

EXHIBIT B

TABLE OF CONTENTS

1. “Meeting Minutes for Homeland Security Investigations Law Division (HSILD) All-Hands Meeting on Aug. 17, 2017” (2018-ICAP-00118, at 281–88) 1–8
2. “Removal of National Security Threat Aliens” and accompanying emails (2018-ICAP-00118, at 298–306)..... 9–17
3. “Inadmissibility Based on Endorsing or Espousing Terrorist Activity: First Amendment Concerns” and accompanying emails (2018-ICAP-00118, at 693–706) 18–31
4. “Memo Discussing Whether the Taliban Is a Terrorist Organization Under the INA” (2018-ICAP-00118, at 859–69) 32–42
5. “ICE Ability to Use 212(a)(3)(C) Foreign Policy Charge” (2018-ICAP-00118, at 870–73) 43–46

From: (b)(6);(b)(7)(C)
Sent: 22 Aug 2017 14:32:11 -0400
To:
Cc: (b)(6);(b)(7)(C)
Subject: FW: Draft Meeting Notes for distribution
Attachments: HSILD All- Hands Meeting Notes (draft for August 17 2017).docx

One more.

(b)(6);(b)(7)(C)
Office of the Principal Legal Advisor
DHS/U.S. ICE | 202.732- (b)(7)(C) office | 202-359- (b)(7)(C) cell | (b)(6);(b)(7)(C)

From: (b)(6);(b)(7)(C)
Sent: Friday, August 18, 2017 12:12 PM
To: (b)(6);(b)(7)(C)
Cc:
Subject: Draft Meeting Notes for distribution

Here you go.

(b)(6);(b)(7)(C)
Management & Program Analyst
Homeland Security Investigations Law Division
Office of the Principal Legal Advisor
DHS/U.S. Immigration and Customs Enforcement (ICE)
(202)732- (b)(7)(C) office)
(202)359- (b)(7)(C) cell)

(b)(6);(b)(7)(C) **Warning *** Attorney/Client Privilege *** Attorney Work Product *****
This communication and any attachments have been prepared on behalf of, or under the direction of, attorneys within the U.S. Immigration and Customs Enforcement, Office of the Principal Legal Advisor. Accordingly, this communication and attachments may contain confidential and/or sensitive attorney/client privileged information or attorney work product and/or law enforcement sensitive information. They are not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient. Please notify the sender if this email has been misdirected and immediately destroy all originals and copies. Furthermore do not print, copy, re-transmit, disseminate, or otherwise use this information. Any disclosure of this communication or its attachments must be approved by the Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY and may be exempt from disclosure under the Freedom of Information Act, 5 USC §§ 552(b)(5), (b)(7).

HSILD All-Hands Meeting 8/17/2017

(b)(5)



HSILD All-Hands Meeting 8/17/2017

(b)(5)



HSILD All-Hands Meeting 8/17/2017

(b)(5)



HSILD All-Hands Meeting 8/17/2017

(b)(5)



HSILD All-Hands Meeting 8/17/2017

(b)(5)



HSILD All-Hands Meeting 8/17/2017

(b)(5)



HSILD All-Hands Meeting 8/17/2017

(b)(5)



From: (b)(6);(b)(7)(C)
Sent: 12 Jun 2017 11:26:56 -0400
To: (b)(6);(b)(7)(C)
Cc:
Subject: 235(c)
Attachments: 235c Changes with new Rec section (2).doc, March 2007 235(c) Guidance.pdf

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C);(b)(5)

(b)(6);(b)(7)(C)

Acting Deputy Chief
National Security Law Section, Homeland Security Investigations Law Division
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
(202) 732-(b)(6);(office)
(202) 276-(b)(7)(cell)

(b)(6);(b)(7)(C)

~~*** WARNING *** ATTORNEY/CLIENT PRIVILEGE *** ATTORNEY WORK PRODUCT ***~~

~~This document contains confidential and/or sensitive attorney/client privileged information or attorney work product and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient. Please notify the sender if this message has been misdirected and immediately destroy all originals and copies. Any disclosure of this document must be approved by the Office of the Principal Legal Advisor, U.S. Immigration & Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY. FOIA exempt under 5 U.S.C. § 552(b)(5).~~

Page 299

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 300

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 301

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 302

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 303

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 304

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 305

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 306

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

From: (b)(6);(b)(7)(C)
Sent: 4 May 2017 15:57:55 -0400
To: Loiacono, Adam V
Subject: RE: Endorsing and espousing terrorist activity paper

Do you have the final version that went back to DHS?

(b)(6);(b)(7)(C)

Chief
Homeland Security Investigations Law Division
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
(202) 732-(b)(6);(office)
(646) 221-(b)(7)(cell)

(b)(6);(b)(7)(C)

~~*** WARNING *** ATTORNEY/CLIENT PRIVILEGE *** ATTORNEY WORK PRODUCT ***~~

~~This document contains confidential and/or sensitive attorney/client privileged information or attorney work product and is not for release, review, retransmission, dissemination or use by anyone other than the intended recipient. Please notify the sender if this message has been misdirected and immediately destroy all originals and copies. Any disclosure of this document must be approved by the Office of the Principal Legal Advisor, U.S. Immigration & Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY. FOIA exempt under 5 U.S.C. § 552(b)(5).~~

From: Loiacono, Adam V
Sent: Thursday, April 27, 2017 8:10 AM
To: (b)(6);(b)(7)(C)
Cc: Loiacono, Adam V
Subject: RE: Endorsing and espousing terrorist activity paper

Folks-

We also just received comments and edits from USCIS on a separate version. Please combine the documents and try to address the USCIS comments too.

Thanks,

Adam V. Loiacono
(A) Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6);
Iphone: 202-500-(b)(6);

(b)(6);(b)(7)(C)

~~--- ATTORNEY/CLIENT PRIVILEGE --- ATTORNEY WORK PRODUCT ---~~

~~This communication and any attachments may contain confidential and/or sensitive attorney/client privileged information or attorney work product and/or law enforcement sensitive information. It is not for release, review, retransmission, dissemination, or use by anyone other than the intended recipient. Please notify the sender if this email has been misdirected and immediately destroy all originals and copies. Furthermore do not print, copy, re-transmit, disseminate, or otherwise use this information. Any disclosure of this communication or its attachments must be approved by the Office of the Principal Legal Advisor, U.S. Immigration and Customs Enforcement. This document is for INTERNAL GOVERNMENT USE ONLY and may be exempt from disclosure under the Freedom of Information Act, 5 USC §§ 552(b)(5), (b)(7).~~

From: Loiacono, Adam V
Sent: Wednesday, April 26, 2017 9:26 PM
To: (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C) Loiacono, Adam V
Subject: FW: Endorsing and espousing terrorist activity paper

(b)(6);(b)(7)(C)

Can your teams please work together to review and address the DOS comments and edits on the endorse or espouse paper tomorrow. I would like to get this back by 4pm so I can review and get back to the group by 5pm (I have a hard stop tomorrow) but let me know first thing if that is not reasonable. I can't see the comments on my phone.

Thanks!

Adam V. Loiacono
(A) Deputy Principal Legal Advisor for Enforcement and Litigation
Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
Desk: 202-732-(b)(6);(b)(7)(C)
Iphone: 202-500-(b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)

Sent with BlackBerry Work (www.blackberry.com)

From: (b)(6);(b)(7)(C)
Date: Wednesday, Apr 26, 2017, 9:21 PM
To: Loiacono, Adam V (b)(6);(b)(7)(C)
(b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
Subject: RE: Endorsing and espousing terrorist activity paper

Adam,

Can your team take the lead in addressing the comments/edits from DOS.

(b)(6);(b)(7)(C)

If you have any edits/comments on this paper please get them to (b)(6);(b)(7)(C) asap.

Thanks,

(b)(6);(b)(7)(C)

Associate General Counsel, Immigration

Department of Homeland Security, Office of the General Counsel

Office: 202-282-(b)(6);(b)(7)(C)

Cell: 202-360-(b)(6);(b)(7)(C)

email: (b)(6);(b)(7)(C)

~~This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain confidential and legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender and delete this message.~~

From: (b)(6);(b)(7)(C)

Sent: Wednesday, April 26, 2017 9:06 PM

To: (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Cc: (b)(6);(b)(7)(C)

Loiacono, Adam V (b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Subject: Endorsing and espousing terrorist activity paper

Attached are State Department's edits/comments to the DHS drafted paper on the use of endorsing and espousing terrorist activity.

We believe OSC should review this issue in light of the significant Constitutional issues involved.

(b)(6);(b)(7)(C)

Deputy Director of Legal Affairs, Visa Office
Bureau of Consular Affairs, U.S. Department of State

(b)(6);(b)(7)(C)

(202) 485-(b)(6);(b)(7)(C)

SBU

This email is UNCLASSIFIED.

From: (b)(6);(b)(7)(C)
Sent: 1 May 2017 21:55:56 +0000
To: (b)(6);(b)(7)(C)
 (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
 (b)(6);(b)(7)(C)
Subject: RE: Endorsing and espousing terrorist activity paper
Attachments: Inadmissibility Based on Endorsing or Espousing Terrorist Activity (DHSdocx)

Please find attached an updated version of the endorsing or espousing terrorist activity paper addressing prior comments/edits. This is now ready for any further edits by the group.

(b)(6);(b)(7)(C)

For the meeting tomorrow, while the papers will not go to the PCC, can you send us the drafts so the legal working group has them in our back pocket as needed at the meeting?

Thanks,

(b)(6);(b)(7)(C)

Associate General Counsel, Immigration
 Department of Homeland Security, Office of the General Counsel
 Office: 202-282-(b)(6);(b)(7)(C)
 Cell: 202-360-(b)(6);(b)(7)(C)
 email: (b)(6);(b)(7)(C)

~~This communication, along with any attachments, is covered by federal and state law governing electronic communications and may contain legally privileged information. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, use or copying of this message is strictly prohibited. If you have received this in error, please reply immediately to the sender.~~

From: (b)(6);(b)(7)(C)
Sent: Wednesday, April 26, 2017 9:06 PM
To: (b)(6);(b)(7)(C)
 (b)(6);(b)(7)(C)
Cc: (b)(6);(b)(7)(C)
 Loiacono, Adam V (b)(6);(b)(7)(C)
 (b)(6);(b)(7)(C)
Subject: Endorsing and espousing terrorist activity paper

Attached are State Department's edits/comments to the DHS drafted paper on the use of endorsing and espousing terrorist activity.

(b)(5)

(b)(6);(b)(7)(C)

(b)(6);(b)(7)(C)

Deputy Director of Legal Affairs, Visa Office
Bureau of Consular Affairs, U.S. Department of State

(b)(6);(b)(7)(C)

(202) 485-(b)(6);(b)

SBU

This email is UNCLASSIFIED.

**FOR OFFICIAL USE ONLY / DELIBERATIVE & PREDECISIONAL
ATTORNEY WORK PRODUCT / ATTORNEY-CLIENT COMMUNICATION**

**Inadmissibility Based on Endorsing or Espousing Terrorist Activity:
First Amendment Concerns**

(b)(5);WIF Draft

**FOR OFFICIAL USE ONLY / DELIBERATIVE & PREDECISIONAL
ATTORNEY WORK PRODUCT / ATTORNEY-CLIENT COMMUNICATION**

Page 699

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 700

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 701

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 702

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 703

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 704

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 705

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

Page 706

Withheld pursuant to exemption

(b)(5);WIF Draft

of the Freedom of Information and Privacy Act

(b)(5)

DISCUSSION

(b)(5)

(b)(5)

INA § 212(a)(3)(B)(vi)(I) - Tier I Terrorist Organizations

(b)(5)

INA § 212(a)(3)(B)(vi)(II) - Tier II Terrorist Organizations

(b)(5)

INA § 212(a)(3)(B)(vi)(III) - Tier III Terrorist Organizations

(b)(5)

(b)(5)

(b)(5)

(b)(5)

A. Office of Foreign Assets Control (OFAC) Orders on the Taliban

On July 4, 1999, President Clinton issued Executive Order No. 13129 which placed a comprehensive assets freeze and trade embargo against the Taliban. In response to a finding that the Taliban had allowed territory under its control to be used as a safe haven and base of operations for Bin Laden and Al-Qaeda who were committing acts of terrorism against the United States and its interests, the President declared an international “emergency” and threat to United States national security. This order was issued under the authority of the International Emergency Economic Powers Act (IEEPA) at 50 U.S.C. §§ 1701-1706, the National Emergencies Act under 50 U.S.C. § 1601 et seq., and 3 U.S.C. § 301. Pursuant to these authorities, the United States Treasury Department’s Office of Foreign Assets Control (OFAC) issued the Taliban Sanctions regulations at 31 C.F.R. Part 545. These regulations blocked all property in which the Taliban has an interest, directly or indirectly,

(b)(5)

that is in the United States or that comes within the possession or control of United States persons, including their overseas branches. Unless authorized by OFAC, all commercial and trade transactions between United States persons and the Taliban were prohibited.

On September 23, 2001, President Bush issued Executive Order No. 13324. This order specifically declared a national emergency under IEEPA as a result of the attacks on September 11, 2001. The order also initiated a list of individuals and entities whose assets were to be frozen because of their known support of Al-Qaeda and terrorism in general. In essence, this order blocked United States-based assets of organizations and individuals designated by the State Department as having participated in or aided terrorist acts around the world. On July 2, 2002, following the United States invasion of Afghanistan, President Bush issued Executive Order No. 13268 which ended the emergency declared for Afghanistan in Order No. 13129. This emergency was halted due to the overthrow of the Taliban regime and its control of Afghanistan as had been the case when order No. 13129 was issued by President Clinton. However, Order No. 13268 also amended Order 13224 to add the Taliban and Mohammed “Mullah” Omar to that OFAC list. These blocks remain in place today.

(b)(5)

(b)(5)

(b)(5)

(b)(5)

(b)(5)

OTHER FACTORS FOR CONSIDERATION

(b)(5)

(b)(5)

(b)(5)

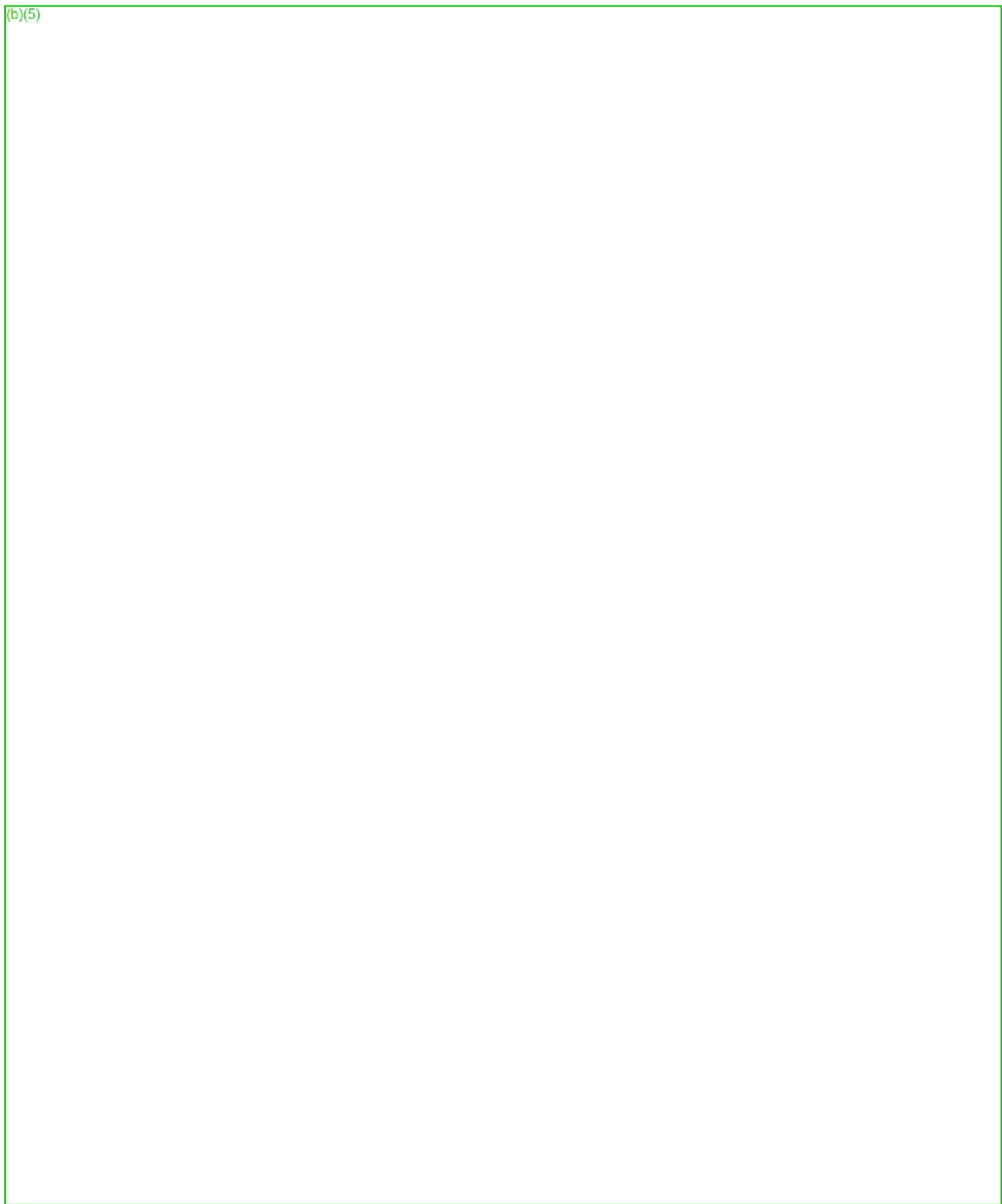
RECOMMENDATION

(b)(5)

(b)(5)

ICE ability to use 212(a)(3)(C) Foreign Policy Charge:

(b)(5)



(b)(5)

(b)(5)



(b)(5)



(b)(5)

