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United States Department of State

Washington, D.C. 20520

~~SECRET/NOFORN~~
~~DECL: 12/08/2023~~

December 9, 2013

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

ACTION MEMO FOR THE SECRETARY

FROM: NEA – Ambassador Beth Jones
CA – Janice L. Jacobs
H – Julia Frifield

SUBJECT: (S/NF) Further Strengthening Visa Restrictions Against Syria and Denying Visas to [redacted]

1.4(D)
B1
B3 INA
B6

Recommendations

(S/NF) [redacted]

1.4(D)
B1
B3 INA
B6

Approve _____ Disapprove _____

(SBU) That you determine, consistent with the revised policy above, that entry into the United States by [redacted] would have potentially serious adverse foreign policy consequences for the United States and compromise a compelling U.S. foreign policy interest, thereby rendering them ineligible for U.S. visas under INA section 212(a)(3)(C), and that you authorize transmission of the required report to Congress explaining this determination.

B3 INA
B6

Approve JFK Disapprove _____

~~SECRET/NOFORN~~
~~Classified by: NEA Ambassador Beth Jones~~
~~E.O. 13526, Reasons: 1.4 (b) and (d)~~

Background

~~(S/NF)~~

1.4(D)
B1

~~(SBU)~~ As previously specified, this policy is issued pursuant to your authority under section 212(a)(3)(C) of the Immigration and Nationality Act. This authority allows the refusal of visas to any alien whose entry or activities in the United States, the Secretary of State has reasonable ground to believe, would have "potentially serious adverse foreign policy consequences" or "would compromise a compelling United States foreign policy interest." Actual visa denials for Syrian officials may be approved by the Under Secretary for Political Affairs pursuant to an existing delegation of your statutory authority; you must personally determine whether to deny immediate family members based on association alone.

~~(SBU)~~ Regarding on July 8 you declared inadmissible on the basis that her presence would have potentially serious adverse foreign policy consequences under the Department's 212(a)(3)(C) Syria Visa Sanctions Policy.

B3 INA
B6

~~(S/NF)~~

1.4(D)
B1
B3 INA
B6

~~(SBU)~~ Because we must treat our partners in the Syrian opposition like terrorists for immigration purposes, based on section 212(a)(3)(B) Tier III terrorism-related provisions of the Immigration and Nationality Act, we are

compelled to reevaluate our practice of issuing visas for personal travel to the United States of senior regime associates. Issuance of visas to [redacted] at this time would be contrary to U.S. policy on Syria and U.S. interests, by appearing to condone regime activities at a time when the Syrian government's repressive measures continue unabated. It would undermine our credibility with our partners in the Syrian opposition, providing credence to rumors common in the region and the Syrian diaspora that the United States does not want Asad to leave power. Because denial of the visas of [redacted] would be based on their "association" with [redacted] you must personally determine that they meet the higher standard in Section 212(a)(3)(C)(iii) of the INA (i.e., that their admission would "compromise a compelling foreign policy interest").

B3 INA
B6

B3 INA
B6

~~(SBU)~~ The Department would not publicize your decision and the confidentiality provisions of Section 222(f) of the Immigration and Nationality Act apply to the decision. However, visa refusals under section 212 (a)(3)(C) are required to be reported to Congress along with the "factual basis" for the determination.

Attachments:

Tab 1 – Implementation Guidelines for Visa Restrictions on Syrian Arab Republic Government Officials
Tab 2 – Syria 3(C) Visa Sanctions Policy Approved July 8, 2013
Tab 3 – Draft Report of Visa Denial
Tab 4 – Cover Letters for Submission of Report to Congress
Tab 5 – Text of Section 212(a)(3)(C)

Approved:	NEA –Beth Jones, Acting	ok
	CA – Janice L. Jacobs	ok
	H – Julia Frifield	ok
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	L/FO – RVisek	ok
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