RELEASE IN PART B1, B3, B6

Everest

Cover Sheet

201607010: ~~(S)~~ [redacted]

B1
B3 INA
B6

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Final Action:	Approved
Principal Final Action Addressed To:	TS
Principal Final Action Taken On:	06/13/2016
Final Action Note:	Orig outletters for Congress/attachments receipted to H, orig actmem/copy of letters/attachments to IPS.

U.S. Department of State

201607010

RELEASE IN PART B1,B3 INA,1.4(D),B6

United States Department of State

Washington, D.C. 20520

~~SECRET/NOFORN~~
~~DECL: 05/24/2041~~

May 25, 2016

Seen by

JUN 13 2016

P

ACTION MEMO FOR UNDER SECRETARY SHANNON

FROM: WHA – Mari Carmen Aponte, Acting
DRL – Tom Malinowski
H – Julia Frifield
CA – David T. Donahue, Acting

SUBJECT: ~~(SBU)~~ Inadmissibility Determination for Venezuelan National [redacted] B6

Recommendation

~~(S/NF)~~ That you determine the entry of Venezuelan national [redacted] to the United States would have potentially serious adverse foreign policy consequences for the United States, rendering him ineligible for a U.S. visa under Immigration and Nationality Act (INA) Section 212(a)(3)(C) ("3(C)"). This would be consistent with the Secretary's March 27, 2014, decision to impose visa restrictions on individuals believed to be responsible for or involved in human rights abuses and undermining democratic government, including through acts of public corruption in Venezuela.

1.4(D)
B1
B3 INA
B6

Approve 6/13/2016 Disapprove _____

~~(S/NF)~~ If the visa is denied, that you authorize the transmission of the Congressional report of visa denial pursuant to Section 51 of the Department's Basic Authorities Act, 22 USC 2723.

Approve 6/18/2016 Disapprove _____

Background

~~(SBU)~~ On March 27, 2014, Secretary Kerry approved a policy under 3(C) to deny visas to current or former Venezuelan government officials and other persons who are believed to be responsible for or complicit in human rights abuses in

~~SECRET/NOFORN~~
~~Classified by: WHA Acting Assistant Secretary Mari Carmen Aponte~~
~~E.O. 13526, Reasons: 1.4 (c) and (e)~~

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 extends 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.

~~(S/NF)~~ Pursuant to the Section 3(C) policy on Venezuela, the Department has entered lookouts and revoked visas, where appropriate, of 62 individuals (37 individuals believed to be responsible for human rights abuses, nine individuals believed to be involved in corruption, and 16 spouses of members of both groups). 1.4(D) B1 B3 INA B6

~~(S/NF)~~ The Department revoked [redacted] based on credible intelligence reporting from mid-November 2005, indicating [redacted] was involved in and knowingly profited from corruption activities in Venezuela. 1.4(D) B1 B3 INA B6

~~(S/NF)~~ [redacted] 1.4(C) 1.4(E) B1 B6

~~(SBU)~~ [redacted] B6

[redacted] B6

[redacted] WHA believes this investigation is not politically motivated and the fact it was convened is indicative of the credibility and strength of the evidence already collected against [redacted] B6

~~(S/NF)~~ [redacted] at the U.S. Embassy in Bogota, Colombia, and Embassy Bogota requested a security advisory opinion pursuant to the implementing procedures for the 2014 Section 3(C) policy. You have delegated authority pursuant to Delegation No. 210 (January 5, 1995) to determine that the applicant's entry would have potentially serious foreign policy consequences. 1.4(D) B1 B3 INA B6

~~(S/NF)~~ [redacted] 1.4(D) B1 B6

[redacted]

~~(S/NF)~~ [redacted] 1.4(D) B1 B6

[redacted]

~~SECRET/NOFORN~~

[redacted] actions directly supported a system among Venezuelan cabinet members and modeled by presidential leadership that has allowed political actors to protect each other and act with impunity. The effects of such endemic corruption on the people of Venezuela result in the direct erosion of respect and trust for public institutions. This undermines the development of transparent, just, and accountable democracy for the Venezuelan people. 1.4(D) B1 B6

~~(S/NF)~~ [redacted] 1.4(D) B1 B6

~~(SBU)~~ The Department will not publicize this determination and the confidentiality provisions of INA Section 222(f) apply; however, visa refusals under INA Section 3(C) must be reported to Congress along with the factual basis for the determination.

Attachments:

Tab 1 – Report to Congress
Tab 2 – Proposed Correspondence
Tab 3 – Visa Restriction Policy Under INA Section 3(C)
Tab 4 – INA Section 212(a)(3)(C)

~~SECRET/NOFORN~~

Approved: WHA – Assistant Secretary Mari Carmen Aponte, Acting (ok)
DRL – Assistant Secretary Tom Malinowski (ok)
H – Assistant Secretary Julia Frifield (ok)
CA – Acting Assistant Secretary David T. Donahue (ok)
L – Deputy Legal Adviser Kathleen McManus (ok)

Drafted: WHA/AND – Roxanna Vigil, ext. 7-1720 and cell: [redacted] B6
WHA/AND – Elizabeth Hoffman Franolich
WHA/AND – Sandra Zuniga Guzman

Cleared:		
	D – Yvonne Gonzales	(ok)
	D-MR – Spencer Abbot	(ok)
	S/P – Sumona Guha	(ok)
	P – Jen Davis-Paguada	(ok)
	INL/C – Marianne Toussaint	(ok)
	L/CA – Julianna Bentes	(ok)
	L/LEI –Elizabeth O'Connor	(ok)
	DRL – Rachel Waldstein	(ok)
	INR – Carrie Callaghan	(ok)