

RELEASE IN PART B5SENSITIVE BUT UNCLASSIFIED**DECONTROLLED**

**Executive Order 13769:
Protecting the Nation from Foreign Terrorist Entry into the United States**

Criteria for National Interest Waivers

(SBU) Subsection 3(g) of the E.O. 137696 authorizes the Secretaries of State and Homeland Security, on a case-by-case basis, and when in the national interest, to issue visas or other immigration benefits to nationals of the affected countries. State and DHS have agreed that Nationals from one of the EO-affected countries may be considered for a national interest waiver if the traveler is a:

- High-level government official traveling on official business and is not eligible for the diplomatic visa normally accorded to foreign officials (A or G visa). Examples include:
 - Governors and other appropriate members of subnational (state/local/regional) governments (e.g., Kurdistan regional government);
 - Members of national and regional security forces (e.g., Peshmerga).
- Representatives of missions to international/multilateral organizations and their dependents, who do not qualify for diplomatic visas (A or G). Examples are representatives of the Arab League or other similar organizations that are a Permanent Observer Mission to the United Nations. In past the year there were approximately a dozen such cases from the EO-effected countries.
- Dignitaries who have been invited to meet with senior officials in the Executive branch or members of Congress. It is difficult to obtain a specific number for these types of cases as the visa category would be similar as those coming for tourist travel.
- CEOs of state-owned enterprises and employees or representatives of major international companies traveling for legitimate business that will have a significant positive impact on the U.S. economy or are critical to the national interest. It is difficult to obtain a specific number for these types of cases as the visa category would be similar as those coming for tourist travel.
- Adoptee children of U.S. citizens (e.g., visa categories IR3/IH3 and IR4/IH4 cases). Immigrant visa (IV) applicants that may age out, if the IV is based on relationship to a U.S. citizen, may be considered on the totality of the case. Initial estimates indicate four cases for adoptees (IR3/IH3 and IR4/IH4) from the EO-effected countries in FY 2016.
- Locally engaged U.S. government staff or contract staff for official security-related training that will maintain our operational readiness at our embassies and consulates. There are currently approximately a dozen cases in the coming months.
- All recipients of Special Immigrant Visas and their immediate family members who were employed by/on behalf of the U.S. government. There are currently eight Syrian and one Yemeni case pending.

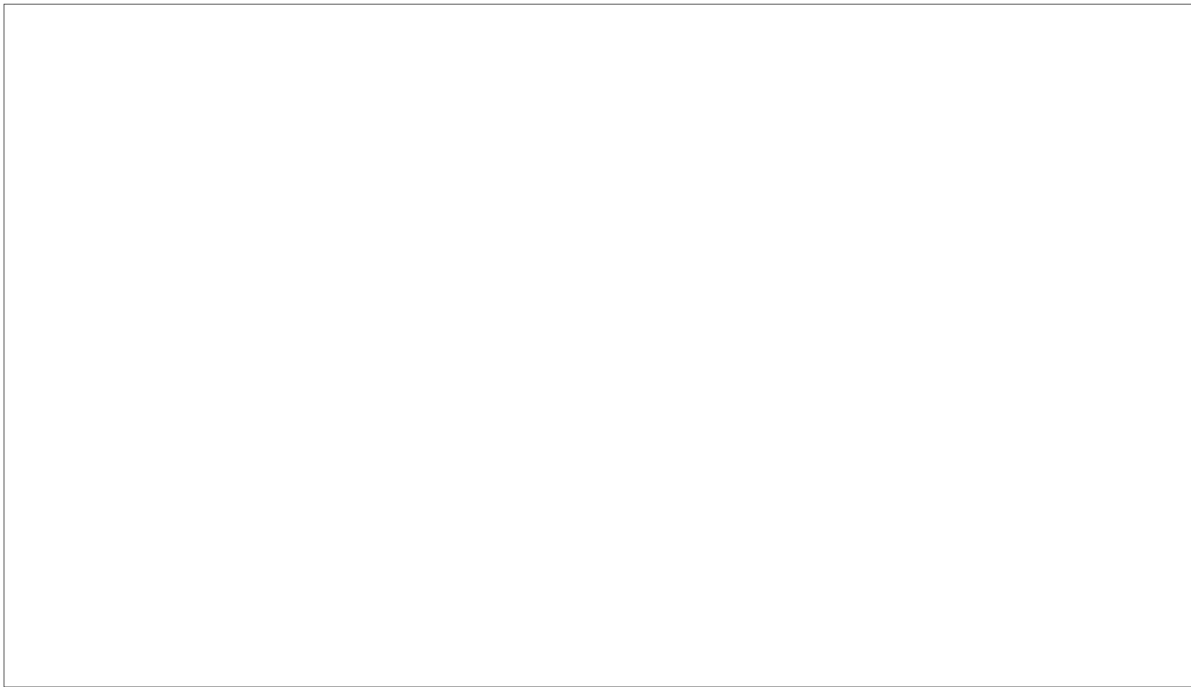
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- Participation in a DoD program, which DoD deems mission critical.
- Yemeni and Somali spouses and children of U.S. citizens with immigrant visa cases either processed or pending and physically present in Djibouti. There are approximately 400 such cases in process or issued. These cases would be allowed to proceed subject to the requirement of mandatory SAO for all except those children under the age of 14.
 - Justification: The U.S. government has given assurances to the Government of Djibouti to process Yemeni IV cases in exchange for these individuals to be allowed temporary status in Djibouti. Upholding our previous commitments is essential to ensuring both our ability to offer consular services to Yemeni-Americans and their families as well as to our ongoing operational flexibility at our military base in Djibouti.
- Participants in major cultural, media, and other national events such as U.S. Olympic Committee sponsored competitions that would support U.S. government objectives.
- Cases with significant humanitarian concern or other national interest where the Chief of Mission or Assistant Secretary of a Bureau or their equivalent supports the nominations to CA.

(SBU) Screening Note: Any individual approved for a National Interest waiver will be subjected to all required vetting procedures by the Departments of State and Homeland Security. All waiver cases will receive enhanced screening by CBP both prior to final approval and after arrival in the United States.

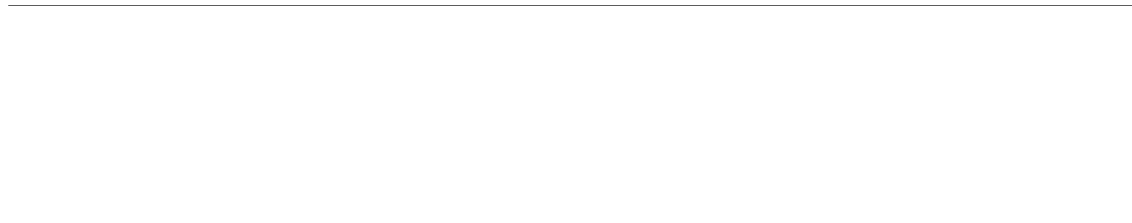


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