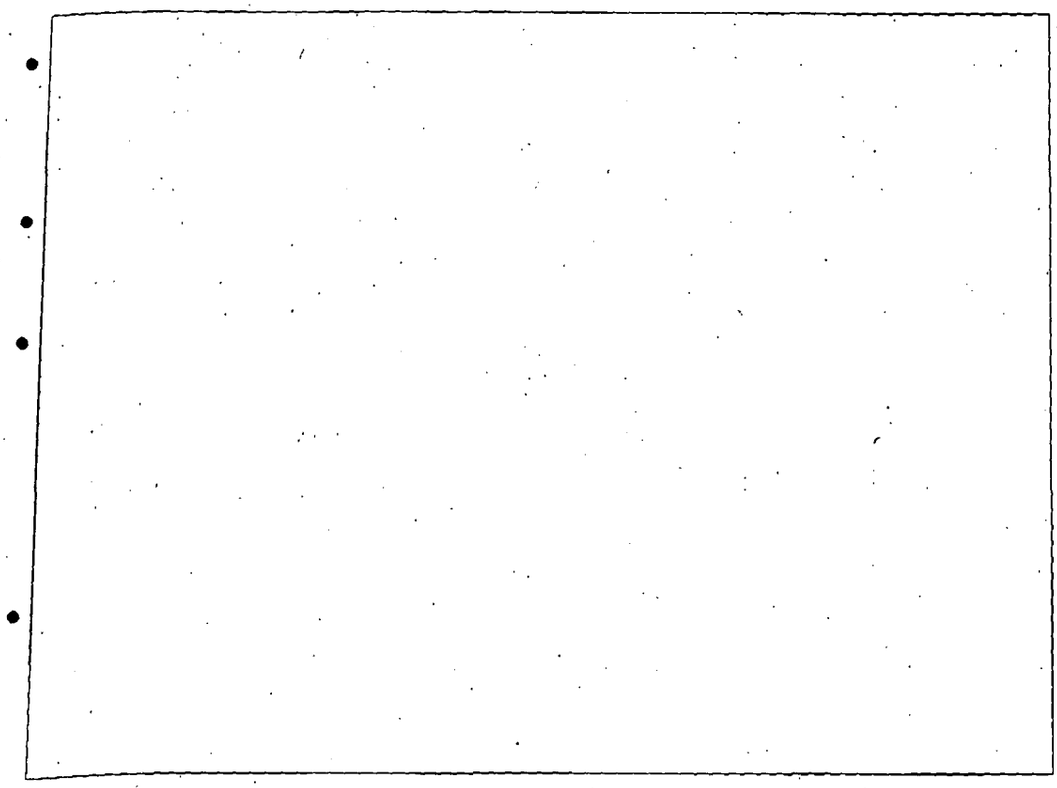

B7(E)
B5

~~(SBU)~~ Congressional Reporting

- ~~(SBU)~~ In accordance with INA 212(a)(3)(C)(iv), NEA must draft and ensure transmittal of a report to Congress approved by the Under Secretary for Political Affairs "on a timely basis" (i.e. within 30 days) for visa denials under 212(a)(3)(C)(iii) (e.g., to immediate family members) along with the "factual basis" for determination.