



U.S. Department of Justice
Office of Information Policy
Sixth Floor
441 G Street, NW
Washington, DC 20530-0001

Telephone: (202) 514-3642

July 31, 2024

Reed D. Rubinstein
America First Legal Foundation
600 14th Street NW, 5th Floor
Washington, D.C 20005
foia@aflegal.org

Re: FOIA-2021-02103
21-cv-03024 (D.D.C.)
VRB:JMB:CEY

Dear Reed Rubinstein:

This is a first interim response to your Freedom of Information Act (FOIA) request dated and received in this Office on August 31, 2021, in which you requested records concerning the vetting of individuals being evacuated from Afghanistan since July 1, 2021.¹

Please be advised that initial searches have been conducted and records responsive to your request have been located. At this time, I have determined that twenty-nine pages containing records responsive to your request are appropriate for release with certain information withheld, including some withholdings on behalf of the Department's Criminal Division and National Security Division, the Federal Bureau of Investigation, the Office of the Director of National Intelligence, the National Security Council, the U.S. Department of Homeland Security, and the U.S. Department of State, pursuant to Exemptions 3, 5, 6, 7(C), and 7(E) of the FOIA, 5 U.S.C. § 552(b)(3), (b)(5), (b)(6), (b)(7)(C), and (b)(7)(E), and copies are enclosed. Exemption 3 pertains to information exempted from release by statute, in this instance, the National Security Act of 1947, 50 U.S.C. § 3024(i)(1). Exemption 5 pertains to certain inter- and intra-agency communications protected by the deliberative process privilege. Exemption 6 pertains to information the release of which would constitute a clearly unwarranted invasion of personal privacy. Exemption 7(C) pertains to records or information compiled for law enforcement purposes, the release of which could reasonably be expected to constitute an unwarranted invasion of personal privacy. Exemption 7(E) pertains to records or information compiled for law enforcement purposes, the release of which would disclose certain techniques and procedures or guidelines for law enforcement investigations or prosecutions. Please be advised that we have considered the foreseeable harm standard when reviewing records and applying FOIA exemptions.

Additionally, please be advised that the enclosed pages contain certain duplicative material, which has not been processed and is marked accordingly. Finally, please note that certain pages within this production contain highlighting. This highlighting was present on these pages as located by OIP and was not made as part of our FOIA review process.

¹ Through counsel, the parties have subsequently reached agreements regarding the scope of this request.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. *See* 5 U.S.C. § 552(c) (2018). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

If you have any questions regarding this response, please contact Michael J. Gerardi of the Department's Civil Division, Federal Programs Branch, at (202) 616-0680.

Sincerely,



Jonathan Breyan
Senior Supervisory Attorney
for
Vanessa R. Brinkmann
Senior Counsel

Enclosures

OBTAINED BY AMERICA FIRST LEGAL FOUNDATION THROUGH LITIGATION

From: Hornbuckle, Wyn (PAO)
Subject: FW: FOR IA CLEARANCE: Screening & Vetting Qs
To: Savett, Sean D. EOP/NSC
Cc: Coley, Anthony D. (PAO); Newman, David A. (ODAG)
Sent: September 3, 2021 10:31 AM (UTC-04:00)

Sean,
FBI continues to raise concerns with some of the language in the TPs. Can you review their comments below and let me know what you think? I'm on leave today but reachable on my cell at (b)(6)

From: Catherine Milhoan <(b)(6); (b)(7)(E) per FBI>
Sent: Thursday, September 2, 2021 6:14 PM
To: Coley, Anthony D. (PAO) <(b)(6)>
Cc: Hornbuckle, Wyn (PAO) <(b)(6)> Winston, Alvin M. (OPA) (FBI) <(b)(6); (b)(7)(E) per FBI>
Subject: RE: FOR IA CLEARANCE: Screening & Vetting Qs

Anthony/Wyn,
Circling back to see if you had any success with NSC on adjusting the language on these TP's.

Below you will find the concerns we continue to have as well as some language for consideration.

Thanks,
Cathy

(b)(5)

(b)(5)

Cathy L. Milhoan
Assistant Director
FBI Office of Public Affairs
(b)(6); (b)(7)(E) per FBI

From: Savett, Sean D. EOP/NSC <(b)(6)>
Sent: Wednesday, September 1, 2021 2:32 PM
To: Milhoan, Catherine L. (OPA) (FBI) (b)(6); (b)(7)(E) per FBI
Subject: [EXTERNAL EMAIL] - RE: FOR IA CLEARANCE: Screening & Vetting Qs

Here's what we had previously circulated:

(b)(5)

(b)(5)

OBTAINED BY AMERICA FIRST LEGAL FOUNDATION THROUGH LITIGATION

(b)(5)

OBTAINED BY AMERICA FIRST LEGAL FOUNDATION THROUGH LITIGATION

From: Coley, Anthony D. (PAO)
Subject: RE: (Clean Chain) FOR IA CLEARANCE: Screening & Vetting Qs
To: Milhoan, Catherine L. (OPA) (FBI); Newman, David A. (ODAG)
Cc: Pietranton, Kelsey (PAO); Hornbuckle, Wyn (PAO); Coley, Anthony D. (PAO)
Sent: September 9, 2021 10:53 AM (UTC-04:00)

Team, We have updated these bullets further. Here are the TPs the AG and DAG will have on this topic:



From: Catherine Milhoan (b)(6); (b)(7)(E) per FBI
Sent: Wednesday, September 8, 2021 9:55 AM
To: Newman, David A. (ODAG) <(b)(6)>
Cc: Pietranton, Kelsey (PAO) <(b)(6)> Hornbuckle, Wyn (PAO) <(b)(6)>
Coley, Anthony D. (PAO) <(b)(6)>
Subject: RE: (Clean Chain) FOR IA CLEARANCE: Screening & Vetting Qs

Sir,
Thank you for the note and your support. I think we are finally in a place where we are comfortable.

Cathy

Cathy L. Milhoan
Assistant Director
FBI Office of Public Affairs
(b)(6); (b)(7)(E) per FBI

From: Newman, David A. (ODAG) <(b)(6)>
Sent: Tuesday, September 7, 2021 4:34 PM
To: Milhoan, Catherine L. (OPA) (FBI) (b)(6); (b)(7)(E) per FBI
Cc: Pietranton, Kelsey (PAO) (JMD) <(b)(6)> Hornbuckle, Wyn (PAO) (JMD)
<(b)(6)> Coley, Anthony D. (PAO) (JMD) <(b)(6)>
Subject: [EXTERNAL EMAIL] - RE: (Clean Chain) FOR IA CLEARANCE: Screening & Vetting Qs

Cathy –

Just wanted to emphasize that I think it's important (b)(5) – and that we should (b)(5)

--David

From: Catherine Milhoan (b)(6); (b)(7)(E) per FBI

Sent: Monday, September 6, 2021 8:16 AM

To: Savett, Sean D. EOP/NSC (b)(6)

Cc: Pietranton, Kelsey (PAO) (b)(6)

Coley, Anthony D. (PAO) (b)(6)

Hornbuckle, Wyn (PAO) (b)(6)

Geltzer, Joshua A. EOP/NSC (b)(6)

Newman, David A. (ODAG) (b)(6)

Subject: Re: (Clean Chain) FOR IA CLEARANCE: Screening & Vetting Qs

Yes of course. I'm currently in a location with spotty cell service so Tuesday is probably best.

Cathy Milhoan

Assistant Director

FBI Office of Public Affairs

(b)(6); (b)(7)(E) per FBI

From: Savett, Sean D. EOP/NSC (b)(6)

Sent: Sunday, September 5, 2021 11:19:38 PM

To: Milhoan, Catherine L. (OPA) (FBI) (b)(6); (b)(7)(E) per FBI

Cc: Pietranton, Kelsey (PAO) (JMD) (b)(6)

Coley, Anthony D. (PAO) (JMD)

(b)(6) Hornbuckle, Wyn (PAO) (JMD) (b)(6)

Geltzer, Joshua A.

EOP/NSC (b)(6)

Newman, David A. (ODAG) (JMD) (b)(6)

Subject: [EXTERNAL EMAIL] - Re: (Clean Chain) FOR IA CLEARANCE: Screening & Vetting Qs

Thanks, Cathy. Can I call you tomorrow or Tuesday AM or to talk it through?

On Sep 5, 2021, at 8:24 PM, Catherine Milhoan (b)(6); (b)(7)(E) per FBI > wrote:

Sean,

My sincere thanks for all your engagement on this.

We would like to have (b)(5)

Could it be modified to say (b)(5)

Something like that?

Thanks,

Cathy

Cathy Milhoan

Assistant Director

FBI Office of Public Affairs

(b)(6); (b)(7)(E) per FBI

From: Pietranton, Kelsey (PAO) (b)(6)

Sent: Sunday, September 5, 2021 4:01:46 PM

To: Savett, Sean D. EOP/NSC (b)(6)

Cc: Coley, Anthony D. (PAO) (JMD) (b)(6)

Milhoan, Catherine L. (OPA) (FBI)

(b)(6); (b)(7)(E) per FBI; Hornbuckle, Wyn (PAO) (JMD) (b)(6)

Geltzer,

Joshua A. EOP/NSC (b)(6)

Newman, David A. (ODAG) (JMD)

(b)(6)

Subject: [EXTERNAL EMAIL] - Re: (Clean Chain) FOR IA CLEARANCE: Screening & Vetting Qs

Thanks so much Sean. This looks good to me but I'll defer to Cathy for the FBI. Cathy, happy to chat if we need.

Thank you all,
Kelsey

Kelsey Pietranton
Office of Public Affairs
Department of Justice

(o) (b)(6)

(m) (b)(6)

On Sep 5, 2021, at 3:21 PM, Savett, Sean D. EOP/NSC <(b)(6)> wrote:

Hey All – Josh and I just talked through these and while I realize Josh and David haven't had a chance to connect yet, we're comfortable with most of these changes including (b)(5). We struck a couple additions and added a couple things in green highlight. If this works for everyone, we will run it by folks here and make sure everyone internally is comfortable with the updates. Thanks and hope everyone is enjoying the holiday weekend!

Sean

(b)(5)

(b)(5)

From: Pietranton, Kelsey (PAO) <(b)(6)>
Sent: Friday, September 3, 2021 6:36 PM

To: Savett, Sean D. EOP/NSC <(b)(6)>
Cc: Coley, Anthony D. (PAO) <(b)(6)> Milhoan, Catherine L. (OPA)
(FBI) (b)(6); (b)(7)(E) per FBI; Hornbuckle, Wyn (PAO) <(b)(6)>
Geltzer, Joshua A. EOP/NSC <(b)(6)> Newman, David A. (ODAG)
<(b)(6)>
Subject: (Clean Chain) FOR IA CLEARANCE: Screening & Vetting Qs

Good evening Sean,

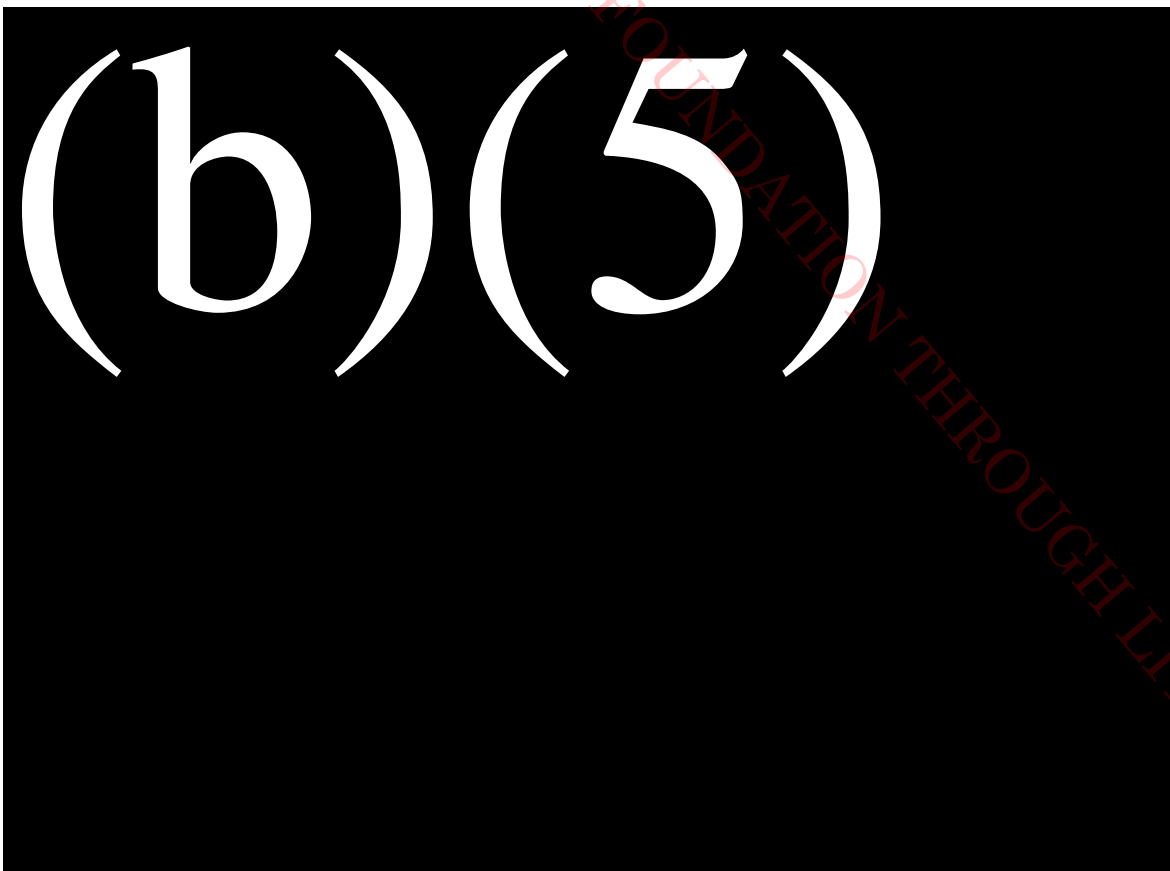
Thanks so much for the call just now. As mentioned, my very sincerest apologies for sending this at 6:30 on the Friday evening before Labor Day. I can only imagine how exhausted you all are so thank you again for talking through this twice today. Both the FBI and DOJ very much appreciate your time.

I am circling back following a series of convos with the FBI and David Newman in ODAG. In effort to make this as clean and easy as possible, below please **see language we have proposed in red** and **language we recommend striking in yellow highlighting and strikethrough.**

As discussed, it might be best for Josh and David to sync up directly with any larger/additional concerns here. I have taken the liberty of cc'ing both of them directly on this email, per our previous convos.

We are happy to discuss this at any time you all would like. In particular, happy to discuss our thinking behind our edits to the first question.

Many thanks again,
Kelsey



(b)(5)

###

Kelsey Pietranton
Office of Public Affairs
Department of Justice
(o) (b)(6)
(m) (b)(6)

OBTAINED BY AMERICA FIRST LEGAL FOUNDATION THROUGH LITIGATION

From: Newman, David A. (ODAG)
Subject: RE: (Clean Chain) FOR IA CLEARANCE: Screening & Vetting Qs
To: Klapper, Matthew B. (OAG); Heinzelman, Kate (OAG); Coley, Anthony D. (PAO)
Sent: September 8, 2021 11:07 PM (UTC-04:00)

Good here – and tracks the points that have gone around.

From: Klapper, Matthew B. (OAG) <(b)(6)>
Sent: Wednesday, September 8, 2021 11:04 PM
To: Heinzelman, Kate (OAG) <(b)(6)> Coley, Anthony D. (PAO) <(b)(6)>
Cc: Newman, David A. (ODAG) <(b)(6)>
Subject: RE: (Clean Chain) FOR IA CLEARANCE: Screening & Vetting Qs

This is good.

From: Heinzelman, Kate (OAG) <(b)(6)>
Sent: Wednesday, September 8, 2021 10:51 PM
To: Coley, Anthony D. (PAO) <(b)(6)> Klapper, Matthew B. (OAG)
<(b)(6)>
Cc: Newman, David A. (ODAG) <(b)(6)>
Subject: RE: (Clean Chain) FOR IA CLEARANCE: Screening & Vetting Qs

Anthony / Matt / David–

How about this for the AG:

(b)(5)

From: Coley, Anthony D. (PAO) <(b)(6)>
Sent: Wednesday, September 8, 2021 8:21 PM
To: Heinzelman, Kate (OAG) <(b)(6)> Klapper, Matthew B. (OAG)
<(b)(6)>
Subject: Fwd: (Clean Chain) FOR IA CLEARANCE: Screening & Vetting Qs

Begin forwarded message:

From: Catherine Milhoan (b)(6); (b)(7)(E) per FBI

Date: September 8, 2021 at 9:55:06 AM EDT

To: "Newman, David A. (ODAG)" <(b)(6)>

Cc: "Pietranton, Kelsey (PAO)" <(b)(6)> "Hornbuckle, Wyn (PAO)"

<(b)(6)> "Coley, Anthony D. (PAO)" <(b)(6)>

Subject: RE: (Clean Chain) FOR IA CLEARANCE: Screening & Vetting Qs

Duplicative Material, Document ID: 0.7.1509.12420

OBTAINED BY AMERICA FIRST LEGAL FOUNDATION THROUGH LITIGATION

From: Newman, David A. (ODAG)
Subject: RE: FOR IA CLEARANCE: Screening & Vetting Qs
To: Hornbuckle, Wyn (PAO)
Cc: Pietranton, Kelsey (PAO)
Sent: August 31, 2021 11:46 AM (UTC-04:00)

See below limited suggestions.

From: Hornbuckle, Wyn (PAO) <(b)(6)>
Sent: Tuesday, August 31, 2021 11:42 AM
To: Newman, David A. (ODAG) <(b)(6)>
Cc: Pietranton, Kelsey (PAO) <(b)(6)>
Subject: FW: FOR IA CLEARANCE: Screening & Vetting Qs

Seems like (b)(5) . I
don't think (b)(5) . Thoughts?

From: Savett, Sean D. EOP/NSC <(b)(6)>
Sent: Tuesday, August 31, 2021 11:25 AM
To: DNI-Media <(b)(6)> Hornbuckle, Wyn (PAO) <(b)(6)> Pietranton, Kelsey (PAO) <(b)(6)> Fernandez, Angelo <(b)(6)> PECK, SARAH <(b)(6)> ESPINOSA, MARSHA <(b)(6)> PRM-PRESSOFFICERS <(b)(6)> <(b)(6)> @state.gov>; ACTFPress <(b)(6)> @state.gov>
Cc: Evans, Patrick L. EOP/NSC <(b)(6)> Horne, Emily J. EOP/NSC <(b)(6)> Berner, Kate K. EOP/WHO <(b)(6)>
Subject: FOR IA CLEARANCE: Screening & Vetting Qs

Hi All – we are looking to clear the following additional q&a on our screening and vetting process through the interagency today. Could DHS/DNI/State run this through your teams and get back to us by COB? Wyn and Kelsey – could you run by FBI? Thank you!

(b)(5)

(b)(5)

Sean Savett

Director for Strategic Communications and Assistant Press Secretary
National Security Council

Email: (b)(6)

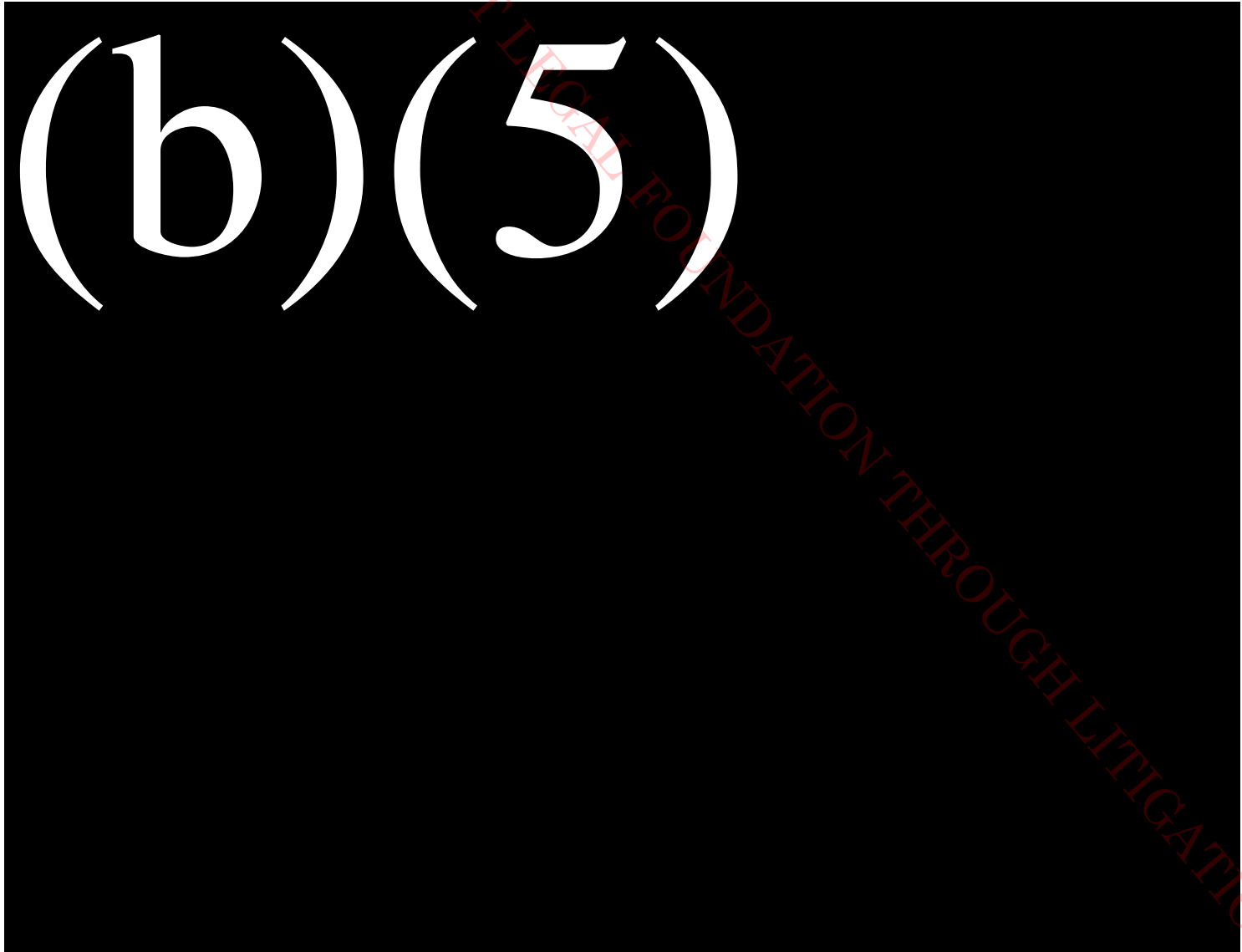
Desk: (b)(6) | Mobile: (b)(6)

From: Hornbuckle, Wyn (PAO)
Subject: FW: FOR IA CLEARANCE: Screening & Vetting Qs
To: Newman, David A. (ODAG)
Cc: Pietranton, Kelsey (PAO)
Sent: August 31, 2021 11:42 AM (UTC-04:00)

Seems like (b)(5) |
don't think (b)(5) . Thoughts?

From: Savett, Sean D. EOP/NSC <(b)(6)>
Sent: Tuesday, August 31, 2021 11:25 AM
To: DNI-Media <(b)(6)> Hornbuckle, Wyn (PAO) <(b)(6)> Pietranton, Kelsey (PAO) <(b)(6)> Fernandez, Angelo <(b)(6)> PECK, SARAH <(b)(6)> ESPINOSA, MARSHA <(b)(6)> PRM-PRESSOFFICERS <(b)(6)> @state.gov>; ACTFPRESS <(b)(6)> @state.gov>
Cc: Evans, Patrick L. EOP/NSC <(b)(6)> Horne, Emily J. EOP/NSC <(b)(6)> Berner, Kate K. EOP/WHO <(b)(6)>
Subject: FOR IA CLEARANCE: Screening & Vetting Qs

Hi All – we are looking to clear the following additional q&a on our screening and vetting process through the interagency today. Could DHS/DNI/State run this through your teams and get back to us by COB? Wyn and Kelsey – could you run by FBI? Thank you!



(b)(5)

Sean Savett

Director for Strategic Communications and Assistant Press Secretary

National Security Council

Email: (b)(6)

Desk: (b)(6) | Mobile: (b)(6)

OBTAI... BY AMERICA FIRST LEGAL FOUNDATION THROUGH LITIGATION

From: Hornbuckle, Wyn (PAO)
Subject: Fwd: Question
To: Newman, David A. (ODAG); Blue, Matt (NSD)
Sent: August 31, 2021 7:29 PM (UTC-04:00)

Fysa. Just flagged this for NSC and FBI. (b)(5)

Sent from my iPhone

Begin forwarded message:

From: "Dienst, Jonathan (NBCUniversal)" <(b)(6)>
Date: August 31, 2021 at 6:03:29 PM EDT
To: "Hornbuckle, Wyn (PAO)" <(b)(6)>
Subject: Question

Hi Wyn -

Are you able to offer any guidance on record or on background:

As part of ongoing screening process - we are hearing ...

Severally evacuees in DC and numerous others in Doha have been pulled aside and are being held for additional screening due to possible terror connections.

This because they have been flagged with "derogatory" information related to terrorism - from either US databases or Afghan criminal databases/records or other intelligence resources.

(This apparently is separate from a handful of refugees pulled aside because they had previously been deported from the US for criminals acts and now tried to re-enter.)

(Also hearing several refugees pulled aside in Europe as well.

Any clarity you can offer would be appreciated ...)

1) How many evacuees in DC and Doha and/or Europe have been pulled aside for possible terror connections?

2) Do any have confirmed terror ties ?

Thanks much.

Jon
(b)(6)

Sent from my iPhone

From: (b)(6) per NSD (NSD)
Subject: FW: Various interagency issues
To: Dickerson, Julie (ODAG)
Sent: August 16, 2021 2:46 PM (UTC-04:00)

Julie, with thanks to (b)(6) per NSD, here are some quick answers.

(b)(5); (b)(7)(E) per DHS

From: Dickerson, Julie (ODAG) <(b)(6)>
Sent: Monday, August 16, 2021 1:16 PM
To: (b)(6) per NSD (NSD) <(b)(6)> (b)(6) per NSD (NSD)
<(b)(6)> (b)(6) per NSD (NSD) <(b)(6)> (b)(6) per NSD (NSD)
<(b)(6)> (b)(6) per NSD (NSD) <(b)(6)>
Subject: RE: Various interagency issues

Thank you, (b)(6) per NSD! A few questions for our discussion at 2pm (or for potential follow-up with FBI):

(b)(5); (b)(7)(E) per DHS

From: (b)(6) per NSD (NSD) <(b)(6)>
Sent: Monday, August 16, 2021 11:53 AM
To: Dickerson, Julie (ODAG) <(b)(6)> (b)(6) per NSD (NSD)
<(b)(6)> (b)(6) per NSD (NSD) <(b)(6)> (b)(6) per NSD (NSD)
<(b)(6)> (b)(6) per NSD (NSD) <(b)(6)>
Subject: RE: Various interagency issues

SBU/FOUO

Hi Julie and team,

Here is a brief read out from today's 10a vetting IPC.

(b)(5) per NSD, NSC; (b)(7)(E) per DHS

(b)(5) per NSD, NSC, DHS; (b)(3) per ODNI; (b)(7)(E) per DHS

Please let me know if you have questions; I'm at my desk and happy to provide additional context if helpful.

(b)(6) per NSD

(b)(6)

From: Dickerson, Julie (ODAG) <(b)(6)>
Sent: Monday, August 16, 2021 11:24 AM
To: (b)(6) per NSD (NSD) <(b)(6)> (b)(6) per NSD (NSD) <(b)(6)> (b)(6) per NSD (NSD) <(b)(6)>
(NSD) <(b)(6)> (b)(6) per NSD (NSD) <(b)(6)>
Cc: (b)(6) (NSD) <(b)(6)>
Subject: RE: Various interagency issues

Oh boy. Thank you, (b)(6) per NSD, (b)(6) per NSD, thank you in advance for sending a summary.

From: (b)(6) per NSD (NSD) <(b)(6)>
Sent: Monday, August 16, 2021 11:23 AM
To: Dickerson, Julie (ODAG) <(b)(6)> (b)(6) per NSD (NSD) <(b)(6)> (b)(6) per NSD (NSD) <(b)(6)>
(NSD) <(b)(6)> (b)(6) per NSD (NSD) <(b)(6)>
Cc: (b)(6) per NSD (NSD) <(b)(6)>
Subject: RE: Various interagency issues

(b)(6) per NSD will send a short summary. (b)(5) per NSD, NSC, DHS; (b)(7)(E) per DHS

From: Dickerson, Julie (ODAG) <(b)(6)>
Sent: Monday, August 16, 2021 11:20 AM
To: (b)(6) per NSD (NSD) <(b)(6)> (b)(6) per NSD (NSD) <(b)(6)> (b)(6) per NSD (NSD) <(b)(6)>
(NSD) <(b)(6)> (b)(6) per NSD (NSD) <(b)(6)>
Subject: RE: Various interagency issues

I can. I know we will get more in-depth later, but was there anything significant coming out of the IPC this am that I need to be tracking or follow-up on?

From: (b)(6) per NSD (NSD) <(b)(6)>
Sent: Monday, August 16, 2021 11:18 AM
To: (b)(6) per NSD (NSD) <(b)(6)> (b)(6) per NSD (NSD) <(b)(6)> (b)(6) per NSD (NSD) <(b)(6)> (b)(6) per NSD (NSD) <(b)(6)> (b)(6) per NSD (NSD) <(b)(6)> Dickerson, Julie (ODAG)
<(b)(6)>
<(b)(6)>
Subject: RE: Various interagency issues

ODAG – can you do 2:00?

From: (b)(6) per NSD (NSD) <(b)(6)>

Sent: Monday, August 16, 2021 11:16 AM

To: (b)(6) per NSD (NSD) <(b)(6)> (b)(6) per NSD (NSD) <(b)(6)> (b)(6) per NSD (NSD) <(b)(6)>

Subject: RE: Various interagency issues

I'm sorry for conflicts but I could do 2. I can also try calling (b)(6) per NSD around 11:30/11:45?

-----Original Appointment-----

From: (b)(6) per NSD (NSD) <(b)(6)>

Sent: Monday, August 16, 2021 10:02 AM

To: (b)(6) per NSD (NSD); (b)(6) per NSD (NSD); (b)(6) per NSD (NSD); Dickerson, Julie (ODAG)

Subject: Various interagency issues

When: Monday, August 16, 2021 12:30 PM-1:00 PM (UTC-05:00) Eastern Time (US & Canada).

Where: NSD spaces

Colleagues –

Is there a 30 minutes space today when we can circle up to synch on a number of ongoing things, including the meetings (b)(6) per NSD is attending on vetting, NCR security, etc.? (On that latter item, NSC has contacted (b)(6) per NSD saying the Homeland Security Advisor was concerned about (b)(5))

(b)(6)
per NSD

From: Dickerson, Julie (ODAG)
Subject: FW: Various interagency issues
To: (b)(6), (b)(7)(C) per FBI (DO) (FBI)
Sent: August 16, 2021 12:21 PM (UTC-04:00)

FYI

From: (b)(6) per NSD (NSD) <(b)(6)>
Sent: Monday, August 16, 2021 11:53 AM
To: Dickerson, Julie (ODAG) <(b)(6)> (b)(6) per NSD (NSD)
<(b)(6)> (b)(6) per NSD (NSD) <(b)(6)> (b)(6) per NSD (NSD)
<(b)(6)> (b)(6) per NSD (NSD) <(b)(6)>
Subject: RE: Various interagency issues

Duplicative Material, Document ID: 0.7.1509.5425

From: Beasley, John A (Kabul)
Subject: RE: Afghan Refugees
To: Warner, David (ODAG); Gelber, James (CRM)
Cc: Santos, Patricia (ODAG)
Sent: August 10, 2021 3:32 AM (UTC-04:00)
Attached: 2021.08.01 Embassy Kabul P1 Referrals Template.xlsx, 2021.08.01 Kabul SOP for Priority-1 Nominations to U.S. Refugee Program.docx

Jim,

Sorry for taking you on a deeper dive into this than you had bargained for but what you are asking about is making a priority 1 referral of an individual for nomination by Post to the U.S. Refugee Admissions Program. The type of referral under discussion here is for (b)(6), is under threat to (b)(6) life. Given the length of time that the US has been here in country, individuals who formerly worked under COM authority here can make referrals of their eligible contacts. The reason is clear, I'm here and (b)(6) and as such I can't refer (b)(6) to the COM for nomination by Post to the Program. It is the US Embassy in Kabul, that is nominating Afghans for admission to this program. As such, so we don't leave out people who were contacts of former Embassy officers, you can draft a referral for (b)(6), through me.

A key point about this process, after the person has been referred by you, nominated by Post and accepted by Washington, they will get notice that they have been nominated for admission into the program. The actual process however, does not start until the applicant has left Afghanistan, is in a third country, not the U.S. and has gone to the U.S. Embassy in the third country and notified them that (b)(6) is a refugee who has been nominated for the program. From that point, the refugee needs to be prepared to support (b)(6) financially in that third country for up to 18 months while (b)(6) application for acceptance into the program and resettlement to the U.S. is being reviewed, security checks are performed, medical exams done, etc. I emphasize this because unless the refugee can make (b)(6) way to a third country where (b)(6) already has family, a place to stay, etc. this processing period and the lack of financial assistance during the processing period, can be a hard stop for most people.

If, however, your contact is still interested in having you refer (b)(6) for nomination, there are really only two forms, attached, for you to prepare and send to me. First is the justification memo, most of the language is boiler plate and should not be touched. The justification section however should be a well drafted paragraph which lays out:

- (b)(6) work;
- The specific threat received;
- When it was received;
- Who threatened (b)(6);
- Who did (b)(6) report the threat to;
- Was it investigated and by whom;
- What was the result of the investigation of the threat;
- Whether or not (b)(6) remains in danger.

The best way that we have found to get this information is to get (b)(6) on a Zoom, Teams, Webex, etc. call and have (b)(6) tell you (b)(6) threat story and then you make sure that (b)(6) has covered each of these points. In addition to the justification memo you'll need a clear scanned copy of a passport and national ID card for the principle applicant (your contact), (b)(6) and for each of (b)(6). Of course this is the second sticking point for most folks here as they often live in blended and extended family households in this country and the thought of leaving Grandma, Uncle, etc. behind becomes a second hard stop. That said, if you plan on submitting a referral for this person and (b)(6) you should plan on doing it sooner rather than later as things are changing on the ground here daily. I suggest that you discuss all of this with (b)(6) and decide if you want to proceed with the referral. Let me know.

Regards,

John Armon Beasley, Jr.

Justice Attaché

U.S. Embassy, Kabul, Afghanistan

From the U.S.: +(b)(6) ext. (b)(6)

International: +(b)(6) ext. (b)(6)

From: Warner, David (ODAG) <(b)(6)>
Sent: Monday, August 9, 2021 4:42 PM
To: Gelber, James (CRM) <(b)(6)> Warner, David (ODAG) <(b)(6)>
Cc: Beasley, John A (Kabul) <(b)(6) per State @state.gov>; Santos, Patricia <(b)(6)>
Subject: RE: Afghan Refugees

Thanks for reaching out to me, Jim. I am doubtful about the addition of others for the (b)(6) using special authorities, but there may be a possibility for (b)(6). I am looping in the Attache and the Executive Officer who are processing other requests.

Best,

David

From: Gelber, James (CRM) <(b)(6)>
Sent: Sunday, August 8, 2021 12:50 PM
To: Warner, David (ODAG) <(b)(6)>
Subject: Afghan Refugees

Mr. Warner: I worked in Kabul as an SLA from February 2010 to May 2011. I am writing to you because I have now received requests for assistance from a couple of Afghans with whom I worked while I was there. I saw your name in information about how to make referrals for potential refugees, and it seemed that since I knew these people while I was working with DOJ, you would be the point of contact with the State Department.

One of the persons was then and still is now (b)(6)

(b)(6) has received threats, I believe, and I will try to get more specifics. I have been in touch with (b)(6) over the years (b)(6).

The other person who contacted me was (b)(6). I worked with (b)(6) extensively while I was there and have stayed in touch with (b)(6) since. (b)(6)

(b)(6) is very concerned about the safety (b)(6)

I think it's fair to say that the process as I have seen it is opaque and I would very much appreciate any advice you can give. Thanks, Jim Gelber.

From: Beasley, John A (Kabul)
Subject: FW: Gathering Biodata
To: Santos, Patricia (ODAG)
Sent: August 4, 2021 5:14 AM (UTC-04:00)
Attached: Copy of Embassy Kabul P1 Referrals - DOJ.xlsx

Pat,

Do you recognize any of these people. They are not currently employed by our Office.

Regards,

JAB

John Armon Beasley, Jr.

Justice Attaché

U.S. Embassy, Kabul, Afghanistan

From the U.S.: +(b)(6) ext. (b)(6)

International: +(b)(6) ext. (b)(6)

SBU -PRIVACY OR PII

From: (b)(6) per State @state.gov>
Sent: Wednesday, August 4, 2021 9:52 AM
To: Beasley, John A (Kabul) (b)(6) per State @state.gov>
Cc: (b)(6) per State @state.gov>; (b)(6) per State @state.gov>;
(b)(6) per State @state.gov>
Subject: Gathering Biodata
Importance: High

Dear Mr. Beasley,

I am writing on behalf of the Refugee Affairs office to request your assistance with identifying Locally Engaged (LE) staff who qualify as referrals to U.S. Refugee Admissions Program (USRAP). Please note LE staff in this respect is referring only to Afghans who work in Afghanistan. Monday afternoon, Secretary Blinken announced a new program known as the P2 program.

The Afghan P-2 program complements the SIV program and denotes groups of special concern by virtue of their circumstances and apparent need for refugee resettlement. LE staff who are eligible for the SIV program should **not** be referred to the USRAP. The Afghan P-2 designation permits the embassy to refer LE staff (and family members: spouse and children of any age, whether married or unmarried) for P-2 USRAP access if these Afghans do not meet the minimum time-in-service for a SIV (2 yrs) but who work/worked at any time as LE staff for the U.S. Government in Afghanistan.

When speaking to Afghans whom you intend to refer to the USRAP it is important to emphasize the following information:

- A referral is not a guarantee that an individual's application will be successful, but it is necessary to access the program. PRM will email the referred Afghan (Principal Applicant) directly at the primary email address provided after it has received and reviewed the referral. Make sure the primary email listed is a personal email, not a work email.
- There is no resettlement processing in Afghanistan and certain neighboring countries, such as Iran. If/when Principal Applicants and their families make the difficult choice to leave Afghanistan, they will need to arrange and pay for their own travel to a third country.
- We recognize that it is currently extremely difficult for Afghans to receive a visa to a third country or find a way to enter a third country. We are continuing to review the situation on the ground and our planning will continue to evolve.
- Once they have arrived in a third country, the Principal Applicants must contact PRM by responding to the email they received confirming their referral to USRAP to begin processing their case. Case processing can be

lengthy (potentially 12-14 months), so please make sure the Principal Applicant is aware this process could require living in and supporting themselves in a third country for a substantial amount of time until their case processing is complete.

- Even if an individual qualifies for the USRAP and travels outside of Afghanistan, there is no guarantee that they will be approved for resettlement to the United States. In particular, applicants must pass extensive security checks.
- The United States is unable to provide protection or support to individuals while they await a decision on their refugee case. Those who leave Afghanistan can register for international protection and assistance as a refugee with the government of the country they are in, if the country has an established registration process; or, they can register with UNHCR.

Attached is the biodata you previously provided to (b)(6) per State. We have reorganized this data to enable batch uploads into the PRM refugee database.

Kindly confirm by **COB Thursday, August 5th** that the biodata for your staff and their families is accurate. Please also confirm that all of your staff are listed on this document. Do not make any changes to the format.

Please ask your staff to ensure their name is as it appears on their passports and that all information is correct.

When sending the spreadsheet back -

1. If any information is incorrect, please fill-in the cell with **RED** and enter the correct information.
2. If you know the staff member has already applied for an SIV, please fill-in the very last column of the spreadsheet **GREEN**.
3. If the staff member's SIV application status is unknown **or** if they have less than two years of time in service at the embassy, please fill-in the very last column of the spreadsheet **YELLOW**.

All LE staff who are qualified for P2s will automatically be entered into PRM's refugee database. No other action is required from them at this time. If later they qualify to apply for SIVs, they should do so.

** If you have any questions about how to complete the attached spreadsheet, please contact via email or phone: (b)(6) per State or (b)(6) per State.

*** Any P2 Program questions should be directed to (b)(6) per State @state.gov and (b)(6) per State @state.gov).

Regards,

(b)(6) per State

From: (b)(6) per State
Subject: FW: Press Release - U.S. Refugee Admissions Program Priority 2 Designation for Afghan Nationals
To: (b)(6) per State ; (b)(6) per State ; Beasley, John A (Kabul); (b)(6) per State ; Santos, Patricia (ODAG); Craighead, Valerie (ODAG); (b)(6) per State ; Warner, David (ODAG); Lyle, Jeffrey N. (ODAG); (b)(6) per State
Cc: (b)(6) per State ; (b)(6) per State
Sent: August 2, 2021 8:02 AM (UTC-04:00)

From: (b)(6) per State
Sent: Monday, August 2, 2021 7:54 AM
To: (b)(6) per State @state.gov>
Cc: INL-AP-Justice-DL (b)(6) @state.gov>; INL-AP-TL-DL (b)(6) @state.gov>
Subject: RE: Press Release - U.S. Refugee Admissions Program Priority 2 Designation for Afghan Nationals

Thanks (b)(6) per State I just saw this also:

<https://www.nytimes.com/2021/08/02/us/politics/afghan-visas-refugees.html>

From: (b)(6) per State @state.gov>
Sent: Monday, August 2, 2021 7:50 AM
To: (b)(6) per State @state.gov>
Subject: FW: Press Release - U.S. Refugee Admissions Program Priority 2 Designation for Afghan Nationals

(b)(6) per State – hot off the presses – guidance on the P2 program.

From: PAS International Media Contacts <INTERNATIONAL-MEDIA-CONTACTS@LISTS.KABUL.STATE.GOV> **On Behalf Of** Kabul Press Office
Sent: Monday, August 2, 2021 3:55 PM
To: INTERNATIONAL-MEDIA-CONTACTS@LISTS.KABUL.STATE.GOV
Subject: Press Release - U.S. Refugee Admissions Program Priority 2 Designation for Afghan Nationals



Embassy of the United States of America
Kabul, Afghanistan

For Immediate Release
August 2, 2021

Contact: kabulio@state.gov

U.S. Refugee Admissions Program Priority 2 Designation for Afghan Nationals

Office of the Spokesperson

Today, the Department of State is announcing a Priority 2 (P-2) designation granting U.S. Refugee Admissions Program (USRAP) access for certain Afghan nationals and their eligible family members. The U.S. objective remains a peaceful, secure Afghanistan. However, in light of increased levels of Taliban violence, the U.S. government is working to provide certain Afghans, including those who worked with the United States, the opportunity for refugee resettlement to the United States. This designation expands the opportunity to permanently resettle in the United States to many thousands of Afghans and their immediate family members who may be at risk due to their U.S. affiliation but who are not eligible for a Special Immigrant Visa (SIV) because they did not have qualifying employment, or because they have not met the time-in-service requirement to become eligible. Access to the USRAP is a critical mechanism to provide protection for these individuals.

Individuals Eligible for the P-2 Program:

- Afghans who do not meet the minimum time-in-service for a SIV but who work or worked as employees of contractors, locally-employed staff, interpreters/translators for the U.S. Government, United States Forces Afghanistan (USFOR-A), International Security Assistance Force (ISAF), or Resolute Support;
- Afghans who work or worked for a U.S. government-funded program or project in Afghanistan supported through a U.S. government grant or cooperative agreement¹;
- Afghans who are or were employed in Afghanistan by a U.S.-based media organization or non-governmental organization.

Afghans and their eligible family members (spouse and children of any age, whether married or unmarried) can be referred to the P-2 program by a U.S. government agency. For non-governmental organizations (NGO) and media organizations that were not funded by the U.S. government, but are headquartered in the United States, the senior-most U.S. citizen employee of that organization may make a referral.

P-2 Program for Afghan Nationals:

- The Department of State has designated certain categories of Afghan nationals as having access to the USRAP by virtue of their circumstances and apparent need for resettlement.
- To manage the P-2 program for Afghan nationals, the State Department's Bureau of Population, Refugees, and Migration (PRM) created a USRAP Afghan Referrals Workgroup comprised of federal agencies to refer individuals directly to the USRAP.
- If an individual is not eligible for the P-2 program, he or she may be eligible for the Priority 1 (P-1) program by virtue of their circumstances and apparent need for resettlement. Individuals may be referred to the P-1 program by the UN High Commissioner for Refugees (UNHCR), a U.S. Embassy, or a designated NGO.

Background on the USRAP:

- The U.S. Refugee Admissions Program (USRAP) is managed by PRM in cooperation with the Department of Homeland Security (DHS) U.S. Citizenship and Immigration Services (USCIS), and the Department of Health and Human Services (HHS) Office of Refugee Resettlement (ORR).
- There are currently three categories of individuals who may access the USRAP, known as "priorities." Once cases receive access to the USRAP, they undergo the same processing steps, including extensive security vetting.
- Priority 1: Individual cases referred by designated entities (an Embassy, designated NGO or the UNHCR) to the program by virtue of their circumstances and apparent need for resettlement.
- Priority 2: Groups of special concern designated by the Department of State as having access to the program by virtue of their circumstances and apparent need for resettlement.
- Priority 3: Individual cases granted access for purposes of reunification with family members already in the United States.

For further information, please contact prmpress@state.gov and visit www.wrapsnet.org

**Note: Afghans who work/worked for sub-contractors and sub-grantees do not qualify for the P-2 program, though they may have access to USRAP through a P-1 Embassy referral (if well-known to an Embassy direct-hire American) or through a referral from UNHCR or a designated NGO.*

Hilary Fuller Renner
Spokesperson
U.S. Embassy Kabul
E-mail: (b)(6) @state.gov
Cell: (b)(6)
Work: (b)(6)

To unsubscribe from the INTERNATIONAL-MEDIA-CONTACTS list, click the following link:
[*TICKET_URL\(INTERNATIONAL-MEDIA-CONTACTS,SIGNOFF\);](mailto:&*TICKET_URL(INTERNATIONAL-MEDIA-CONTACTS,SIGNOFF);)

OBTAINED BY AMERICA FIRST LEGAL FOUNDATION THROUGH LITIGATION