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Cover Sheet

201409956: (S) Visa Restrictions on Venezuelan Officials and Others

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Principal Final Action Addressed To:	JFK
Principal Final Action Taken On:	7/18/2014 12:00 AM
Final Action Note:	ORIG TO IPS (DLM)

U.S. Department of State

201409956

United States Department of State

Washington, D.C. 20520

RELEASE IN PART
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~~SECRET/NOFORN~~
~~(SENSITIVE BUT UNCLASSIFIED when separated from attachments)~~

July 8, 2014

ACTION MEMO FOR THE SECRETARY

FROM: WHA – Roberta S. Jacobson
DRL – Tom P. Malinowski
INL – William R. Brownfield

SUBJECT: ~~(SBU)~~ Visa Restrictions on Venezuelan Officials and Others

Recommendation

~~(SBU)~~ That you authorize entry of visa lookouts on certain current or former Venezuelan government officials and other persons pursuant to our policy under INA Section 212(a)(3)(C).

Approve _____ Disapprove _____

Background

~~(SBU)~~ You approved use of certain visa restrictions under INA Section 212(a)(3)(C) March 27, thereby establishing a requirement for a Department determination of whether the individual's entry or activities in the United States would have potentially serious adverse foreign policy consequences in the event any of these individuals applies for a visa. The policy extends to: (1) 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; and (2) current or former Venezuelan government officials and other persons considered responsible for undermining democratic governance, including through acts of censorship, public corruption and related criminal activity, or supporting impunity for members of security forces, who have engaged in human rights abuses.

~~(SBU)~~ We believe it is vital to the credibility of our policy to restrict entry to the United States for Venezuelan human rights violators, regime cronies who have enriched themselves through corruption and related criminal activity (some of whom flaunt their illicit wealth in the United States), and these individuals' immediate family members. We held off on the implementation of these visa restrictions initially because the approval came just as the Union of South American Nations (UNASUR) dialogue with Vatican involvement began.

~~(SBU)~~ We now have identified 37 additional individuals who may be subject to visa restrictions because of their conduct. Twenty-four are government officials who committed human rights violations in Venezuela, including individuals reviewed and approved by you March 27 and 13 are individuals involved in public corruption and related criminal activity. We cannot announce the names of these individuals due to the confidentiality of records pertaining to the issuance or denial of visas. In accordance with the implementation procedures for the March 2014 Venezuela 3C policy, these individuals would have their names added to the consular visa lookout system and should any such person apply for a visa, his or her application would be referred to Washington for review. Should such a person already have a valid visa, it may generally be revoked, requiring he or she re-apply. If the applicant is otherwise eligible for a visa, the application will be referred to you (or another Department principal with delegated authority) for decision under the 3C policy. Decisions on immediate family members may not be delegated and thus will be referred to you for decision.

~~(SBU)~~ We also recommend you impose visa restrictions and lookouts on a number of family members, an action that would require, per INA 212(a)(3)(C)(iii), your determination that each individual's admission to the United States "would compromise a compelling United States foreign policy interest." We believe our visa restriction policy toward certain Venezuelan officials and other individuals involved in acts of public corruption will be more effective if we implement it robustly by also identifying family members for potential denial. Most of the officials do not have visas, but their family members do and regularly travel to the United States. Their travels and, in some cases, their profligate lifestyle and visits in the United States are frequently reported in U.S. and Venezuela media.

~~(SBU)~~ This visa restriction policy would show U.S. resolve to take action and hold governments accountable in order to uphold respect for human rights and democratic principles. Targeted visa restrictions would also ensure the penalty

falls on the individuals considered responsible, rather than on broader segments of society. Upon your approval, DRL and WHA would immediately commence briefing key Congressional staffers and informing foreign policy partners of our decision to deny U.S. visas to certain Venezuelan officials and individuals.

~~(SBU)~~ Looking ahead, we will continue to urge dialogue, but must be realistic about the Venezuelan government's unwillingness to cede any power. Dialogue is better than violence, but the Venezuelan government is not going to reform itself via dialogue with the opposition. We have to keep up efforts to persuade other key countries to begin to condition their support for the Venezuelan government on improved behavior. Most critically, we need to start leveling the electoral playing field, and dialogue could help in that effort. Legislative elections are at most 18 months away. With economic pressures growing, Venezuela cannot afford another election of questionable legitimacy. We will need a serious international effort to help ensure free and fair elections. Convincing Brazil and others will not be easy, but we think Venezuela's neighbors are beginning to see the inadequacies of their head-in-the-sand approach. We also need to keep other measures, such as asset forfeiture, in reserve in case Venezuelan government behavior does not improve over time or gets worse.

Attachments:

Tab 1 – Approved Action Memo from March 27
Tab 2 – List of Human Rights Violators
Tab 3 – List of Kleptocrats
Tab 4 – List of Human Rights Violators' Family Members
Tab 5 – List of Kleptocrats' Family Members

Approved: WHA – Roberta S. Jacobson (ok)
DRL – Tom Malinowski (ok)
INL – William R. Brownfield (ok)

Drafted: WHA/AND Elizabeth Hoffman, ext. 7-4984; cell: [redacted] B6
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	D-MR – A O'Connell	(ok)
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	S/P – M Rodrigues	(info by request)
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	INL/C – J Becker	(ok)
	L/WHA – J Bischoff	(ok)
	H – D Searby	(ok)
	FBI – Michelle Lach	(ok)
	Treasury – Jacob Cohen	(ok)
	DHS – Charles McClain	(ok)
	DOJ – Magdalena Boynton	(ok)
	DEA – Chad Sarchio	(ok)
	INR – C Callaghan	(info)
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